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To: Members of the
PLANS SUB-COMMITTEE NO. 1

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Katy Boughey, Alan Collins, Nicky Dykes, Robert Evans,
Terence Nathan, Angela Page and Richard Williams

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 16 FEBRUARY 2017 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8313 4745

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTE 14.12 OF PLANS SUB-COMMITTEE 1 MEETING HELD ON 20 OCTOBER 2016 (Pages 1-2)

3.2 CONFIRMATION OF MINUTES OF MEETING HELD ON 15 DECEMBER 2016 (Pages 3-10)

4 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst Conservation Area	11 - 34	(16/03627/FULL1) - Kemnal Stables, Kemnal Road, Chislehurst, BR7 6LT
4.2	Chislehurst Conservation Area	35 - 46	(16/04418/FULL1) - 27 Heathfield Chislehurst BR7 6AF
4.3	Crystal Palace Conservation Area	47 - 72	(16/04635/FULL1) - Alan Hill Motors, Alma Place, Anerley SE19 2TB
4.4	Penge and Cator	73 - 88	(16/05550/FULL1) - Hollywood East, 1 Station Road, Penge, SE20 7BE.
4.5	Shortlands	89 - 106	(16/05560/FULL1) - 44 Westmoreland Road, Bromley, BR2 0QS.

4.6	Bickley	107 - 124	(16/05875/FULL1) - Merrywood, Bickley Park Road, Bickley, Bromley, BR1 2AY
4.7	Bickley	125 - 132	(17/00024/FULL6) - 1 Bonar Place, Chislehurst, BR7 5RJ

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.8	Orpington	133 - 148	(16/02529/FULL1) - 4 Hart Dyke Road, Orpington, BR5 4PL
4.9	Chislehurst Conservation Area	149 - 154	(16/05237/FULL2) - 3 Royal Parade, Chislehurst, BR7 6NR
4.10	Copers Cope	155 - 170	(16/05849/FULL1) - 63 Copers Cope Road, Beckenham, BR3 1NJ

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.11	Mottingham and Chislehurst North	171 - 180	(16/05544/FULL1) - 5 Clarence Road, Mottingham, London, SE8 4SJ

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

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AT THE MEETING OF PLANS SUB-COMMITTEE 1 HELD ON 15 DECEMBER 2016, MINUTE 14.12 OF THE PLANS SUB-COMMITTEE 1 MEETING HELD ON 20 OCTOBER 2016 WAS NOT CONFIRMED. THE MINUTE HAS NOT BEEN AMENDED.

*Plans Sub-Committee No. 1
20 October 2016*

14.12

**CHISLEHURST
CONSERVATION AREA**

(16/03627/FULL1) - Kemnal Stables, Kemnal Road, Chislehurst BR7 6LT

Description of application – Demolition of existing residential building, stables with sand schools, flood lighting and offices and the erection of 3x five bedroom houses with underground swimming pool, basement accommodation, orangery and garages.

Oral representations in support of the application were received at the meeting. It was reported that two further letters of support had been received. Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration, for the applicant and Officers to agree measurements of the existing and proposed development and to be reconsidered on List 2 of a future Plans Sub-Committee.

Chairman

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PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 15 December 2016

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Katy Boughey, Alan Collins,
Nicky Dykes, William Huntington-Thresher, Teresa Te and
Richard Williams

Also Present:

Councillors Peter Fookes

15 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Robert Evans and Angela Page and Councillors William Huntington-Thresher and Teresa Te attended as their substitutes respectively.

16 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

17 CONFIRMATION OF MINUTES OF MEETING HELD ON 20 OCTOBER 2016

RESOLVED that the Minutes of the meeting held on 20 October 2016 be **CONFIRMED WITH THE EXCEPTION OF MINUTE 14.12** regarding (16/03627/FULL1) – Kemnal Stables, Kemnal Road, Chislehurst. Councillor Katy Boughey requested the words, ‘to seek a reduction in the built area of the scheme’ be added to the draft minute as an additional reason for deferral. The notes taken at the meeting on 20 October 2016 were unavailable for inspection at the meeting.

18 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

18.1 CRAY VALLEY EAST

(15/04610/FULL1) - North Orpington Pumping Station, East Drive, Orpington BR5

Description of application – Erection of 35 dwellings incorporating 14x3 bed houses, 10x4 bed houses of 2-2.5 storey in height, an apartment block of 2.5 storeys in height comprising 8x2 bed and 3x1 bed flats with associated car parking, landscaping and

vehicular access off Lockesley Drive.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that further objections to the application had been received. Comments from Ward Councillor, Chris Pierce, broadly in support of the application were circulated to Members together with comments from the Tree Officer and an explanation of the proposed Section 106 Agreement.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration, to seek a review of side space and to ensure compliance with Policy H9 of the Unitary Development Plan, to remove the three storey element and for a review of the siting and layout of the development. Concern was also raised over proposed Condition 20 on page 39 of the Chief Planner's report regarding surface water and pollution of the water supply.

**18.2
CRAY VALLEY EAST**

(16/02516/FULL1) - Lancaster Sidcup, Edgington Way, Sidcup DA14 5BN

Description of application – Demolition of existing car showroom and after sales building, and construction of detached part one/two storey building for car showroom, workshop and ancillary accommodation, and detached valet building to rear, including amended parking layout and associated works.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**18.3
WEST WICKHAM**

(16/03479/FULL1) - 1-3 Red Lodge Road, West Wickham BR4 0EL

Description of application – Rear ground floor and basement extensions, change of use of first floor offices and prep kitchen serving Prima Donnas restaurant to provide 2x1 bed flats and one studio and amended rear escape route. Construction of a first floor rear extension to create 2 x1 bed flats and associated external changes together with extension associated with flat conversion above the restaurant.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**18.4
CHELSFIELD AND PRATTS
BOTTOM**

(16/03794/FULL6) - Feathercot, Skeet Hill Lane, Orpington BR5 4HB

Description of application - Partially retrospective outbuilding to be used as an annex to the main dwelling and garden store.

Oral representations in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner. **IT WAS FURTHER RESOLVED to REFER the matter to the ENFORCEMENT SECTION for FURTHER INVESTIGATION into BREACH OF PLANNING.**

**18.5
KELSEY AND EDEN PARK**

(16/04056/FULL1) - 26 Manor Road, Beckenham BR3 5LE

Description of application – Elevational alterations, part one/two storey rear extension incorporating first floor balcony, rear dormer extension and conversion of building to 2 one bedroom and 2 two bedroom flats with 4 no. car parking spaces at front.

Oral representations in support of the application were received at the meeting. It was reported that Ward Member, Councillor Peter Dean, supported the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**18.6
CLOCK HOUSE**

(16/04145/FULL1) - 3 Beckenham Road, Beckenham BR3 4ES

Description of application – Construction of a part one and two storey upper level extension to provide an additional two storeys comprising 6 two bedroom and 2 one bedroom flats with associated parking, refuse and recycling.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that the application had been amended by

documents received on 15 December 2016 and that further objections to the application had been received and an update had been circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**18.7
BICKLEY**

(16/04259/FULL1) - 2 The Avenue, Bickley, Bromley BR1 2BT

Description of application - Proposed erection of a two storey two bedroom dwelling.

It was reported that the application had been amended by documents received on 5 December 2016. In the Chairman's opinion the design of the proposed development was of poor standard that would impact on residential amenity although she accepted the principle of residential development on the site. Councillor Charles Joel referred to the Chief Planner's report, page 128, paragraph 2, and agreed with the Chairman that the proposed development was unsympathetic with nearby properties.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1. The proposal, by reason of its design would be incongruous and considered detrimental to the character and visual amenities of the locality contrary to Policies BE1 and H7 of the Unitary Development Plan, chapter 7 of the London Plan and the aims and objectives of the National Planning Policy Framework.

**18.8
PENGE AND CATOR**

(16/04331/RECON) - 62 Kings Hall Road, Beckenham BR3 1LS

Description of application – Variation of Condition 4 of planning permission Ref: 09/03023/FULL1 to (a) allow up to 72 children and 20 staff to be accommodated at any one time and (b) allow the use of the premises as a children's nursery between 7.00am and 7.30pm Monday to Fridays inclusive at 62 Kings Hall Road, Beckenham.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Peter Fookes, in objection to the application were received at the meeting. He

recognised the shortage of nursery places in the area and in 2009 had supported the application for an increase in the number of children from 36 to 58 but felt that a further increase in numbers and the proposed extension of opening times would be an over intensive use of the site in a residential area. Councillor Douglas Auld had visited the site and was also concerned with noise from the play area that affected the neighbours in Densole Close whose gardens were only 10 metres from the curtilage. Councillor Charles Joel referred to the Planning Inspector's comments contained in the first paragraph of Page 150 of the Chief Planner's report.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1. The proposals would result in an overintensive use of the property, which would be detrimental to the amenities of nearby residents by reason of noise and disturbance thereby contrary to Policy BE1 of the Unitary Development Plan.

**18.9
PLAISTOW AND
SUNDRIDGE**

(16/04446/FULL1) - 87 Oak Tree Gardens, Bromley BR1 5BE

Description of application – Demolition of 89 and 91 Oak Tree Gardens and erection of six 2 storey 3 bedroom houses comprising of 3 pairs of semi-detached houses. Erection of single garage for No. 87; associated access, parking, landscaping, cycle storage, refuse and recycling provision

Oral representations in objection to and in support of the application were received at the meeting.

In Councillor Nicky Dykes' opinion the proposed development was an over-dominant, garden grabbing backland development. Councillor Katy Boughey was mindful of the Planning Inspector's reasoning contained within the appeal decision under reference 15/05324. Councillor Charles Joel had visited the site but could not gain entrance and had concerns regarding the detrimental freeflow of vehicular access to the site.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner with a further reason to read:-

2. The layout of the estate roads and access

arrangements to the dwellings are inadequate to serve the proposal and as such would be prejudicial to the free flow of traffic and conditions of general safety within the development contrary to Policy T18 of the Unitary Development Plan 2006.

**18.10
DARWIN**

(16/04600/FULL6) - Gordon House, Berrys Green Road, Berrys Green TN16 3AH

Description of application – Increase and change of roof design to incorporate both side and rear extensions.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**18.11
CHISLEHURST**

(16/04781/FULL6) - 100 Imperial Way, Chislehurst BR7 6JR

Description of application – Part one/two storey side/rear extension.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

SECTION 3

(Applications recommended for permission, approval or consent)

**18.12
CHISLEHURST**

(16/02911/FULL1) - Carola, Southfield Road, Chislehurst BR7 6QR

Description of application – Part one/two storey side/rear extension.

Oral representations in support of the application were received at the meeting. It was reported that further objections to the application had been received. It was also reported that on page 196 of the Chief Planner's report, line 7, the last sentence should be amended to read, 'There are flank windows proposed'.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**18.13
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(16/03068/FULL6) - 45 Longdon Wood, Keston BR2 6EN

Description of application – Partial demolition of a two storey six bedroom detached dwelling retaining some of the existing external walls, refurbishment and

erection of a new two storey five bedroom detached dwelling.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**18.14
PENGE AND CATOR
CONSERVATION AREA**

(16/04371/FULL6) - 26 Albert Road, Penge, London SE20 7JW

Description of application – Single storey rear extension.

Oral representations in support of the application were received at the meeting. It was reported that further objections to the application which included an alternative proposal had been received and circulated to Members.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**18.15
BROMLEY COMMON AND
KESTON**

(16/04580/FULL6) - 309 Southborough Lane, Bromley BR2 8BG

Description of application – First floor side/rear extension and single storey front and rear extensions.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

The Meeting ended at 8.45 pm

Chairman

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SECTION '2' – Applications meriting special consideration

Application No : 16/03627/FULL1

Ward:
Chislehurst

Address : Kemnal Stables Kemnal Road
Chislehurst BR7 6LT

OS Grid Ref: E: 544638 N: 171611

Applicant : Mr T Pullen

Objections : YES

Description of Development:

Demolition of existing residential building, stables with sand schools, flood lighting and offices and the erection of 3x five bedroom houses with underground swimming pool, basement accommodation, orangery and garages.

Key designations:

Conservation Area:

Chislehurst Biggin Hill

Safeguarding Area Green

Belt

London City Airport

Safeguarding Smoke Control

SCA 16

Update

Deferral:

The application was previously heard at planning committee on the 20th October 2016. The application was deferred by Members for the following reasons:

- For the applicant and Officers to agree measurements of the existing and proposed development
- For the application to be re-considered on List 2 of a future Plans Sub-Committee

The Applicant has meanwhile made the following amendments to the scheme:

- Removal of the habitable accommodation within the roof space (removal of the dormers resulting in a decrease in the total volume of the proposed buildings of approximately 20m³)
- The re-location of the detached garages partially underground and reduction in their size (decrease of 45m³).

Floorspace and volume calculations:

Since the deferral of the application, despite extensive correspondence, Officers and the Applicant have not agreed the floor space and volume calculations for the existing and proposed development due to disagreements about what should be included in the calculations. Officers have used the same approach to measurement as for other Green Belt sites. Set out below are the two sets of

figures and the areas of disagreement:

<u>Volume</u>	Existing buildings volume	Proposed buildings volume	Difference
Officer Calculations	2538.48m ³	6663.84m ³	+162% increase
Applicant Calculations	5722.1m ³	4094m ³	-28% decrease

<u>Floorspace</u>	Existing buildings floorspace	Proposed buildings floorspace	Difference
Officer Calculations	665.07m ²	2011.8m ²	+202% increase
Applicant Calculations	1612.5m ²	2004m ²	+24.3% increase

Assessment of differences between calculations:

The main reasons behind the differences with the data are set out below. Addressing the differences between the calculations, Officers do not consider that the applicant's methodology is appropriate for the following reasons:

- *Applicant's inclusion of the open space between the existing buildings in the courtyard as existing floorspace and volume (footprint and volume calculations)*

Air or space between buildings is not part of a building for the purposes of calculating the size of that building. There are no other Green Belt decisions that Officers are aware of where space between buildings has been included in volume calculations for the purposes of comparing existing and proposed built development

- *Applicant's omission of below ground volume in new dwellings (volume calculations)*

Underground accommodation is not excluded from Green Belt policy considerations and is therefore relevant to floorspace and volume calculations. This is established in appeal decisions and the applicant has submitted no examples of cases where the excluding of underground accommodation to justify proposed development in floorspace or volume terms was accepted.

- *Applicant's inclusion of future floorspace as existing floorspace and volume 'a fallback position' (extensions not yet approved for planning) (footprint and volume calculations)*

There is no provision in Green Belt policy, and in particular under any of the bullet points in paragraph 89 of the NPPF which the applicant relies upon, for future floorspace or volume to be included in existing building calculations.

In any event, none of the future floorspace has been confirmed as being possible.

In particular no drawings or formal approvals have been provided. If this is to be a credible 'fallback' position, the applicant's assumptions should be confirmed by way of planning permissions or lawful development certificates, otherwise they are of very limited weight.

The applicant's fallback position cannot be put forward as part of a justification for development under paragraph 89 (this only deals with existing and proposed development, not theoretical development) but could only be a consideration as part of a very special circumstances case.

Members are advised that the applicant's approach to calculating floorspace and volume is not consistent with other decisions either issued by the Council or at appeal.

The applicant continues to refer to bullet point 4 of paragraph 89 of the NPPF, but this is not relevant since the proposal is for the complete redevelopment of the site and not the replacement of a building.

Other Green Belt sites and recent decisions:

Below is a table of other Green Belt sites in Bromley referred to by the applicant in their submission. These are useful recent examples of similar redevelopment proposals for Green Belt sites and are a significant material planning consideration.

In these similar cases, the floorspace and volume figures were calculated in the same way as Officers' calculations above. The figures in these tables are as used in justifying the decision by the Inspector or Council. These appeal decisions are available on file:

Green Belt Redevelopment Site	Change in volume	Change in floor area	Decision
Bromley Common Liveries (14/03398/OUT)	- 17.2%	- 41.5%	Appeal Allowed (2015)
Lilly's Farm (15/01024/FULL2)	- 23.2%	- 20.1%	Appeal Allowed (2016)
Westerham Riding School (15/03077/OUT) <i>(note –included floorspace subject to an extant planning permission but not completed)</i>	- 43%	- 22%	Appeal Allowed (2016)
Warren Farm (16/01961/OUT)	Not available in report	- 48.9%	Permission Granted (2016)
Potters Farm (15/05147/FULL1)	+ 221%	+ 72%	Appeal Dismissed (2016)
Kemnal Stables	+ 162.5% (LBB figure) - 28.4% (applicant figure)	+ 202% (LBB figure) + 24.3% (applicant figure)	This application

Potters Farm Green Belt appeal decision:

Since the application was previously considered by planning committee in October 2016, an appeal has been dismissed on a Green Belt site at Potters Farm for a

similar proposal for redevelopment of a site with dwellings. The Inspector within his report (paragraphs 18 – 20 – the full decision is appended to this report for ease of reference) stated:

“The appellant’s evidence also draws my attention to three appeal decisions. For the Bromley Common Liveries site the Inspector notes that the proposal would bring about a reduction in the footprint of the buildings on site of around 41% and a reduction in the volume of buildings of around 17%. For the Priam Lodge site, it was agreed between the parties that the proposal would result in a significant reduction in both the building footprint as well as the developed area, and a very small decrease in the volume of buildings on site. Similarly, for the Westerham Riding School site the Council has confirmed that again there would be a reduction in the level of built development on the site. Accordingly, these appeal decisions relate to schemes which are not directly comparable to that currently before me where there would be a substantial increase in amount of built development within the site.

I therefore conclude that the proposed development would have a significantly greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. As a consequence, the development would not meet the sixth criteria of the exceptions set out in paragraph 89 of the Framework and therefore would amount to inappropriate development, which by definition is harmful to the Green Belt, contrary also to UDP Policy G1, and Policy 7.16 of the London Plan (2016). I attach substantial weight to this harm.

Although this site is not undeveloped countryside and is closely related to built development, I find that the proposal would also erode the wider openness of the Green Belt and this would be at odds with the Green Belts essential characteristics of openness and permanence. In addition, the development would conflict with the defined purposes of the Green Belt as defined in paragraph 80 of the Framework, specifically to assist in safeguarding the countryside from encroachment and check unrestricted sprawl of large built-up areas”

Amendments to the scheme:

It is noted that the applicant has chosen to amend the plans to remove the roof space accommodation and re-locate the garaging partially underground. When considering the impact on openness the focus must be upon the absence of built development rather than the availability of views of, or the visibility of, any proposed development. This equally applies to all of the underground or partially underground accommodation.

The amendments have removed some of the dormer windows previously proposed however this removes only approximately 20m³ from the overall volume of the development and the height of the dwellings remains as previously proposed at 11.1m. The partial sinking of the garages has also been accompanied by a 45m³ reduction in their size. These amendments have not mitigated any of the Officers concerns regarding the proposal, in particular they do not result in a significant decrease in overall built development.

5 Year housing supply update:

In respect of 5 year housing supply, since the application was deferred an updated position was formally agreed by the Council’s Development Control Committee on 24 November 2016. The Updated Paper concluded that the Council can

demonstrate five years' worth of housing land supply and, additionally, it informs the Council's Proposed Submission Draft Local Plan.

Further representations:

Since the deferral of the application, further representations have been received from the Kemnal Residents Association objecting to the proposal for the following reasons:

- It doesn't comply with the Green Belt status of the area and would remove the 'country' activity of the riding school which is in keeping with the semi-rural character of the area
- Damage to the road for which the Association is responsible

Update Summary:

On balance, Officers do not consider that the minor amendments made to the application overcome the concerns previously raised with regard to the inappropriateness of the development within the Green Belt and the severe harm that would result to the openness of the area as a result of this development. Even if the applicant's calculations were accepted, these still show an increase in floorspace.

Members are advised that Officer calculations of floorspace are consistent with methodology and approach for other sites (there are no examples of the applicant's approach being accepted) and should be the basis of the determination of this application.

The changes made to the scheme are not significant enough to warrant any change in recommendation, and the position set out above regarding the calculations reinforces the unacceptable nature of this proposal. The previous report is therefore repeated below, amended to reflect the revised plans submitted.

Proposal

Planning permission is sought for the demolition of an existing residential building, stables with sand schools, flood lighting and offices and the erection of 3 x five bedroom detached houses each with underground swimming pool, basement accommodation, orangery and single storey two bay garages to the front.

The dwellings will be substantial two storey buildings with accommodation contained within the roof space resulting in substantial flat roof areas for each property incorporating front dormers visible from the highway. The dwellings will have a sunken garden with single storey projections connecting from the main dwelling to a two storey orangery at the rear to host swimming pools. The design of the houses is traditional in format when viewed from the highway with differing facing materials from brick to stone to render. The dwellings host varying hipped and gabled roof profiles with tall chimneys and flat roof dormers to the front. The window openings host white stucco or stone surrounds. Rear amenity area is provided in two parts, within the sunken garden immediately adjacent to the dwellings and 40m length rear gardens to the rear of the orangery. Open land will be retained to the rear of the plots.

Plot one utilises the existing access to the stables with two new vehicular

accesses introduced along Kemnal Road for the use of Plots 2 and 3.

The site itself rises significantly from the highway to the rear of the plot of between 4.5-5.5m between Kemnal Road and the rear building line. It is proposed to lower the land level significantly between 3-7m in height to reduce the impact of the development.

Location

The site measures 1.24ha in size and is located within the Chislehurst Conservation Area and the Green Belt. A livery business is located at the site with an associated dwelling.

The existing built development comprises a four bedroom, single storey dwelling with accommodation in the roofspace including dormers, and a courtyard arrangement of single storey self-livery stables with 29 boxes located around a courtyard, offices, sand schools with associated floodlighting and car parking. To the north of the site a combined vehicular and pedestrian access leads to the stables.

Mature planting is located throughout the site, including to the rear of the residential dwelling and northern most sand school. The site is bounded from Kemnal Road by a post and rail fence, with the residential dwelling and stables at a significantly higher land level than the highway. The site has a semi-rural appearance and the existing development is appropriate in its context being low key and predominantly related to the equestrian business.

Consultations

Nearby owners/occupiers were notified of the application and objections were received from local residents, the Kemnal Residents Association and the Chislehurst Society which can be summarised as follows:

- The Applicant states that they could extend the existing house by 8m which is incorrect given the dwellings location within a conservation area and is limited to 4m
- There may be double counting of floor space
- Of the buildings to be replaced, 82% are in equestrian use and 18% are in residential use. The proposed dwellings will be 100% residential use which is very different to the existing use
- The Applicants conclusion from the volume analysis is that the proposal shows a 14% reduction of effective volume compared with existing buildings however the Applicant does not use comparable metrics
- Relating the proposed floor areas to volume above ground gives an assumed average height of 2.5m. The Applicants calculation of the volume of existing buildings assumes an average height of 3m. This is applied to the actual buildings and the open yard surrounded by the stables
- The exclusion of the volume of the underground accommodation will reduce the scale of each proposed dwelling however the basement areas have extensive glazing, have views over the sunken gardens and will be in residential use therefore should be included in calculation of area and volume or proposed development.

- The data presented in table 6.7 is flawed and misleading
- The elevations as seen from Kemnal Road will be significantly higher than the existing profile presented by the stable buildings
- The proposal will reduce the sense of openness perceived over this site in the Green Belt.
- The very special circumstances presented are not very special.
- What is the basis of the assertion that the existing stable buildings cause visual harm to the green belt?
- Regrettable to see the loss of the existing equestrian activities which is contrary to policy L1
- The development is incompatible with the objectives of the Green Belt.
- The stables are an important local facility
- The northern end of Kemnal Road has always been of a rural character and should remain so as far as possible.
- Existing stables contribute to the semi-rural character of the road
- Doesn't comply with Green Belt status
- Detrimental impact upon wildlife
- Further urbanisation is not in keeping with the rural aspect of the location
- Construction will cause nuisance to neighbours
- The plans change the natural contours of the land
- Green Belt areas are a unique heritage which need to be valued
- Open spaces are vital to the wellbeing of the community
- Damage will be caused to the road as a result of construction traffic

Letters of support were submitted from local residents and a local estate agent which can be summarised as follows:

- This scheme shows how previously developed land can create new homes
- The proposal provides benefit over the existing intensive use of the land and will reduce traffic.
- The reuse of the stables will extinguish the long term nuisance of horse manure frequently deposited on this residential road and waiting vehicles
- The site is untidy and a nuisance
- The scheme offers the opportunity to increase the housing stock of this calibre. High net worth individuals need to be encouraged to live and contribute to the community in Chislehurst.

The Advisory Panel for Conservation Areas Objection - objects to the loss of the existing buildings which make a positive contribution to the Conservation Area, and building on the Green Belt. The design of the new buildings is considered inappropriate.

Highways - No objections -The proposed development is on a private road. The access and parking arrangements appear satisfactory.

Environmental Health (Housing) - No objections.

Environmental Health (Pollution) - No objections subject to conditions.

Conservation Officer – Objections - The site is within Sub-unit 15. "Kemnal Manor, Foxbury and surrounds" as mentioned in the SPG. The area has a strong rural character and is also included in the Green Belt. The existing stables are not historic but nonetheless are sensitively designed and respond to the rural context; they make a neutral contribution. The proposed development would appear taller, bulkier and more suburban in appearance which I believe would cause harm to the rural character and appearance of this part of the conservation area, with no public benefit to outweigh that harm as per para 134 NPPF.

Trees – No objections - The arboricultural submissions have addressed the tree constraints associated with the proposals. I am satisfied with the precautions detailed within the Arboricultural Method Statement (AMS) subject to conditions

Planning Considerations

The National Planning Policy Framework is a material consideration. Sections 4 'Promoting sustainable transport'; 6 'Delivering a wide choice of high quality homes'; 7 'Requiring good design'; 9 'Protecting Green Belt land'; and 10 'Meeting the challenge of climate change, flooding and coastal change' are of particular relevance.

London Plan 2015:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

- 7.16 Green Belt
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance.

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- ER10 Light pollution
- G1 The Green Belt
- L3 Horses, stabling and riding facilities
- NE7 Development and Trees
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). An updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

- Draft Policy 1 – Housing Supply
- Draft Policy 4 – Housing Design
- Draft Policy 30 – Parking
- Draft Policy 32 – Highways Safety
- Draft Policy 33 – Access for All
- Draft Policy 37 – General Design of Development
- Draft Policy 41 – Conservation Areas
- Draft Policy 43 – Trees In Conservation Areas
- Draft policy 49 – The Green Belt
- Draft Policy 73 – Development and Trees
- Draft Policy 116 – Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 123 – Sustainable Design and Construction

Green Belt policies are particularly relevant to this application: **Page 19**

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The National Planning Practice Guidance details that the NPPF is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless 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, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected, as in this case as land designated as Green Belt.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

Policy G1 of the UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. In this regard the policy does accord with the NPPF and is a material consideration.

The NPPF notes at Paragraph 87 that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions. Paragraph 89 states that the replacement of a building, provided that the new building is in the same use and not materials larger than the one it replaces is appropriate development in the Green Belt". Paragraph 89 also allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

NPPF Paragraph 90 states that: "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order".

Planning History

87/00049/FUL - Four detached single storey buildings comprising stables, tack room, toilets, rest room, store and garage – Refused and allowed at appeal.

Conclusions

Green Belt

The main Green Belt issues for consideration are: the appropriateness of this development in the Green Belt; its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances.

Green Belt – Whether the development is appropriate:

The applicant presents a confused argument to justify the proposal in Green Belt policy terms which argues that the proposal is appropriate development under both bullet points 4 and 6 of paragraph 89 of the NPPF. These are:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

With regard to bullet point 4, this refers to the replacement of a building and does not facilitate a cumulative calculation. It is clear that each individual proposed building is larger than any existing building at the site and therefore larger than the building it replaces. The applicant has provided calculations in relation to the existing dwelling which result from possible but unconfirmed permitted development rights and a 10% increase in the existing dwelling. However, bullet point 4 only relates to an existing building and not a theoretically extended building, and it would not be possible to use bullet point 4 to justify this proposal in the manner suggested. Since all of the proposed buildings are significantly larger than the existing buildings, the proposal cannot be considered appropriate development under bullet point 4.

With regard to bullet point 6 it is claimed that the site comprises previously developed land. The application site can be considered 'previously developed land' (PDL) as defined in the glossary of the NPPF, however it is important to note that this does not automatically mean that any development on PDL is appropriate or acceptable in the Green Belt. The only relevance of land being PDL in Green Belt terms is that it would fall to be considered under the exception in bullet point 6 of paragraph 89 in the list of new development which may be appropriate. It would need to then meet the further tests set out in that bullet point. The full test under this bullet point is that the limited infilling or complete redevelopment of such land can be appropriate development in the Green Belt "*provided it does not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*"

The applicant provides calculations to attempt to demonstrate that the proposed development meets the aims of bullet point 6 with regard to not having a greater impact on openness than the existing development. These calculations are not presented in this report as the manner in which these volumes have been calculated is not considered acceptable. The volume of the existing stable buildings includes the volume of the external courtyard and has been calculated

using a single height of 3 metres. This is not sufficiently accurate and it is not acceptable to include the space between buildings within a calculation of building volume. Additionally the volume of the proposed buildings does not include any underground volume and there is no basis in policy which supports this approach. Had the applicant provided accurate calculations it would appear from the information available that these would show that the volume of the proposed buildings will exceed that of the existing buildings, and on that basis alone it would be possible to conclude that the proposal would have a greater impact on the Green Belt than the existing development, failing to meet the requirements of bullet point 6.

Furthermore in addition to an increase in the volume of development, the proposal would result in an increase in the floor area of buildings according to the applicant's calculations. On the basis of existing buildings which could be replaced, the gross floor area will increase from 1,448sqm to 2296sqm. From the applicant's calculations it is not possible to establish the total area of the site covered in built development as the footprint of the proposed dwellings is not provided separately, so a comparison of existing and proposed building footprint is not possible.

With regard to hard surfaces there would be a decrease in these, according to the applicant's calculations, of around 400sqm not taking into account the equestrian riding surfaces and around 3450sqm including these. This is a positive change but must be considered as part of the overall proposal. Clearly changes to surfacing are relevant to openness but have a far less significant impact on it than buildings.

Therefore although there would be a decrease in hard surfaces at the site, there would be an increase in built footprint and volume. On a simple assessment this would indicate greater harm to openness than the existing development.

Notwithstanding the information above, the approach to considering openness on the basis of simple calculation of floor areas, volume or footprint is not set out in any policy and is too simplistic an approach to solely rely upon. In order to make a full assessment other matters such as the height, layout, character and materials of existing and proposed development can also assist in determining whether there is a greater impact on openness. In this case the overall height of the development at the site will increase to 2 storeys (with roofspace accommodation) and over 11 metres high, along with the obvious increase in built development presented to the road. Compared to the existing low key rural mainly equestrian buildings the proposal will result in an urbanised form of development which by virtue of its size, location and design will clearly have a greater impact on openness than the existing development.

Furthermore for the above reasons the proposal will fail to safeguard the countryside from encroachment thus conflicting with one of the purposes of including land within the Green Belt.

The proposal will therefore not be acceptable with regard to paragraph 89 bullet point 6 as it will have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and would therefore be inappropriate development in the Green Belt.

Green Belt - Very Special Circumstances

As well as a case for appropriate development in the Green Belt (on previously developed land) the applicant has also made a case for very special circumstances

(VSC) to justify inappropriate development as an alternate argument. Members will be aware that very special circumstances is a very high policy test and relies upon these clearly outweighing the harm caused to openness by a proposal.

The first VSC put forward is that the proposed development would provide family sized accommodation in a sustainable and accessible location, with good links to local amenities. The Applicant also states that the dwelling is similar in size and form to that the Council permitted at Brookside, the adjoining property. This is discussed further below, however as it involved benefits to the Green Belt which are not considered to be present here it is not of particular relevance and would not be a very special circumstance.

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development 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. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development, as per the points raised by the Applicant.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

While these policies are considered to be pertinent to the justification for sustainable development on the site and support the application, compliance with them would not outweigh the harm identified above and the circumstances presented as being very special in relation to sustainable accommodation are not very special as to warrant an exception to Green Belt policy.

Whilst it is not explicitly mentioned within the planning statement, the Council was found to have an absent five year housing land supply within a recent appeal decision. Nevertheless, the Planning Practice Guidance, Housing and economic land availability assessment, paragraph 34 specifies that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.

The second VSC presented is that the development would preserve the character and appearance of the Chislehurst Conservation Area. This will be discussed further within the report where it is considered that the development would harm the character and setting of the rural sub-area of Chislehurst Conservation Area and is not considered to represent a very special circumstance in any event being a normal policy requirement.

Thirdly, the Applicant states that the proposal would result in the removal of unattractive buildings which currently cause visual harm to the Green Belt. These matters are subjective, and Officers disagree with these assertions considering that the stables and equestrian use of the main part of the site are sensitively designed and respond to the rural context. The proposed development would appear taller, bulkier and more suburban in appearance which would cause harm to the rural character and appearance of this part of the conservation area, with no public benefit to outweigh that harm as per para 134 NPPF.

Fourthly the Applicant states that the new planting and landscaping would enhance the sylvan character of the area in contrast to the detriment that the hardstanding's of the yard area presently give rise too. Whilst some landscaping may soften the impact of the scheme when viewed from the highway, this alone is not considered so very special to warrant permission being granted. The impact of the garaging within close proximity to the highway along with the new boundary treatments and three separate driveways, is considered to harm the character of the Conservation Area to a far more detrimental degree introducing a more urbanised form of development closer to the highway than the existing grassed paddock and low level trees that currently bound the site to the front.

Finally, the Applicant states that substantial weight should be given to the fall-back position that the replacement of the existing Toppers Oak with an appropriately enlarged dwelling is appropriate development. Whilst the replacement of Toppers Oak could be considered appropriate should a suitable application for its replacement be submitted, plans to this effect have not been forthcoming and there is no planning history to support this.

Considering all of the very special circumstances individually and collectively it is not accepted that the suggested very special circumstances cited above clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. Even if very special circumstances in relation to housing supply issues could be demonstrated, paragraph 14 of the NPPF (and paragraph 34 of the PPG) specifies that this should not apply to instances where land is protected.

Green Belt – Applicant's further submission

The applicant's agent in correspondence of 26th September 2016 has made reference to a number of matters which are addressed below.

Other sites within the Green Belt are referred to where planning permission has been granted with reference to bullet point 6 of paragraph 89 of the NPPF. These are Lilly's Farm, Westerham Riding School, Warren Farm and Bromley Common Liveries. In each of these cases the site was considered previously developed land and either the Council or an Inspector found there was no greater effect on openness resulting from the proposed development than the existing situation at the site, thus making the proposal acceptable under bullet point 6. In each case there was a reduction in volume and footprint of built development and the circumstances of this in each case were found to result in no greater harm to openness, taking into account the overall assessment of whether openness was improved (this being not only a calculation of volume and / or footprint).

The Applicant states that the property at Brookside to the south has been granted permission for a large dwelling which sets a precedent for the replacement of Toppers Oak. Notwithstanding that the replacement dwelling at Brookside was allowed in 2000 when none of the current Green Belt policies were in place, the proposal involved the demolition of a total of 963sqm of built development including a collection of buildings to the rear of the existing dwelling, and the construction of 610sqm of replacement development in a single dwelling. The proposal overall was considered to represent an improvement to Green Belt openness and following amendments to the scheme to reduce it Members accepted that the overall benefit to the Green Belt represented very special circumstances. A subsequent proposal for a larger dwelling was refused on Green Belt grounds (02/03733). In the current application it is proposed to demolish a total of 1,448sqm and to construct 2296sqm. Comparing the two schemes if you took a similar approach to that taken at Brookside it would justify under half the floorspace currently proposed. The Brookside permission if anything supports refusal of this application on the Green Belt grounds suggested.

None of the cases mentioned provides any specific justification for the current proposal and each case must be considered on its own merits with regard to current policies, and with particular regard to the policy tests being relied upon by the applicant, comparing the existing and proposed situation to decide whether there is a greater impact on openness or not. The decisions in these cases do not in any way undermine the recommendation for this application which is robust and clear cut.

The agent has also made reference to court cases and regard has been had to those mentioned in the writing of this report. There are no court cases mentioned which would undermine the approach set out in this report.

It is stated that a more intense form of development could take place at this site than that proposed, however there is no alternate planning permission or lawful development certificate in existence to support this, and this is therefore not a fact that can be relied upon in determining this application.

Also mentioned is a High Court challenge by the Council in relation to the Bromley Common Liveries site. The main point of that challenge related to whether the principle of change of use of land to residential would *in itself* make development inappropriate in the Green Belt. The Court found that it would not, however this is not a point that the Council has argued in any case subsequent to this decision (including in this application), and it is therefore not relevant in that regard.

It is particularly important to note that whilst previous decisions by Inspectors or the Council can be useful in considering proposals in the Green Belt, care must be taken to ensure that all applications are determined on their particular merits, and this is especially true when considering how a specific site and proposal may affect the openness of the Green Belt.

The current proposal is poorly justified both in terms of policy arguments put forward and in terms of attempts to relate the proposal to other decisions.

Conservation Area and Local Character

In terms of visual amenity, the existing site forms part of a ribbon development with Uplands to the north and Brookside to the south on the western side of Kemnal road, heading out into open Green Belt land to the north. The site has a rural character, indicative of this part of the Chislehurst Conservation Area. The site is made up of several single storey buildings of a traditional rural character, which blend well with the verdant and pleasant surroundings. Whilst it is noted that the site is to be lowered in order to mitigate the prominence of the height of the dwellings, when viewed from the road, the dwellings will appear highly intrusive exacerbated by the considerable height and detached garaging within close proximity to the roadway.

The character and appearance of this sub-unit of the conservation area is essentially a rural character, described in the Chislehurst Conservation Area SPG as being "predominantly rural land in a diversity of tenures and activities... the land remains predominantly open, providing a largely rural atmosphere along the eastern boundary of the Conservation Area". The rural character of this part of Chislehurst is considered to provide an important buffer along the eastern part of the Conservation Area, and makes an important contribution to the context and setting for the remainder of the Conservation Area. The presence of rural activities and agriculture greatly enhances the sense of adjacency to the countryside, which is present throughout the Conservation Area.

The existing stables are not of particular historic interest, but nonetheless are sensitively designed and respond to the semi-rural context. The proposal will introduce an urban form into an area where it predominantly does not exist. The design of the development is considered jarring with the semi-rural, verdant setting and the function therein is not rural and is essentially of a suburban character that currently does not exist at this location. This is exacerbated by the number and size of units proposed. The design of the dwellings fails to address the general character of the sub area as outlined within the SPG.

There are objections raised by both the Advisory Panel for Conservation Areas and the Conservation Officer. The application proposal will fail to preserve or enhance the character and appearance of the Conservation Area and due to its scale, nature and design will be generally harmful to the predominantly semi-rural location.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 1a (the lowest on a scale of 1a-6) and is considered a suburban setting for the purposes of this calculation. In accordance with Table 3.2, the recommended density range for the site would be 35-55 dwellings per hectare. The proposed development would have a density of 2.41 dwellings per hectare. The proposed development would therefore sit below these ranges.

A numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Subject to more detailed consideration of the design and layout of the scheme and the quality of residential accommodation proposed, the proposed residential density is deemed acceptable.

Design, Siting and Layout.

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE1 of the UDP requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy BE11 of the UDP requires new development in conservation areas to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy H9 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is

maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

Notwithstanding that the principle of the development is not deemed acceptable for this site as detailed above, it has been expressed in the submission documents that the scale and siting of the new development has been carefully considered in relation to the existing house and neighbouring properties. The appearance of the dwellings provide visual variety with different finishes and detailing to each property.

The layout proposed is for detached large monolithic executive homes as opposed to a more sensitively designed residential form that would be akin to neighbouring uses and the semi-rural character of its surroundings. Therefore, it is not considered that the proposal seeks to be wholly representative of the surrounding pattern of development. The appearance of the dwellings in conjunction with the orangery and detached garaging would appear obtrusive, out of character and incongruent when viewed from the highway, and to a lesser extent but still visible to the rear, as opposed to seeking a more sensitive level of development for the location and the sensitive adjoining land uses, namely open Green Belt that would also have a lesser effect on openness.

Whilst it is appreciated that the land level reduction would in some way mitigate the size and scale of the dwellings when viewed from the rear, this would make little visual difference when viewed from Kemnal Road, appearing as three stark, bulky, imposing properties exacerbated by the opening up of the frontage of the site and the introduction of the detached garages in the exposed frontages and black iron railings. Whilst the design of the dwellings as standalone properties may be akin to other dwellings found within the Chislehurst area, little has been done in order to ensure that the dwellings appear in keeping with their semi-rural surroundings. It is considered that the developments suburban appearance causes harm to the semi-rural character and appearance of the locality as well as the Conservation Area as set out above.

Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit. On this basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

The shape and room size within the three dwellings is considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth of the rear gardens and the size and scale of the sunken gardens are of sufficient proportion to provide a usable space for the purposes of a family dwelling house.

In accordance with Standard 11 of Housing: Supplementary Planning Guidance. (March 2016) of the London Plan 90% of all new dwellings should meet building regulation M4(2) 'accessible and adaptable dwellings'. No information has been supplied in this regard. It is recommended that compliance with this standard could have been secured by condition had permission been recommended otherwise.

Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement will provide front, flank and rear outlook. The site is flanked by residential dwellings however the proposed development does not encroach any further forward of the front or rear elevation of Uplands and is set away from the dwelling at Brookside. Given the location of the neighbouring properties, the existing layout and the level of planting along the boundaries it is considered that the dwellings will not result in loss of privacy or overlooking of adjacent properties.

Traffic

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

The site is located in an area with a PTAL rate of 1A (on a scale of 1 - 6, where 6 is the most accessible). Adequate parking is indicated on site for each dwelling.

This part of Kemnal Road is private, therefore no objections by the Council's highways team have been made. Should permission be forthcoming, given the sites location and the narrow width of the road way it is considered pertinent that a construction management plan be submitted prior to the commencement of development on the site.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance

with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

Landscaping

An indicative landscaping layout has been submitted that details the areas given over to garden for external amenity for future occupiers and the boundary treatments proposed of which the unacceptability of that proposed has been previously discussed. Notwithstanding this full detail of hard and soft landscaping and boundary treatment could have been secured by condition had permission been recommended otherwise.

Community Infrastructure Levy

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

Summary

The proposed development is clearly inappropriate development within the Green Belt for which no very special circumstances exist to outweigh the resultant harm. A substantial and harmful loss of openness would result from the proposed development. No acceptable justification has been provided for this unacceptable proposal.

The proposal would result in an unacceptable form of development within this part of Chislehurst Conservation Area, failing to preserve its character and appearance and prejudicial to the semi-rural character and setting of the surrounding locality.

Although the proposal would provide additional dwellings in the context of a currently uncertain five year housing land supply, the severe harm that would be caused to the Green Belt and Conservation Area identified above would outweigh the limited contribution this proposal would make to the housing supply and any other benefits of the development.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/03627/FULL1 as set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal is inappropriate development which in principle and by reason of its size, location, design and siting would have a harmful impact upon the openness and character of the Green Belt and the purposes of including land within it, and for which no very special**

circumstances are considered to exist to clearly outweigh the harm to the Green Belt contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework (2012).

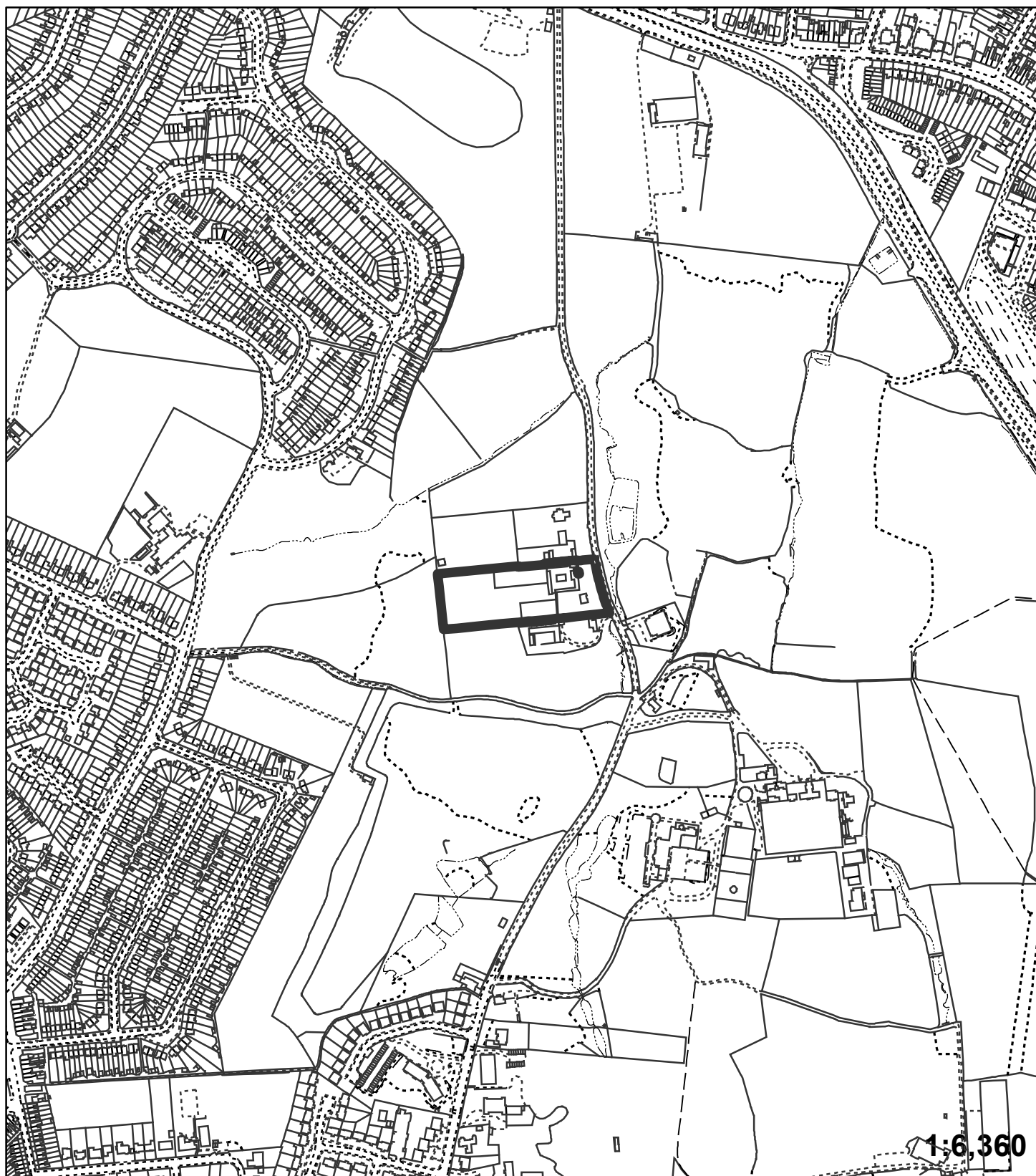
- 2 The proposal, by reason of its design, scale and urban character would be at odds with the identified semi-rural character and landscape qualities of the conservation sub-area which contributes to the character and appearance of the Chislehurst Conservation Area and the proposal would therefore fail to either preserve or enhance the character and appearance of the Conservation Area and the character of the area in general, contrary to Policies BE1, BE11 of the Unitary Development Plan.

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Application:16/03627/FULL1

Address: Kemnal Stables Kemnal Road Chislehurst BR7 6LT

Proposal: Demolition of existing residential building, stables with sand schools, flood lighting and offices and the erection of 3x five bedroom houses with underground swimming pool, basement accommodation, orangery and garages.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 16/04418/FULL1

Ward:
Chislehurst

Address : 27 Heathfield Chislehurst BR7 6AF

OS Grid Ref: E: 544368 N: 170630

Applicant : Mr & Mrs Rainer Schmitz

Objections : YES

Description of Development:

Demolition of existing bungalow and erection of two storey 4 bedroom dwelling

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

Members will recall that this application was presented to Plans Sub Committee 3 on 17th January where Members resolved to defer the application, without prejudice, to seek a reduction in depth of the single storey rear projection.

The applicant has considered the request of the Committee and a revised plan was submitted on 24th January, supported by a planning statement. The revision reduces the depth of the rear projection by 1.5m and includes alterations to the front elevation by way of replacing the proposed metal cladding with timber cladding. An additional plan was submitted on 31st January which shows retention of the existing boundary treatments and any boundary hedging that is removed to facilitate construction will be replanted. The original report has been updated where necessary.

The application site currently contains a single storey detached bungalow located at the eastern end of Heathfield, and lies within Chislehurst Conservation Area.

Permission is sought for the demolition of the existing bungalow and the erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space.

The replacement dwelling is located predominantly within the footprint of the approved scheme (15/01879/OUT) with the addition of a single storey element that projects approximately 5.6m beyond the proposed rear façade. The new dwelling will provide a minimum of 1m side space to both flank boundaries.

Consultations

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

- Too close to neighbouring property
- Will still block light to kitchen of neighbouring property
- Still extends too long into the garden
- Design doesn't match other houses
- Still too high.
- New design continues to be out of character and not in-keeping with the current character of Heathfield and surrounding area.
- Significant increase in massing compared to the bungalow
- Proposed front elevation has a strong vertical design emphasised by two gables and tall glazing components. In an appropriate setting this may be considered as an exciting and bold design but given the locality, and position within the Chislehurst Conservation Area, the proposal is inimical to the character and appearance of the local area
- Unclear if the glazing at the rear, which serves the 'master bedroom', is openable. May form a large Juliet balcony, which would lead to overlooking and loss of privacy for neighbours
- Second floor 'games room' gives access to a large open terrace which may give rise to overlooking and noise nuisance
- Proposal is contrary to Policy BE1 BE11 and H7

Letters in support of the proposals have also been received from residents within the borough which can be summarised as follows:

- Scale and design is more preferable than that previously permitted.
- A number of neighbouring properties have been refurbished since the Conservation Area came into being, bringing new materials such as timber cladding and slate roofing previously not part of the vernacular
- In keeping with the character of the road to bring in new contemporary y elements as time passes
- Proposed house is modern but not of radical appearance and would enjoy seeing it in the street
- Objected to previous application however reduction in number of first floor windows, removal of chimney stack and increased distance to boundary reduces concerns.
- Improvement to the road
- Adds character and is consistent with the existing street scene
- The design continues the gradual upgrading of Heathfield
- Positive contribution to the Conservation Area

Following the amendment received on 24/01/2017, neighbours were re-notified. No comments have been received to date. An update will be provided verbally at the committee meeting.

Comments were received from the Councils Conservation Officer which can be summarised as follows:

- Proposal would be very assertive in the streetscene
- No objection in principle to modern designs within conservation areas however any replacement house on this site should be more sensitive to its context.
- In addition to the bulk and scale of the proposal, the design incorporating large glazed elements would make it particularly conspicuous.

Comments were received from the Councils Highways Officer which can be summarised as follows:

- There is no change to the access arrangement.
- There is a good size garage and other parking on the frontage.
- If permission, conditions are recommended regarding parking, hardstanding and highway drainage.

Comments were received from the Councils Drainage Officer which can be summarised as follows:

- Conditions are recommended regarding sustainable drainage systems and to ensure details of surface water drainage systems are submitted to the Council prior to development.

The Advisory Panel for Conservation Areas, (APCA) were consulted on the application and their comments can be summarised as follows:

- Proposal is too large and too assertive and hence discordant in the streetscene
- Contrary to BE1 and BE11 of the UDP.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
 H1 Housing Supply
 H7 Housing Density and Design
 H9 Side Space
 T3 Parking
 T18 Road Safety
 NE7 Development and Trees

SPG No.1 - General Design Principles
 SPG No.2 - Residential Design Guidance

London Plan (March 2015)

Policy 3.3 Increasing Housing Supply.
 Policy 3.4 Optimising Housing Potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.8 Housing choice
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 Housing Supply
Draft Policy 4 Housing Design
Draft Policy 8 Side Space
Draft Policy 30 Parking
Draft Policy 32 Road Safety
Draft Policy 73 Development and Trees
Draft Policy 37 General Design of Development

Planning History

The site has been subject to a previous planning application:

- 15/01879/OUT - Demolition of existing dwelling and erection of a 2 storey 4 bedroom dwelling OUTLINE APPLICATION - Permitted 12.11.2015
- 16/03115/FULL1 - Demolition of existing bungalow and erection of two storey 4 bedroom dwelling. - Refused 02.09.2016

Conclusions

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

- Design

- Impact on the Chislehurst Conservation Area
- Standard of Residential Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties

This application seeks permission for the demolition of the existing bungalow and the erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space. Revised plans were received on 24th January, accompanied by a planning statement. The revision reduces the depth of the rear projection by 1.5m and includes alterations to the front elevation by way of replacing the proposed metal cladding with timber cladding. An additional plan was received on 31st January which shows retention of the existing boundary treatments and any boundary hedging that is removed to facilitate construction on the applicants land will be replanted prior to the completion of the build.

This application has been submitted following a recent refusal under planning reference: 16/03115/FULL1 for the demolition of existing bungalow and erection of two storey 4 bedroom dwelling. The reasons for refusal are as follows:

1. The replacement dwelling, by reason of the contemporary design will appear overly dominant within the street scene and fail to enhance or respect the character and appearance of the Chislehurst Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
2. The replacement dwelling, by way of its excessive depth and proximity to the boundary, would result in a dominant and visually intrusive form of development, harmful the amenities of No.25 by reason of outlook and visual amenity, contrary to Policies BE1 and H8.

Design, Siting and Layout.

The site is a currently a detached bungalow located at the eastern end of Heathfield, and lies within Chislehurst Conservation Area. The existing bungalow occupies the full width of the site with an attached garage along its northern side. The site is elevated in comparison to the neighbouring properties. The surrounding streetscene comprises largely of two storey properties set within large plots.

The principle of a replacement dwelling was established by an Outline application, planning ref: 15/01879/OUT. The approval was for the demolition of existing dwelling and erection of a 2 storey 4 bedroom dwelling. Since, the site has been subject to a refusal (planning ref: 16/03115/FULL1) for the erection of a two storey 4 bedroom dwelling, the reasons for refusal were due to (1) the contemporary design resulting in dominant form of development which fails to respect the character or appearance of the Chislehurst Conservation Area, and (2) the impact on the amenities of the neighbouring property due to the excessive rearward projection of the single storey rear element.

The current application is for the demolition of the existing bungalow erection of a two storey 4 bedroom dwelling with habitable rooms in the roof space. The replacement dwelling is located predominantly within the footprint of the approved scheme (15/01879/OUT) with the addition of a single storey rear projection.

Policy H9 of the Unitary Development Plan states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots. The new dwelling will provide 1m - 1.7m side space therefore is compliant with Policy H9.

The overall design of the replacement dwelling is modern and incorporates two front gable features. The materials proposed include brick, render, glass and metal panels. The Councils Conservation Officer and the Advisory Panel for Conservation Areas (APCA) raised concerns regarding the contemporary design, proposed materials and the impact on the character of the area. Amended plans (received 01/12/2016) indicate that the height of the proposed dwelling, when scaled from the submitted plans, will be 9.4m, a 2.1m increase from the bungalow and 0.5m increase from the approved Outline application (15/01879/OUT). The street scene elevation (received 01/12/2016) indicates that the proposed roof would be similar to that of No.25 to the north however would be 1.8m above that of No.29 to the south. A further revised plan was submitted on 24th January which indicates that the front elevation will be partially clad in timber (previously metal cladding). It is considered that, although the proposal includes an increase in roof height and is of a contemporary design, the proposed dwelling will impact on the character of the Chislehurst Conservation Area however not to such a degree to warrant refusal of the application.

The proposed dwelling incorporates a roof terrace. A 7.5m deep section of roof will be removed from the northern roof slope. The rearmost 0.5m of roof will be reformed as a gable feature. This reduces the opportunity for overlooking to the rear. The proposed section indicates that the remaining side roof slope will provide 1.8m high screening therefore the roof terrace is not considered to result in overlooking or loss of privacy to the occupiers of No.25. The design of the roof terrace, although unusual, is located towards the rear of the property and therefore only an oblique view of the roof will be visible between the properties. This element is therefore not considered to result in a detrimental impact on the street scene or character of the Chislehurst Conservation Area.

Residential Amenity and Standard of Residential Accommodation

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The surrounding area comprises large detached two storey dwellings, therefore the principle of a two storey dwelling is considered acceptable. The shape, room size and layout of the rooms in the proposed dwelling are considered to be satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. The proposed dwelling is located within a relatively large plot. It would

have a large GIA and all four bedrooms exceed the minimum requirements for double bedrooms. It is therefore considered that the proposal would offer a high level of residential amenity for future occupiers.

Highways

The site is located in an area with low PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The proposal provides a large integral garage and additional parking on the frontage. The existing access is to remain. On this basis, the Council's Highways Officer raised no objection to the proposal and conditions are recommended with regards to parking, hardstanding and highway drainage.

Impact on Adjoining Properties

Policy BE1 of the UDP requires the Council to consider whether planning proposals will significantly affect the amenities of occupiers of neighbouring properties and any future occupiers, ensuring that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The proposal includes a single storey rear projection that projects approximately 5.6m beyond the proposed rear façade. The roof of this element will be flat. The flank wall facing No.25 Heathfield will contain one high-level window. The rear and southern flank will contain bi-fold doors. This element is located 2.355m from the northern flank boundary with No.25 Heathfield. Additional information has been submitted which indicates that the proposed extension will not cross the 25 degree line of the neighbouring rear window and it is considered that this element will not impact on the level of daylight and sunlight to this neighbouring property. It is noted that this element has been reduced by 4.4m from the previous refusal (previous depth 10m). Furthermore, an additional plan was submitted on 31st January which shows retention of the existing boundary treatments and confirms that any boundary hedging that is removed to facilitate construction on the applicants land will be replanted prior to the completion of the build. It is therefore considered that the proposed rear projection will not impact significantly on this neighbouring property with regards to loss of light, outlook and visual amenity, over and above that already existing. It is considered appropriate to include a condition on any approval regarding the retention and reinstating of the boundary treatments to protect the amenities of the neighbouring property.

With regards to the proposed roof terrace, it will provide 1.8m high screening therefore it is not considered to result in overlooking or loss of privacy to the occupiers of No.25. The gable is reformed at the rear therefore there is no opportunity for overlooking towards the rear. Therefore the proposal is not considered to have a significant impact on the amenities of neighbouring properties with regards to loss of privacy or excessive noise.

Summary

Taking into account the above, Members may therefore consider that in so far as the design and appearance of the property and the impact on neighbouring

amenities, the proposed development would accord with Policies H8, H9, BE1 and BE11 of Bromley's Unitary Development Plan, which seek to ensure that the proposal is of a high standard of design, that it would respect the character and appearance of the Chislehurst Conservation Area, and would not cause undue harm to the amenities of the neighbouring residential properties as to warrant a refusal of the application.

as amended by documents received on 21.11.2016, 01.12.2016, 24.01.2017, 31.01.2017

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 5 Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than**

1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 6 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the **** hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason:In order to comply with Policy of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 8 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason:In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 9 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason:To ensure a satisfactory means of surface water drainage and to accord with Policy T18 and BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan (2015).

- 10** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason:To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 11** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

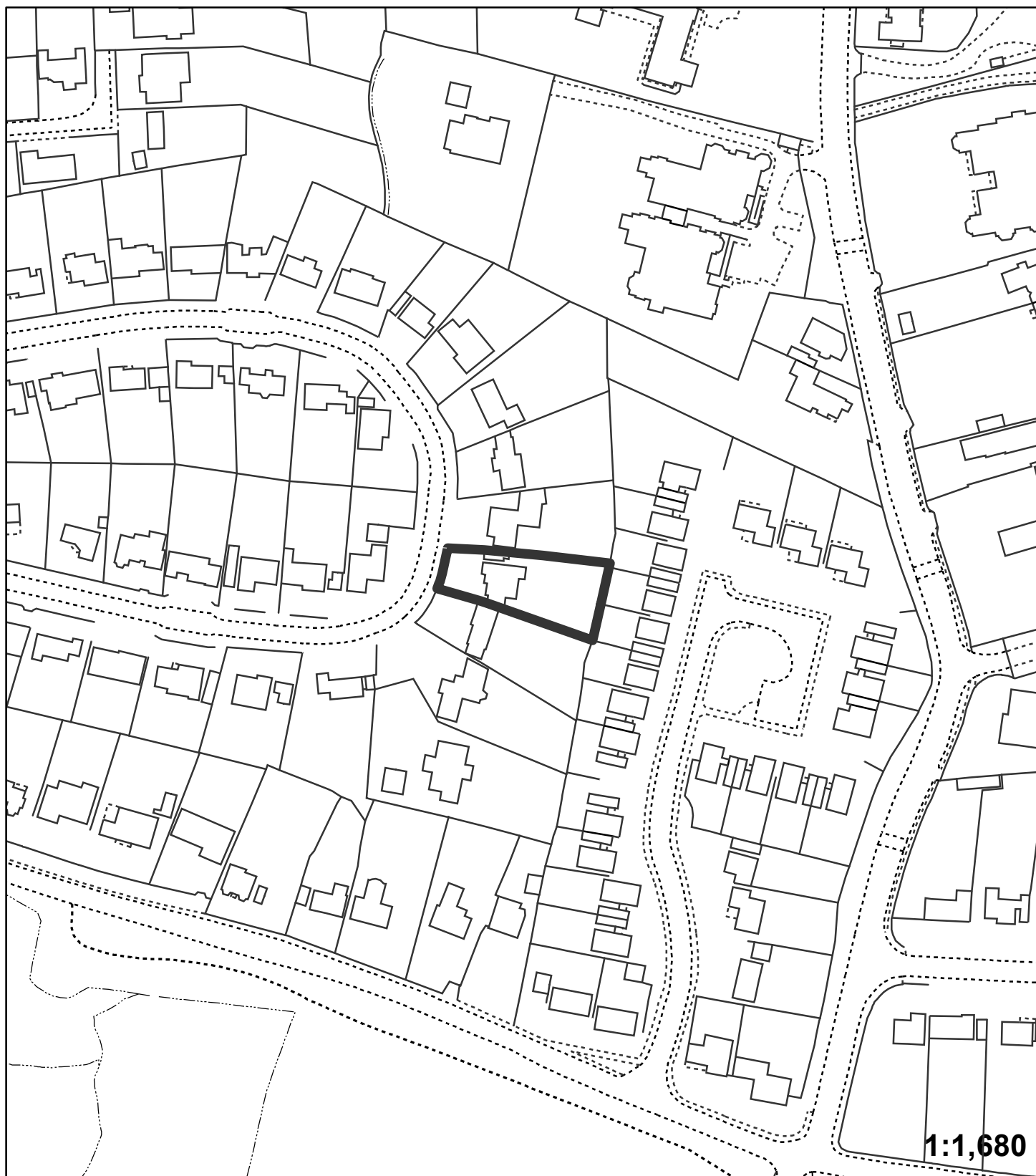
The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason:To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan

Application:16/04418/FULL1

Address: 27 Heathfield Chislehurst BR7 6AF

Proposal: Demolition of existing bungalow and erection of two storey 4 bedroom dwelling



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 16/04635/FULL1

Ward:
Crystal Palace

Address : Alan Hills Motors Alma Place Anerley
London SE19 2TB

OS Grid Ref: E: 533596 N: 170454

Applicant : TLS (Alma Yard) Ltd

Objections : YES

Description of Development:

Demolition of existing structures and the construction of three dwellings, commercial floorspace, private and communal amenity areas, car parking, refuse and bicycle storage.

Key designations:

Conservation Area: Belvedere Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 6

UPDATE

The application was initially reported Plans Sub Committee 3 on the 17th January 2017, and was deferred without prejudice to seek further information regarding the marketing of the site. The applicant has now provided additional information including a marketing cover letter, an updated marketing addendum statement prepared by Pedder and an additional supplementary planning statement prepared by BPTW. The documents were received on the 31st January 2017.

The additional information submitted by the applicant in response to Member queries confirms that the site has now been marketed for over 2 years under B1, B2 and B8 Uses. The original Pedder report and addendum statement dated 17th January 2017 summarise the ongoing marketing, enquiries and interest logged during the marketing period. It confirms that there have been no accompanied viewings from August 2016 -Present. Similarly, it confirms that no direct offers have been received from August 2016 - Present. This report also provides a view on the current market value of the site, which has been supplied in response to a representation from Summers Solicitors dated 1st December 2016, regarding an offer that was apparently made directly to the applicant. The report discounts this offer as it is considered to be significantly below market value and limited information has been provided regarding purchaser information, timescales, terms etc. The report concludes with information regarding Pedder's track record with commercial sales and expertise/knowledge of the area.

The applicant has supplied a covering letter stating that the Summers Solicitors offer letter was issued directly to Officers, not to TLS or the marketing agent. It

goes on to raise concerns with the legitimacy of this offer and the market value of the site.

The agent has also provided a supplementary planning statement, which provides an in depth assessment of the scheme in relation to EMP 5 and emerging Policy No 83. The statement explains that the purpose of EMP 5 is to retain an employment function on Sites outside Designated Employment Areas and does not seek to protect specific business uses. Furthermore, the current application does not seek to completely remove a commercial use from the Site. B1 office floor space will be provided as part of the redevelopment proposals; as such in accordance with the thrust of Policy EMP5 the site will retain commercial accommodation and provide local employment opportunities ensuring the continued use of the site as an employment location for 6 people.

Finally, this statement provides a review of the parking on site and the level of provision which would be policy compliant, within this highly sustainable location. It reiterates that the existing parking arrangements along Alma Place are unauthorised. However the scheme would include formalised parking for 3 vehicles in order to minimise the potential of displaced or unregulated parking along Alma Place.

Copies of the Supplementary Planning Statement, Covering Letter from TLS and Marketing addendum by Pedder are available for Members on the file.

The body of the original report is repeated below.

Proposal

The application seeks consent for the demolition of the existing structures onsite and the construction of 3 four bedrooms dwellings. It would also include the construction of a detached single-storey office building providing Use Class B1 floor space. Four car parking spaces would be provided, together with refuse and bicycle storage. A woodland sanctuary would also be created.

Location and Site Context

The application site is currently being used as a commercial premise for a service and repair workshop for motor vehicles (Use Class B2). There are a number of various single-storey sheds used in conjunction with the use across the site. The site bounded to north-west by a three storey Locally Listed terrace, which includes commercial uses at ground floor level and residential accommodation above. The above building fronts Church Road and includes a number of outdoor terraces at first floor level, which directly overlook the application site situated at the rear. The rear gardens of Nos 67-69 Church Road also directly back on to the north end of the site. Immediately to the south west are two 2 storey terraces of Alma Place and Spring Cottages. To the south east are the rear gardens of No 19-25 Belvedere Road, which are Grade II Listed two/three storey buildings.

There are significant gradient changes at the northern and eastern edges of the site, including steep embankments which slope downwards to a woodland area.

The site is located within the Belvedere Conservation Area.

Consultations

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

- Surrounding woodland needs to be protected. Erosion of this woodland is unthinkable and should be preserved.
- Road in Alma Place is very fragile and heavy equipment will cause damage to the foundations and drain services
- Works to the properties at the top of Belvedere Road caused flooding.
- The application states there are unauthorised parking in Alma Place. This is not the case. We have permission from the leaseholder and written permission from the previous owner that we can park outside our homes. An arrangement which has been in place 16 years
- The statement there is ample parking in the area is not correct. There is a high demand for parking. Bays surrounding area are constantly in use.
- The proposed houses are two storeys and surrounding properties are two-storeys
- Overlooking to neighbouring houses.
- When neighbours tried to apply for a third floor this was rejected for reasons of overlooking.
- Noise, disturbance and pollution from the building works. Problems for health and wellbeing of residents.
- Negative impact on the overall aspect of Alma Place
- Loss of light
- Harm to the Conservation Area
- Does not guarantee sufficient parking spaces for existing residents. Three spaces is not sufficient.
- Loss of parking
- Will be within 4m of Spring Grove a Locally Listed Cottage resulting in potential damage
- Dustbin storage next to properties
- Vermin and odours from refuse.
- Proposal is favourable and appears to be an elegant solution that treads a delicate line between the constant call for housing and the need for conservation.
- Pleased to see the proposal maintains and supports the ongoing life of the wood. Which supports diverse population of wildlife. We would encourage permeable fencing to new homes to promote integration.
- The Locally Listed and Grade II listed buildings make a real contribution to the CA but stand on shallow foundations and are vulnerable to ground works. Proper safeguards should be in place to make sure they are protected.
- The proposed cobbled street should be made a planning condition to be continued throughout Alma Place. This would provide much needed stability to the long-neglected road and would bring consistency between the new

build and old creating a uniform route. It would also support the heritage of the street.

- Location of refuse storage will promote fly tipping. There are already problems with rubbish being dumped.
- Inaccurate statements in application. The applicant has not consulted with local residents.
- There are no vehicular movements during the weekends, thus there would be increased disturbance during this time.
- Deeds to the houses along Alma Place require residents to contribute to the maintenance of the area. Movement of the refuse point would impact on the Covenants on the Deeds.
- Unadopted Road which is not capable of heavy traffic. Both road maintenance and its suitability to traffic flow have not been addressed.
- An offer has been made to the owners of the site to continue the existing business use after termination of the Lease with Alan Hill. The neighbours who have made the offer also are willing to pay for improvements in the building/facilities on site.

Highways - The site is located in an area with PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible).

Vehicular Access- the access is from Alma Place leading to the car parking area. The access is confined by the adjacent building and parked vehicles. Service vehicles will have difficulty accessing the site.

Car parking- Four car parking spaces would be provided; this is acceptable.

Cycle Parking - The applicant should be aware that two secure cycle parking spaces per unit are required.

Refuse- The applicant should demonstrate how the refuse vehicle(s) can enter the site and exit in a forward gear.

If minded to approve please include the following with any permission:

CONDITION

H03 (Car Parking)

H16 (Hardstanding for wash-down facilities)

H18 (Refuse)

H22 (6 Cycle parking spaces)

H23 (Lighting scheme for access and parking)

H29 (Construction Management Plan)

H32 (Highway Drainage)

Historic England - This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England - No comments on the application

Environmental Health - I have looked at this application, in particular the Desk Study Report prepared by Ground and Water Ltd to determine the likelihood of ground contamination. The Report recommends and intrusive ground investigation as well as gas monitoring, with which I concur.

In principle there are no objections to permission being granted however recommend that Standard Condition K09 be imposed as the most effective way to control this, even though the Desk Study complies in part with that Condition.

Drainage - No objections. Recommend the following condition: The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan. Reason: To reduce the impact of flooding both to and from the proposed development and third parties

Thames Water - No comments have been received in relation to the current application but the following comments were received from Thames Water to the previous withdrawn case and are still considered applicable to this application:

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE8 Statutory Listed Buildings
BE10 Locally Listed Buildings
BE11 Conservation Areas
BE12 Demolition in Conservation Areas
BE14 Trees in Conservation Areas
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE5 Protected species
NE7 Development and Trees
NE8 Conservation and Management of Trees and Woodland
ER10 Light pollution
T3 Parking
T7 Cyclists
T18 Road Safety
EMP 2 Office Development
EMP 5 Development Outside Business Areas
ER7 Contaminated Land

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Belvedere Road Conservation Area SPG

London Plan (2016)

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 4.2 Offices
Policy 4.3 Mixed Use Development and Offices
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.21 Contaminated Land
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.15 Reducing and Managing Noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands
Policy 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance. (2015)

DCLG: Technical Housing Standards (2015)

National Planning Policy Framework (NPPF) - Relevant chapters include Chapters 6, 7, 11, 12.

Emerging Plans

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

Draft Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan to the Secretary of State will be in the early part of 2017.

Policy 1 Housing Supply
Policy 3 Backland and Garden Land Development
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 39 Locally Listed Buildings
Policy 41 Conservation Areas
Policy 43 Trees in Conservation Areas
Policy 72 Protected Species
Policy 73 Development and Trees
Policy 74 Conservation and Management of Trees in Woodland
Policy 79 Biodiversity and Access to Nature
Policy 83 Non-designated Employment Land
Policy 86 Office Uses Outside Town Centres
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage
Policy 118 Contaminated Land
Policy 119 Noise Pollution
Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction

Planning History

85/00279/FUL- Alan Hills motors ltd Alma Place Church Road. Continued use for repairing motor cars renewal 812891. Permission 25.07.1985

10/00965/TREE - Intention to crown lift to 40ft above ground level and crown reduce and crown thin by 15% 1 Lime and crown lift to 30 ft above ground level and crown reduce and crown thin by 15% 2 sycamores. No objection 06.05.2010

11/03769/TREE- Intention to remove 3 large branches of 1 ash tree overhanging 2 Rama Lane. No objection 16.12.2011

15/03018/TREE- Reduce the height of 3 lime trees to 8 metres. No objection
19.08.2015

15/04824/FULL1 Demolition of existing structures and the construction of four dwellings, private and communal amenity areas, car parking, refuse and bicycle storage, the creation of a community woodland and the extension to the private amenity space of Nos 1-3 Alma Place Withdrawn 10.03.2016

Conclusions

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

- Principle of Development
- Design/Impact on the character and appearance of the wider CA
- Standard of Residential Accommodation
- Impact on adjoining neighbours
- Highways and Traffic Issues
- Ecology and Trees

Principle of Development

EMP 5 Development Outside Business Areas allows for the redevelopment of business sites outside Designated Business Areas provided that:

- (i) the size configuration, access arrangements or other characteristics make is unsuitable for Classes B1, B2 or B8 use, and
- (ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site for those uses.

The Council's Proposed Submission Draft Policy 83 Non-Designated Employment Land states that 'proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will be considered provided that the amenity of any nearby residential uses is not detrimentally affected'. The policy goes on to state that a change to a non-employment generating use will be considered on the following criteria:

(a) demonstrable lack of demand for the existing use or any potential alternative employment generating use, including evidence of recent and active marketing of the site for reuse or redevelopment undertaken prior to submission of the planning application over a minimum six month period.

(b) whether all opportunities for re-let and sale for redevelopment for employment uses have been fully explored, both in terms of existing and any alternative employment generating uses and layout, including small/more flexible business units, and

(c) where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of floor space for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.

The application site is located on the north side of Alma Place, which is accessed from Church Road and forms the south east side of the Crystal Palace Triangle gyratory. It is surrounded by residential and commercial properties and comprises a mixture of single-storey buildings used as a vehicular repair workshop, storage and office space. The current application is for the provision of a mixed use development to include a commercial unit in B1 (a) Use (50sqm) and 3 four bedroom residential family dwellings.

There is currently an existing independent motor repair workshop (Alan Hill Motors) operating out of the site, which has been in place for approximately 45 years. It is noted that the previous withdrawn application included objections from this occupier with regards to the loss of the unit and employment site, however no such objection has been received to the current proposal. The supporting text for Policy EMP5 states that "The supply of independent business sites in the Borough is diminishing. Many of the established sites within or neighbouring residential areas are under threat from new residential development. These sites serve an important purpose in the Borough, accommodating small business uses that cannot be located satisfactorily in Business Areas or town centres. One of the key objectives is to retain a range of accommodation for different business uses. It is important, therefore, to retain individual sites unless there are significant reasons as to why their continued business use is not feasible".

The applicant has provided a commercial feasibility report in support of the application, which has been prepared by Pedders and Ansun. Pedders were appointed by the applicant to provide a professional opinion in respect of the market demand for the existing buildings and uses, or an alternative commercial use. A further updated marketing statement has also been provided in response to request from Members, which confirms that the site has now been marketed for over years on a 'price was on request' basis.

The supporting information notes that the buildings onsite are in a poor condition and are in need of modernisation, with significant investment needed to bring them up to an appropriate standard. This level of investment is considered to be prohibitive for any future occupier or viable use of the site.

Furthermore, in terms of location, the report considers that Alma Place is secondary for business occupiers. The report states that the access arrangements are narrow and the site is surrounded by residential accommodation. In particular, the report notes that pedestrian safety, noise levels and operating hours of a commercial use are impeded by the surrounding residential uses. The above factors are considered prohibitive to any future tenant taking the site forward as an employment use. Moreover, a continued commercial activity of an alternative B2 Use would likely impact detrimentally on the residential amenities of surrounding residential occupiers.

In relation to market demand and financial non-viability, the commercial report provides an assessment of current market demand for the existing commercial use of the site and area, and provides evidence in relation to supply and demand of commercial premises in the locality.

The original report and addendum dated 17th January 2017 confirms that the property was marketed as for sale and to let, with both quoting 'price on application', however the reaction to marketing was apparently limited. Details of the offers and interest have also been outlined. There were commercial enquires, however on inspection of the site, this initial interest was then apparently discounted due to concerns relating to the existing property condition, need for repairs and refurbishment, proximity of residential properties, access and contamination concerns. It is noted that an objection has been received from Summers Solicitors, who are acting on behalf of a nearby resident. The objection states that an offer has been made to the owners of the site to purchase the same and who would wish to preserve the existing use as a motor repair workshop upon termination of the lease granted to Alan Hill Motors. The representation also states that the purchaser would be willing to invest into the existing site and improve the premises. The applicant has also supplied further information in response to this representation; which is from the estate agent confirming that no offer has been made.

The report concludes that the "micro-location of the site would not be popular location for business occupiers in respect of both the existing space, and also redevelopment of the site with the same use". This is based on the location of the site and marketing indicating that there is an oversupply of better qualified stock in other areas and that the market is flush, leading to a lack of demand.

The proposal would provide a mixed use scheme, with three family units and an employment generating use (B1a) which accords with the thrust of Policy EMP5, which seeks to retain individual sites but not specific business uses. The proposal is considered to be more compatible with adjacent residential uses compared to the existing industrial (B2) use. The location of the site, access arrangements and condition of the existing built development is considered to be prohibitive for similar uses going forward and in this case, Members may consider that the proposal complies with Policy EMP 5 and is therefore acceptable in principle.

Scale and Layout

The National Planning Policy Framework (NPPF) states that a key role for planning is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Further to this, paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive.

The London Plan further reiterates the importance of ensuring good design, and states, in Policy 7.4, that development should improve an area's visual or physical connection with natural features and, in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 of the London Plan also states that development should be of the highest

architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The site is located within the Belvedere Road Conservation Area and is a backland site accessed from Alma Place. Alma Place comprises two sets of terraced houses, 3 of which are locally listed (1-3 Spring Grove). The proposal would see the removal of the existing single-storey garage structures on site, the construction of three terrace townhouses and the erection of a single-storey office building.

The applicants design and access statement explains that the design of the proposed residential dwellings references assessments of massing, fenestration and architectural detailing of adjacent buildings and the wider context. The proposed dwellings would have a similar massing to the buildings within the immediate locality and architectural features such as the use of a butterfly roof, with central windows and recesses brickwork is considered to be an acceptable design approach within this sensitive context. The buildings would follow the alignment and massing of the Spring Grove cottages but the entrances to each unit have been pulled away from the drive way and the elevation off-set from its neighbour, allowing each to be perceived as individual dwelling. The entrance into the development site would have a sense of legibility in relation to the transition between the old and new development. The buildings have been sited immediately to the north of Spring Grove and would face inwards towards the proposed parking area. The overall height of the residential element would be no higher than the neighbouring buildings of Spring Grove and would step down marginally to the north, taking into account the change in gradient across the site.

There is a significant level change across the whole of the site, with the ground level falling away steeply to the north, north east and east. The applicant has overcome this specific constraint by arranging the development centrally within the site and having the rear amenity space utilise the areas with the most significant changes in ground level. A proposed woodland sanctuary is also proposed around the area of amenity space to the north, east and south. This woodland area would separate the development from the Grade II Listed Buildings along Belvedere Road. The position of the development in relation to these dwellings, traditional vernacular, change in ground level and the introduction of a woodland area would limit the impact on these properties and would not therefore result in harm to their setting or special historical interest.

Consideration has been given the scale and height of the proposed buildings in relation to neighbouring properties, the existing site levels and relationship with woodland area along the site fringes. It is considered that the dwellinghouse are sympathetic to the character and appearance of the neighbouring Locally Listed Buildings and their setting. The design approach, alignment of the buildings and massing is sensitive and responds well to local context. The existing uses and the poor state of repair of the current buildings onsite do not make a positive contribution to the CA and given the above, it is considered the proposal would therefore enhance the character and appearance of the CA.

A single-storey office building is proposed along the north west boundary of the site. This would face inwards towards the proposed parking area. There is currently an existing single-storey storage building along this boundary and in terms of massing, the proposed office building would be similar to the existing arrangement. It would not appear out of keeping in this context and would utilise London Stock Brickwork, dark stained timber cladding and timber window frames. It would benefit from a wildflower green roof and would generally preserve the character and appearance of the Conservation Area.

Given the above, Members may consider that the proposal is acceptable form of development, which accords with Policies H7, BE1 and BE11 of the UDP and preserves the character and appearance of the Conservation Area, setting of the Locally Listed buildings and Grade II Listed building along Belvedere Road.

Standard of Accommodation

The Nationally prescribed technical housing standards set out minimum floor space standards for dwellings of different sizes. These are based on the minimum gross internal floor space requirements for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and moving around. The quality of the proposed accommodation needs to meet these minimum standards.

The layout, as indicated on the plans, demonstrates a form of development which would provide a level of accommodation in accordance with the minimum space standards and overall unit sizes as set out in the London Plan and the Mayor's Housing SPG.

All rooms would achieve a satisfactory level of light, outlook and ventilation.

Private and secure amenity space would be provided to the rear of each new dwelling and each would comply with the minimum requirements set out within the London Plan.

Neighbouring amenity

The closest residential properties to the proposed development would be the terraces of Alma Place and Spring Grove. Furthermore, the proposal would be in close proximity to a number of commercial and residential properties on Church Road and Belvedere Road.

No 1-3 Alma Place is located to the west of the site and can be described a small terrace of two-storey residential cottage type dwellings. The above properties front Alma Place and include small amenity areas to the rear, which back directly onto the site. The proposed parking area and single-storey office building would be situated to the rear of these properties and the bulk of the proposed dwellings would be set away at an oblique angle from the rear elevation. Whilst the rear of the site would be more built up, the overall scale and orientation of the development would not result in an unacceptable loss of outlook or be significantly intrusive or overbearing for these neighbouring occupiers.

The proposed dwellings would include windows within the front elevation, which face inwards towards the proposed parking area and the rear elevations of Alma Place and Church Grove. However the dwellings have been orientated at an oblique angle to the rear of Alma Place, which prevents direct overlooking into rear windows. Unit 1 would face the flank elevation of 3 Alma Place, whilst Units 2 and 3 would be situated approximately 14m, and 26m, away from the rear elevations of Alma Place at an oblique angle. It is clear that mutual overlooking occurs between neighbouring properties in this area to a considerable extent, particularly as there are terraces at first floor level to the rear of Church Road which overlook the application site and rear gardens/elevations of 1-3 Alma Place. The proposed front elevation of the proposed units would be separated from the rear elevation and terraces of Church Road by approximately 19m at its closets point.

Spring Grove is located immediately to the southwest of the application site and comprises a small terrace of three two-storey residential dwellings. The ground level falls away at the rear, meaning the garden is below the front entrance level. The proposed residential development would be located to the north of Spring Grove but would be situated approximately 6.5m back from the front elevation. This would result in the building of Unit 1 projecting 6.4m beyond its rear elevation. It would be set back from the flank elevation of this property by 3.8m at its narrowest point and this extends up to 4.2m due to the tapering nature of the boundary line. The building has been design to have a similar height to the Spring Grove Cottages and in terms of outlook; the applicant has achieved a 45 degree sightline. The flank elevation of the proposed dwellings would be highly visible from the rear amenity space at 1-3 Spring Grove and the overall height of the flank elevation would appear pronounced due to the changes in ground level. However, the gardens of Spring Grove have a green and open prospect to the rear due to the woodland setting and trees surrounding the periphery of the site. Members may therefore consider that the orientation of the proposed development and set back from the common boundary would prevent unacceptable harm by way of an overbearing visual impact, loss of outlook or unacceptable sense of enclosure.

Windows are also proposed on the north facing side elevation and rear elevations. The windows on the north facing elevations would serve a study and bathroom. They would be set well back from the boundary with No 73 Church Road and are partially screened by trees and shrubs. It is not considered that the would be a material loss of privacy to neighbouring properties due to the above factors and changes in ground level. The windows on the rear elevation would include Juliette balconies. These would however face the proposed rear amenity spaces and

would be set away from Spring Grove at an oblique angle, thereby preventing direct overlooking.

The applicant has supplied a daylight, sunlight and overshadowing analysis in support of the application. A technical analysis was carried out to the worse-case receptors in neighbouring properties to identify any daylight and sunlight impacts to neighbouring windows. The results indicate that the worse-case receptors satisfy the BRE criteria in terms of daylight and sunlight they receive. The report concludes that the proposed development is not anticipated to have any negative impact on the daylight and sunlight received by neighbouring properties. In terms of overshadowing the site analysis within the report did not identify any amenity spaces close to proposed development, where overshadowing is likely to occur.

Given the above, Members may consider that the proposed development would have an acceptable impact on the amenities of neighbouring properties.

Highways

The site benefits from a PTAL of 6a and is therefore highly accessible. It is close to local amenities and is within walking distance of good transport links. The proposed scheme would provide 4 parking spaces, one for each of the residential dwellings and one for the commercial unit.

The Parking Addendum to Policy 6.13 of the London Plan provides maximum parking standards for residential development and employment uses. It states that residential dwellings with 4 or more bedrooms should provide up to 2 spaces per unit. However, it goes on to state that 'All development in areas of good public transport accessibility should aim for significantly less than 1 space per unit'. Similarly, within outer London, one space should be provided per 100-600sqm of office floor space (GIA). The proposed office would have a floor area of 50sqm and the level of provision for both the commercial and residential elements of the scheme, within this highly sustainable location, are considered to be compliant with the requirements of the London Plan.

The site is accessed via Alma Place, which is a private road, but included properties of 1-3 Alma Place and 1-3 Spring Grove.

At the time of the site visit it was clear that Alma Place is used for parking by the residents of the above properties. However the agent has confirmed that Alma Place is wholly within the applicant's ownership and that the residents of the above properties have no formal right to park in this area. Objections have been received from residents of Alma Place disputing this arrangement; however issues of ownership fall beyond the scope of this assessment and are a civil matter between interested parties. Nevertheless, it is clear that there is some informal parking arrangement and the proposed development could result in the displacement of parking for these properties. A parking stress survey undertaken by the applicant and this states there is capacity locally to accommodate up to 27 additional vehicles. Notwithstanding this point, the applicant has indicated that enhancements are proposed within Alma Place to include formalised parking for some of the existing residents. Details of this formalised arrangement have been provided on

plan number 2015/2818/005 within the Transport Statement (TS) and it is clear 3 additional spaces could be accommodated.

In relation to traffic generation the TS has made a comparison between the proposed development and the number of trips generated from the establish use of the site as an M.O.T and repair garage. The TS identifies that it is anticipated the proposed development would result in an overall net reduction in terms of traffic movements, with 44 fewer two way vehicle trips on daily basis compared to the existing situation; thereby improving the level of traffic movements along Alma Place.

The Council's highways officer has reviewed the parking arrangements for the site and details of trip generation and raised no objections to the proposed scheme.

The proposal would provide cycle parking in accordance with the requirements of the London Plan, which is considered acceptable.

A refuse collection point would be set to the front of Alma Place and storage would be to the north of Spring Grove. No objections have been raised to the servicing arrangements by the highways officer, however full details regarding means of enclosure and a refuse management plan could be conditioned, should the application be considered acceptable. The Highways officer has indicated that service vehicles may have difficulty accessing the site, however paragraph 5.5.5 and 5.5.6 and the accompanying Swept path analysis shown on drawing 2015/2818/004 demonstrate that a delivery vehicle, such as supermarket delivery van can access and egress the site in forward gear. This information has been raised to the above officer and no objections have been received.

Subject to the above conditions Members may consider that the proposal would have an acceptable highway impact.

Ecology and Trees

Policy NE3 states that where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions including (i) inclusion of suitable mitigation measures; and the creation, enhancement and management of wildlife habitats and landscape features. Policy NE5 states that planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitat.

The site is surrounded by an area of woodland, with a mixture of trees and shrubs. The applicant has sought to retain this area of woodland with the creation of a woodland sanctuary.

The application is supported by an Ecology Report with an Extended Phase 1 Habitat Survey. No evidence of protected animals species were recorded during the walkover survey and the site was considered to be of limited value to such species, given the urban location and type of habitats present. The woodland

fringe, which surrounds the site periphery, could support small numbers of birds during breeding periods, but no evidence of hedgehogs were found. However the dense vegetation in certain areas of the site meant that their presence could not be completely ruled out. Furthermore, the woodland was also considered to have value for stag beetles; however none were noted during the survey.

No on-site trees were seen to possess obvious natural features of potential value to roosting bats. Three on-site trees did have wooden bat boxes but no evidence of bat use (historic and recent use) was seen during the bat box inspections and these are to be retained within the current scheme. A number of off-site trees were noted as being suitable for roosting bats but are to be retained within the proposed development. All buildings within the site were checked and were considered to be of Negligible to Low Value for roosting bats. A number of Pipistrelle bat(s) were seen and recorded foraging around the site but the report considers that these bats had been roosting off-site and no more than one bat was seen or recorded at one time.

The report concludes that the development would be confined to existing areas of hard-standing and building, and significant effects on habitats and protected species, including breeding birds, roosting/foraging bats, hedgehog and stag beetle are not anticipated in relation to the proposed development. The impact in ecological terms is therefore considered acceptable, however it is considered reasonable and necessary to condition a pre-development clearance strategy in order to mitigate the impact on the wildlife. The above report also recommends a 'precautionary approach' to tree/shrub clearance in relation to bats and other protected species, together with habitat enhancement and compensation measures. The above recommendations are considered reasonable and could also be suitably conditioned to limit the ecological harm. Further details regarding the management of the woodland and habitat enhancement could also be conditioned.

In relation to trees, Policy BE14 states that development will not be permitted if it will damage or lead to the loss of one or more trees in conservation areas, unless (i) removal of the tree is necessary in the interest of good Arboricultural practice, or (ii) the reason for the development outweighs the amenity value of the tree/s, (iii) in granting permission one or more appropriate replacement trees of a native species will be sought either on or off site through the use of conditions.

Policy NE7 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 interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.

The site is located within the Conservation Area and includes a large number of trees and shrubs along the periphery of the site, which add the visual character of this section of the Conservation area and are visible from surrounding properties, and the wider locality, due to changes in gradients and ground levels. The application would see the removal of four trees onsite (G12 Sycamore, G13 Sycamore, T14 Ash and T15 Ash). The application proposes to mitigate the removal of these trees through extensive soft landscaping, including tree replanting. This will comprise Semi mature Lime Tree, Beech and Hornbeam trees,

however it is considered reasonable and necessary to condition the submission of a full landscaping scheme in order to finalise the details of the proposed species mix.

All other trees would remain on site and the Council's Tree Officer has reviewed the application and advised that the revised design allows for the healthy retention of trees located at the end of each of the rear gardens. It is considered that the development can proceed in accordance with the precautionary measures detailed within the Arboricultural Report and a condition ensuring such compliance has been recommended.

Contamination

The applicant has supplied a contamination desk study report in support of the application. The Council's Environmental Health Officer has reviewed the submitted information and has not objected to the conclusions within the assessment and has requested appropriate remediation conditions. Given the history of the site and nature of the existing uses this is considered reasonable and necessary condition in order to protect future occupiers and surrounding properties.

Summary and conclusion

In summary, Members may consider that the principle of development is acceptable and would comply with the requirements Policy EMP 5. Members may also consider that the scheme has taken into account the sensitive nature of the site surrounds and would enhance the character and appearance of the CA. The highways officer has raised no objections on parking grounds and the impact on neighbouring amenity is considered to be on balance acceptable.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 4** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 5** The development shall be implemented in accordance with the Arboricultural Report (ha/aiams4/ay) submitted and approved as part of this planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Reason: To maintain the visual amenity of the area and to comply with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

- 6** A woodland management plan, including tree and shrub planting, habitat enhancement, long term design objectives, management responsibilities and maintenance schedules for the proposed woodland sanctuary outlined on Drawing number 1605(PL)003 shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.

- 8 Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site and approved in writing by the Local Planning Authority before any work is commenced and the sample panels shall be retained on site until the work is completed. The facing brickwork of the development hereby permitted shall be carried out in accordance with the details of the approved sample panels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 9 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 10 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 11 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 12** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 13** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 14** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 15** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 16 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

Reason: To ensure satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan (2016)

- 17 The development hereby permitted shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.**

Reason: To ensure satisfactory means of surface water drainage, to reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policies 5.12 and 5.13 of the London Plan (2016)

- 18 Prior to commencement a pre-development clearance strategy for any overgrown areas should be submitted to and approved in writing by the local planning authority. The strategy should outline measures to minimise the impact on wildlife during the clearance and construction of the development and the details of a suitably licenced ecologist on call to provide advice and/or liaise with statutory authorities (Natural England) if required.**

Reason: In order to minimise the impact of the wildlife and to comply with Saved Policy N3 Nature Conservation and Development of the adopted Unitary Development Plan (2006)

- 19 The office accommodation (Use Class B1) hereby permitted shall be used for no other purpose (including any other purpose in the B1 Use Class of the Schedule to the Town and Country Planning (Use Classes) order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: In order to comply with Policy EMP 5 of the Unitary Development Plan and in order to protect neighbouring amenity and the character and appearance of the area.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order that the Council may assess the impact of future development on neighbouring residential amenities and character and appearance of the area.

- 21 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL**

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Application:16/04635/FULL1

Address: Alan Hills Motors Alma Place Anerley London SE19 2TB

Proposal: Demolition of existing structures and the construction of three dwellings, commercial floorspace, private and communal amenity areas, car parking, refuse and bicycle storage.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 16/05550/FULL1

Ward:
Penge And Cator

Address : Hollywood East 1 Station Road Penge
London SE20 7BE

OS Grid Ref: E: 535298 N: 170731

Applicant : Mr Richard Goaman

Objections : YES

Description of Development:

Change of use of existing Public House (Use Class A4) to 2 one bedroom, 1 two bedroom and 2 three bedroom flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in rear elevation, roof terraces and associated refuse and cycle parking facilities.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 50

Proposal

Planning permission is sought for the change of use of the existing Public House (Use Class A4) to 2 one bedroom, 1 two bedroom and 2 three bedroom flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in the rear elevation, roof terraces and associated refuse and cycle parking facilities.

The external works to the building comprise of a first floor rear extension on the footprint of the existing single storey rear section of the building and the addition of two basement lightwells, one in Station Road utilising the existing pub cellar entrance and a one at the corner apex of the building. Fourteen new windows located on all levels and four false recesses are shown to the rear elevation facing the car park. Openings are shown to be created within the front elevation between existing architectural features to create integral parking areas within the building for three vehicles. The mural on the rear elevation facing the car park is indicated to be retained. A communal roof terrace and two private roof terraces are located on the extended first floor roof.

Location

The appeal site is located at the confluence of a tightly constrained wedge shaped site between Station Road and the car park for Penge East station. The building comprises a three storey construction occupying the full footprint of the site and was formally used as a Public House with a bar and store areas on the ground

floor and residential accommodation above with 10 bedrooms. A basement is also located underneath the building footprint incorporating a cellar entrance within the footway on Station Road. A large mural is depicted on the rear north east facing wall of the building facing the car park.

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

Consultations

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

Support

- The character of the building will be maintained which complements other historic buildings in the road.
- Change of use to flats is in keeping with residential nature of road.
- Off street parking, sympathetic design, roof terrace are great to see.

Objection

- Concern regarding impact to the mural on the rear objection which should be retained and restored.
- Concern regarding the loss of a community asset.
- Concern that parking congestion has been adequately looked at in terms of on-site provision.
- The area has a lack parking for the current residents and is used by commuters.

Internal consultations

Highways:

The development is located within the area of medium rate of 4 (on a scale of 0 - 6b, where 6b is the most accessible). Three car parking is offered by the developer. As the transport accessibility is moderate a reduction in the parking requirement may be justified as the site is considered accessible to public transport links.

The applicant should be made aware that the following would be required:

- Offer the first resident 2 years annual membership of a Car Club.
- Provide residents cycle parking facility as per London Plan (8 in total)
- Contribution of £2000 towards Parking / Traffic schemes within the area.

Environmental Health - Housing:

In summary, general issues with levels of natural ventilation and the use of combined living/kitchen/dining rooms.

External consultations

Crime Prevention:

The application should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design New Homes 2014, and the adoption of these standards will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

Thames Water:

No objection with regard to water infrastructure capacity and sewerage infrastructure capacity.

Planning Considerations

London Plan 2015:

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

7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.

8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

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

Unitary Development Plan:

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
H12 Conversion of Non-Residential Buildings to Residential Use
T3 Parking
T7 Cyclists
T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Emerging Bromley Local Plan:

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan will be to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing supply
Draft Policy 4 - Housing design
Draft Policy 8 - Side Space
Draft Policy 23 - Public Houses
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 33 - Access for All
Draft Policy 34 - Highway Infrastructure Provision
Draft Policy 37 - General design of development
Draft Policy 40 - Other Non-Designated Heritage Assets
Draft Policy 73 - Development and Trees
Draft Policy 77 - Landscape Quality and Character
Draft Policy 112 - Planning for Sustainable Waste management
Draft Policy 113 - Waste Management in New Development
Draft Policy 115 - Reducing flood risk
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 117- Water and Wastewater Infrastructure Capacity

Draft Policy 118 - Contaminated Land
Draft Policy 119 - Noise Pollution
Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Planning History

07/02947/FULL1: Demolition of existing public house and erection of a 3 storey building comprising 6 one bedroom and 2 two bedroom flats with 4 car parking spaces and refuse and cycle store. Refused 09.10.2007. Allowed on appeal.

15/04746/FULL1: Change of use of existing Public House (Use Class A4) to four 1 bedroom, 2 two bedroom and 2 studio flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in rear elevation, roof terraces and associated refuse and cycle parking facilities. Refused 04.01.2016.

Refusal Reasons

- The proposed development would fail to provide a satisfactory layout, standard and size of good quality accommodation for future occupiers by reason of its substandard floor space arrangement and internal layout contrary to Policy 3.5 of the London Plan and Policy H12 in the adopted Unitary Development Plan.
- In the absence of sufficient information to demonstrate the capacity of the existing on street car parking availability to accommodate satisfactorily the additional traffic generated by the development, the proposal would be likely to prejudice the free flow of traffic and general road conditions in and around the site, contrary to Policies T3 and T18 of the Unitary Development Plan.

The application was subsequently Appealed to the Planning Inspectorate and dismissed on 28/6/16.

In summary the Inspector concluded that the proposed scheme would fail to provide satisfactory living conditions for the occupiers of three of the eight flats, due to poor outlook and/or inadequate floor-space. Furthermore, the absence of any dedicated off-street parking serves was seen to highlight the over-intensive nature of the proposed conversion scheme that would have a materially adverse impact on the free flow of traffic and general road conditions.

Conclusions

The primary issues in the assessment of this planning application are:

- The principle of the proposed development

- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues
- Sustainability and energy

Principle of Development

Policy H12 - Conversion of non-residential buildings to residential use states that the Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use, particularly above shops, subject to achieving a satisfactory quality of accommodation and amenity.

Draft Policy 6.7 of the Local Plan - Public Houses states that the loss of public houses will be resisted by the Council except where there is an alternative public house within a 500 metre walking distance of the site and, if the public house is located within a local parade or town centre, the diverse offer of that parade or town centre is not significantly affected by the loss and where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time. Where the above criteria are met any change of use must be sympathetic to the design, character and heritage value original building if it is considered to be a positive contribution to local character.

In this case the proposed scheme results in the total loss of the pub facility with the whole of the existing building being converted to residential use. It is noted that in the 2008 application for a new build development no objection was raised by the Council regarding the principle of development. The Appeal Inspector commented on this fact and offered no further deliberation in this regard.

Given the thrust of new legislation since 2008 to protect 'assets of community value' under the Localism Act, it is noted that no such protection exists for the pub. Within the immediate area of Penge there are also numerous other pubs within 500m of the site.

Therefore given the acceptability of the use for residential with regard to Policy H12 and Draft Policy 6.7, the principle of the residential units through the change of use of the whole site is considered acceptable subject to the scheme's compliance with all other relevant development plan documents and policies.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 4 and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 55-145 dwellings per hectare. The proposed development would have a density of 244 dwellings per hectare.

Therefore, the proposed development of the site would be well above the ranges suggested. This is mainly due to the whole of the total site area forming the building footprint. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. In this case the amount of development provided on site is acceptable in principle due to the particular site constraints.

Design, Siting and Layout

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE1 of the UDP requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The main alterations to the building entail a rear located first floor extension, the addition of windows and false windows in the existing rear elevation and interventions in the front elevation to provide three car parking spaces and light wells at ground level.

The merits of the retention and conversion of the existing building are considered preferential in design terms to retain the existing pub building as a non-designated heritage asset as opposed to its demolition and replacement. Therefore some flexibility, given the sites constraints with no external space, must be applied to bring the long term vacant building back into a sustainable use.

The first floor extension is in a relatively recessed location in terms of its massing relationship to the rest of the site and town house properties to the west. As such the addition of the extension is considered to be in keeping with the character and appearance of the existing building.

The interventions to the front elevation within the existing public house street façade to provide three car parking spaces have been positioned to relate to the contextual architecture of the buildings street elevation being sited between pillars and pilasters in order to retain much of the frontage. While this will alter the appearance of the building, the level of intervention will retain the overall non designated historic interest and heritage value of the building as a public house. This is welcomed subject to the submission by condition of a greater level of detailed plans to achieve this.

The addition of the window apertures within the rear elevation are proportional in design and style to windows on the other elevations of the building on all levels with false window reveals adding to the conformity unity of the elevation. While the addition of the windows will change the overall appearance of the mural depicted on the rear elevation, the style and form of the windows is considered acceptable. The alteration of the mural is regrettable but is not considered a sufficient reason to withhold planning permission on this basis. The lightwells are considered acceptable in design terms.

Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the proposed units in the existing and proposed sections of the building is as below.

UNIT NO.	No bedrooms	Occupancy	Floor area m ²	London Plan Requirements m ²	
1	3	5	117	93	√
2	2	3	68.1	61	√
3	1	2	50.6	50	√
4	1	2	57.8	50	√
5	3	5	96.2	93	√

The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit. On this

basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

However, new homes should not only have adequately sized rooms but should also have convenient and efficient room layouts which are functional and fit for purpose. In the previous scheme due to the number of units proposed and poor layout an unsatisfactory standard and size of accommodation was proposed.

The current scheme has revised the layout arrangement and reduced the number flats to create a suitable unit mix at this location which is also now considered suitable in terms of the unit sizes for the range of flats.

The revised building layout also provides a good standard of living space with none of the rooms having a convoluted shape which would limit their specific use for a number of furniture arrangements.

Adequate natural ventilation to the proposed flats for the ability of any future occupier to safely ventilate the units can be secured by a condition for details of windows with a view to obtaining satisfactory details of a means of safely ventilating the flats with openable casements.

External amenity space is provided at roof level with a large communal space and two large private areas accessed via a central stairwell. Given that a similar solution was allowed in the 2008 scheme the current proposal is considered acceptable in this regard.

Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed development is considered acceptable in terms of its impact upon the amenities of neighbouring occupants. The outlook of windows will remain to the front, and flank which utilise existing windows that generally overlook public areas as currently exists at the site. New apertures to the rear of the building will overlook the station car parking area.

Highways and Traffic Issues.

Car parking and cycle parking

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

The Council's Highway Officer has reviewed the current application and has commented that three car parking spaces are offered by the developer. Therefore,

on this basis of provision and as the transport accessibility is moderate, a reduction in the parking requirement may be justified as the site is considered accessible to public transport links.

However, to offset the limited impact that the development may have, it has been suggested that annual membership of a car club are provided, cycle parking is provided and a contribution of £2000 towards Parking / Traffic schemes within the area is made by the applicant.

In this case, Members will be aware that the application is for a Minor scheme and therefore planning obligations are not applicable to schemes of this size. Suitable car club membership can be sought by condition.

Cycle parking is required to be 1 space per studio/1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of an integral location in the building for cycle storage for the units accessed directly from the footway. This is considered acceptable and can be conditioned to remain in perpetuity.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of an integral location for refuse storage for the units in from the footway on Station Road. The location point and provision is considered acceptable within close proximity of the highway and can be conditioned to remain so in perpetuity.

Sustainability and Energy

Policy 5.4 Retrofitting, of the London Plan 2015 states that boroughs should identify opportunities for reducing carbon dioxide emissions from the existing building stock by identifying potential synergies between new developments and existing buildings through the retrofitting of energy efficiency measures.

No information has been supplied in this regard. However, this is not mandatory for this type of small development.

Summary

Consequently the revised development resubmission would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions nor impact detrimentally on the character of the area. It is considered that the standard of the accommodation that will be created will be good and the revised unit mix appropriate for this location. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:20 showing the modified ground floor public house façade have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy BE1 of the Unitary Development Plan.

- 5 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route**

construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 6** Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: In order to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety and to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 7** No part of the development hereby approved shall be occupied until such time as a parking management scheme for the three integral car parking spaces has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the management plans from first occupation and permanently retained thereafter

Reason: In order to ensure satisfactory vehicle management that may otherwise lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety and to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 8** The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

- 9** The existing painted mural on the rear elevation of the building shall be maintained in perpetuity.

Reason: In order to maintain the non-designated historic interest of the building and to comply with Policy 7.8 of the London Plan, Draft

Policy 40 of the Emerging Local Plan and paragraph 135 of the National Planning Policy Framework.

- 10 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of integral enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from residential and visual amenity aspects.

- 11 The arrangements for cycle storage and the means of integral enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 12 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

You are further informed that:

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**

- 2** You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

- 3** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:16/05550/FULL1

Address: Hollywood East 1 Station Road Penge London SE20 7BE

Proposal: Change of use of existing Public House (Use Class A4) to 2 one bedroom, 1 two bedroom and 2 three bedroom flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in rear elevation, roof terraces and



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 16/05560/FULL1

Ward:
Shortlands

Address : 44 Westmoreland Road Bromley BR2
0QS

OS Grid Ref: E: 540093 N: 168406

Applicant : Mr S Bragoli

Objections : YES

Description of Development:

Two storey rear extension, roof alterations and construction of side dormer extension together with conversion of building to provide 2 one bedroom and 4 two bedroom flats, car parking to front, bin stores, cycle stores, amenity space and associated landscaping.

Key designations:

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

Proposal

Planning permission is sought for a two storey rear extension, roof alterations and construction of side dormer extension together with conversion of the building to provide 2 one bedroom and 4 two bedroom flats, car parking to front, bin stores, cycle stores, amenity space and associated landscaping.

The extension to the building will be to the rear and comprise a two storey part hipped part gabled addition at 2.7m depth contained within the existing width of the building. A small dormer is also indicated to south east flank roof slope. Materials are indicated as red brick, tile hanging and roof tiles to match the existing.

Location

The site is located on the north west side of Westmoreland Road and comprises a large detached two storey villa with 6 bedrooms on a large plot of 67m depth and 17.4m width. To the north east and south west are three other similar properties of comparative scale with extensive rear gardens. A Tree Preservation Order relates to the land. The trees protected are located away from the main building on the land. Opposite the site is two storey semi-detached housing. To the south and west are some larger scale flatted blocks.

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

Consultations

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

- The building is too small to accommodate 6 flats resulting in overdevelopment and overcrowding.
- More noise and disturbance from more people using the rear garden.
- Conversion to 6 flats by reason of type and number proposed is damaging to the amenity of the area and is too dense.
- Will lead to further congestion and parking problems in the area and risk of further accidents.
- Extension will overlook neighbouring gardens and cause loss of privacy.
- Although the area is not a conservation area. There is no need to convert prestigious house to small flats.
- Parking facilities are not achievable. 5 car parking spaces are not enough. Parking arrangement is too tight and will cause manoeuvring difficulties.
- Proposed accommodation is not a satisfactory standard or size.
- Concerns regarding overlooking from side windows. Obscure glazing solution is meaningless.
- Reduction in 1 unit is not enough from previous application.
- Comparisons stated are not applicable to this application.
- Concerns regarding asbestos in the building.

Internal Consultations

Environmental Health - Pollution:

No objections in principle.

Environmental Health - Housing:

In summary, general issues were raised regarding the potential for single person units to be used by cohabiting adults, levels of natural ventilation and the use of combined living/kitchen/dining rooms.

Drainage:

This site is within the area in which the Environment Agency - Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries.

Highways:

The development is located to the north of Westmoreland Road. Westmoreland Road (B228) is a London Distributor Road and is within the Bromley Town Centre's Controlled Parking Zone (CPZ). The site is located in an area with medium PTAL rate of 4 (on a scale of 0- 6b, where 6b is the most accessible).

The existing vehicular access arrangement is utilised. The second crossover to the north will be stopped up. This is satisfactory.

Five car parking spaces are indicated on the submitted plans which are acceptable in principle providing the resident's rights to parking permits are restricted. This will prevent the development contributing to on street parking congestion. Twelve cycle parking spaces are shown. This is acceptable. Bin store location is satisfactory in principle.

Planning Considerations

London Plan 2015:

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

Housing: Supplementary Planning Guidance. (March 2016)

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

Unitary Development Plan:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H8 Residential Extensions
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Emerging Bromley Local Plan:

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan will be to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing supply

Draft Policy 4 - Housing design

Draft Policy 8 - Side Space

Draft Policy 30 - Parking

Draft Policy 32 - Road Safety

Draft Policy 33 - Access for All

Draft Policy 34 - Highway Infrastructure Provision

Draft Policy 37 - General design of development

Draft Policy 73 - Development and Trees

Draft Policy 77 - Landscape Quality and Character

Draft Policy 112 - Planning for Sustainable Waste management

Draft Policy 113 - Waste Management in New Development

Draft Policy 115 - Reducing flood risk

Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)

Draft Policy 117- Water and Wastewater Infrastructure Capacity

Draft Policy 118 - Contaminated Land

Draft Policy 119 - Noise Pollution

Draft Policy 120 - Air Quality

Draft Policy 122 - Light Pollution

Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Relevant Planning History

16/02977/FULL1: Two storey rear extension, roof alterations and construction of side dormer together with conversion of building to provide 4 one bedroom and 3 two bedroom units. Car parking to front, bin stores, cycle stores, amenity space and associated landscaping. Refused 19.08.2016.

Refusal reasons

- The proposed development, by reason of the type and number of units proposed, would be out of character with the pattern of surrounding development, resulting in an overintensive use of the site and would therefore be contrary to Policy H7 and BE1 of the Unitary Development Plan and Policy 3.8 of the London Plan.
- The proposed development would fail to provide a satisfactory standard and size of accommodation for future occupiers by reason of its substandard floor space arrangement and poor living quality of internal habitable spaces contrary to Policies BE1 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan.
- The proposed principle bedroom windows of Units 1, 2 and 5 facing No 42 Westmoreland Road would facilitate increased direct overlooking with a resultant adverse effect on the privacy and residential amenity of neighbouring property contrary to Policies BE1, H7 of the Unitary Development Plan and Policies 7.6 of the London Plan.

The application is currently at Appeal with the Planning Inspectorate pending consideration.

Conclusions

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

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties

Principle of development

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) 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. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document 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 within Annex 2 of the NPPF.

Policy H7 of the UDP 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.

Residential dwellings surround the site on all sides. The site is currently developed for a less dense residential use. Therefore, in this location the Council will consider a higher density residential development 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. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of an extended residential property with an increased number of residential units on the land is acceptable in principle subject to an assessment of the impact of the proposal on housing supply, the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 4 and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 70-170 dwellings per hectare. The proposed development would have a density of 52 dwellings per hectare.

Whilst the proposed development would sit below these ranges, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Subject to more detailed consideration of the design and layout of the scheme and the quality of residential accommodation proposed, the proposed residential density is acceptable in principle only.

Design, Siting and Layout.

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE1 of the UDP requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy H8 states that the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area, space or gaps between buildings should be respected or maintained where these contribute to the character of the area and dormer

windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

Policy H9 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

With respect to the impact of the proposed rear extensions on the character and appearance of the building, policy as detailed above requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas. The proposed extension to the rear of the building would increase the depth of the building for two thirds of the width of the building to line up with the existing rear projection to the north east boundary. The extension itself would not represent a disproportionate addition to the existing building. The adjacent buildings are of similar footprint locations with good separation to the boundaries. Taking this established pattern of development into account and the relative minor increase in the depth of the building, it is considered that the increased depth of the building would not result in the rear of the building appearing overly deep or prominent in relation neighbouring property in the locality. The dormer indicated to the side roof slope will be relatively small scale within the roof slope and is not considered to be detrimental to the character and appearance of the roofslope and locality.

In terms of the spatial relationship to adjoining property, adequate separation is considered to be demonstrated to maintain the current standards within the area.

In terms of the design, the proposed rear elevation will encompass a complimentary palette of materials. It is considered that the external appearance of the resultant building would not be detrimental to the character of the area.

Members will note that the extensions to the building were not objected in the previously refused application. As such these elements of the scheme remain the same and are similarly considered to be acceptable in the current scheme.

Unit type and mix

Policy 3.8 of the London Plan states that Londoner's should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites. The Council will require a mix of housing including private and affordable housing. The determination of which housing needs a scheme will meet should be informed by local and sub-regional housing priorities and the London Plan's priority for affordable family housing. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Therefore, each application should be assessed on its merits in this respect.

It is noted that the previous scheme for 4 one bedroom flats and 3 two bedroom flats was refused by reason of the type and number of units that were proposed, being out of character with the pattern of surrounding development, resulting in an overintensive use of the site.

The revised development proposals are now for two 1 one bedroom flats and 4 two bedroom flats. The revised unit type mix and reduction by one unit provision to six flats is now considered to address adequately the Council's previous concerns with respect to the mix of dwelling types/sizes and the mix of tenures to meet strategic and local need and represents on balance, a more appropriate mix at this location.

Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the proposed units in the existing and proposed sections of the building is as below.

UNIT NO.	No bedrooms	Occupancy	Floor area m ²	London Plan Requirements m ²	
1	1	1	44.6	39	√
2	1	1	37	37	√
3	2	4	70.1	70	√
4	2	4	88.3	70	√
5	2	4	74.6	70	√
6	2	4	70.2	70	√

The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit. On this basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

However, new homes should not only have adequately sized rooms but should also have convenient and efficient room layouts which are functional and fit for purpose. In the previous scheme due to the number of units proposed and poor layout an unsatisfactory standard and size of accommodation was proposed.

The current scheme has revised the layout arrangement which is now considered suitable in terms of square meterage for the number of flats. The building layout provides a good standard of living space with none of the rooms having a convoluted shape which would limit their specific use for a number of furniture arrangements.

Adequate natural ventilation to the proposed flats for the ability of any future occupier to safely ventilate the units can be secured by a condition for details of windows with a view to obtaining satisfactory details of a means of safely ventilating the flats with openable casements.

Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement will provide front and rear and flank apertures for each unit overlooking amenity space, flanks of neighbouring property or overlooking the street. To the front and rear the outlook from windows from the proposed properties is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property. Given the revised flat layouts within the scheme there is now only one bedroom window in the flank elevation at ground floor facing No42. Although this will entail a marginally increased level of use for outlook in this direction, the window is located towards the front flank of the property and is below boundary fence height which will result in a limited loss of privacy to neighbouring property. On balance and given the use is a bedroom, this is considered acceptable. All other flank windows are to non-habitable rooms and can be conditioned to remain obscure glazed in perpetuity.

Highways and Car parking

The Council's Highway Officer has reviewed the current application and not raised any objection in this regard. Five spaces are to be provided on site utilising one existing vehicular access point and blocking up the second. This is considered satisfactory. Therefore, the proposal is considered generally acceptable from a highways safety perspective subject to appropriate planning conditions.

Cycle parking

Cycle parking is required to be 1 space per studio and 1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of a location for cycle storage for the units in the rear curtilage comprising of 12 spaces. This is considered acceptable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units in the front curtilage accessed from the existing crossover from Westmoreland Road. The location point is considered acceptable within close proximity of the highway. Further details in this regard are recommended by condition in relation to capacity and a containment structure.

Trees and Landscaping

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers. Notwithstanding this full detail of hard and soft landscaping

and boundary treatment is also recommended to be sought by condition as necessary.

The development on site is located a substantial distance from TPO trees that will be unaffected by the development.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

Community Infrastructure Levy

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

Summary

Consequently the revised development resubmission would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions nor impact detrimentally on the character of the area. It is considered that standard of the accommodation that will be created will be good and the revised unit mix appropriate for this location. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3** Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 5** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

6 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

7 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policies 5.12 and 5.13 of the London Plan.

8 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

9 Before the development hereby permitted is first occupied, the windows in the flank elevations of the building except the 900mm width window of Bedroom 1 of Flat 2 (ground floor) shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

10 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

Reason:In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

11 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

12 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

13 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

You are further informed that:

- 1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2** You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 3** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Application:16/05560/FULL1

Address: 44 Westmoreland Road Bromley BR2 0QS

Proposal: Two storey rear extension, roof alterations and construction of side dormer extension together with conversion of building to provide 2 one bedroom and 4 two bedroom flats, car parking to front, bin stores, cycle stores, amenity space and associated landscaping.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 16/05875/FULL1

Ward:
Bickley

Address : Merrywood Bickley Park Road Bickley
Bromley BR1 2AY

OS Grid Ref: E: 542802 N: 168924

Applicant : Mr & Mrs K. Bhattessa

Objections : YES

Description of Development:

Demolition of existing detached dwelling and erection of a two storey building comprising 6 two bedroom and 3 one bedroom apartments with associated landscaping, parking, refuse and cycle storage

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 13
Smoke Control SCA 12
Smoke Control SCA 10

Proposal

Planning permission is sought to demolish Merrywood and erect a two storey structure comprising 6 two bedroom flats and 3 one bedroom flats. Three flats will be provided on each floor with accommodation in the roof space for the second floor flats. The proposed building will have a width of 23m and a length of 20m. The overall height will be 9.5m. The existing house has a height of 9.6m.

Access will be provided utilising the existing vehicle access to the site, with access gates set back from the highway and provision for 13 car parking spaces to the front of the building. Cycle and refuse store buildings will also be provided to the front of the building. A communal amenity area to the rear of the building will be provided, with an overall length of 21m.

Location

The site is located on the southern side of Bickley Park Road and comprises a detached two storey residential dwelling. The wider area forms part of the Bickley Area of Special Residential Character and consists of large detached dwellings and blocks of flats to the east.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- Noise and disruption from increase in intensity of the use of the site
- Party wall should be retained
- Impact on the special interest and characteristics of the Bickley Area of Special Residential Character
- Vegetation and screening should be retained - trees should be protected during development
- Merrywood and Clarewood are worthy of local listing and the loss of one of these architecturally important buildings would be regrettable and detrimental to the character of the area
- Excessive development for the site
- Inadequate amenity provided for future occupants
- Overlooking and loss of privacy
- Loss of light and overshadowing
- Impact on the party wall and structure concerns associated with this
- Inadequate car parking provision will lead to further parking stress on Bickley Park Road and the local area.
- Excessive hardstanding will have a visual impact on the area.

Consultations

Environmental Health (Housing) - combined living/kitchen areas in all flats is undesirable in terms of fire risk and crowding. Concern is raised that some windows may not allow for sufficient natural light and ventilation across eight of the proposed nine flats.

Environmental Health (Pollution) - no comments have been received however under the previous application no objection was raised in principle. Conditions were recommended in respect of gas boiler emission rate, electric car charging point and construction logistics/machinery/dust management.

Highways - 13 car parking spaces are satisfactory and the refuse store location is within 18m of the highway. The proposed cycle store should demonstrate secure cycle storage for 18 cycles. The access gates are set back from the highway to enable cars to leave Bickley Park Road and wait for the gates to open off of the highway. The access road should also be 4.5m in width. No concerns are raised subject to a set back of the gates and agreement of opening method. The secure cycle storage requirement can be secured by condition.

Thames Water - no objections raised subject to a standard informative.

Drainage - no objections raised subject to a standard condition.

Planning Considerations

National Planning Policy Framework, 2012

- Chapter 1 Building a Strong, competitive Economy
- Chapter 4 Promoting Sustainable Transport
- Chapter 6 Delivering a Wide Choice of High Quality Homes
- Chapter 7 Requiring Good Design
- Chapter 12 Conserving and Enhancing the Historic Environment

The most relevant London Plan policies are as follows:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Self-Sufficiency
- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

The most relevant Unitary Development Plan policies are as follows:

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density & Design
H9 Side Space
H10 Areas of Special Residential Character
T3 Parking
T18 Road Safety
NE5 Protected Species
NE7 Development and Trees

SPG No. 1 - General Design Principles
SPG No. 2 - Residential Design Guidance

Emerging Bromley Local Plan:

The Council is preparing a Local Plan and the final consultation on its proposed submission draft of the Local Plan closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). The updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, and indicated the submission of the draft Local Plan to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing Supply
Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 31 - Relieving Congestion
Draft Policy 32 - Road Safety
Draft Policy 33 - Access for All
Draft Policy 37 - General Design of Development
Draft Policy 44 - Areas of Special Residential Character
Draft Policy 72 - Protected Species
Draft Policy 73 - Development and Trees
Draft Policy 77 - Landscape Quality and Character
Draft Policy 113 - Waste Management in New Development
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 117- Water and Wastewater Infrastructure Capacity
Draft Policy 119 - Noise Pollution
Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

Planning History

Planning permission was refused under ref. 07/01601 for demolition of existing buildings and erection of 1 six bedroom detached house with accommodation in roof space and integral garage and 5 five bedroom detached houses with accommodation in the roof space, integral garages plus associated car parking and estate road on land at Westways and rear of Merrywood and Clarewood Bickley Park Road. The refusal grounds were as follows:

'The proposal represents a cramped overdevelopment of the site, out of character in this Area of Special Residential Character and detrimental to the amenities of the residents of the adjoining property Chevening, contrary to Policies BE1, H7 and H10 of the Unitary Development Plan.'

This application was subsequently allowed on appeal.

Planning permission was granted at Red Tree Cottage to the east of Merrywood under ref. 13/03646 for demolition of existing dwelling and erection of detached two storey building with accommodation in roofspace comprising of 5 two bedroom flats with 5 car parking spaces, cycle and refuse stores, and front and rear balconies and terrace.

Planning permission was refused at Durley Lodge to the east of Merrywood under ref. 15/04152 for demolition of existing dwelling and erection of two storey building, with accommodation in the roofspace, comprising of eight flats (4 x one bedroom; 2 x two bedroom; 2 x three bedroom apartments), together with associated parking and landscaping. The refusal grounds were as follows:

'The proposal, by reason of its excessive width, massing and site coverage, would constitute a cramped overdevelopment of the site, leading to an undesirable diminution in spatial standards of the Bickley Area of Special Residential Character, detrimental to its character and appearance, and contrary to Policies BE1, H10, H7 and H9 of the Unitary Development Plan and the Council's adopted Supplementary Planning Guidance 1 and 2.

The proposed means of vehicular access would fail to provide adequate clearance to enable vehicles to wait clear of the road while the gates are opening, or enable two cars to pass side by side adjacent to the site entrance, and will therefore be prejudicial to the free flow of traffic, contrary to Policy T18 of the Unitary Development Plan.

The proposed building, by reason of its 3rd floor balconies, would result in a loss of privacy and increased degree of overlooking into nearby properties (in particular Elmhurst to the rear), thereby contrary to Policy BE1 of the Unitary Development Plan.'

The application was subsequently allowed on appeal. When considering the character of the Area of Special Residential Character, the Inspector states:

'This part of the ASRC near the junction of Bickley Park Road with Blackbrook Lane has a mixed character. It has some large houses in spacious plots but also a residential care home, a group of modern terraced housing (Reynard Close) and flat developments at Farrants Court and the site of Red Tree Cottage to the east of the appeal site. It does not therefore comprise a uniform area of spacious housing.

The existing house is set well back in its plot behind a forecourt and a number of small trees and bushes on the road frontage, most of which would be retained to screen a larger area of hard surfacing and car parking. The proposed building would be in about the same position, alongside the adjacent detached house Cortlands, and would thereby respect the existing building line. The ridge and eaves height of the building would also be about the same as the existing house, with the front elevation retaining two gables and two small dormer windows on the roof slope similar to those on the existing house.

The building would be wider than the existing house but would be more centrally placed within the plot, moving it further away from the boundary with Cortlands where currently there is only a narrow gap between the two houses. The building would extend significantly closer to the eastern boundary than now, but the driveway to Elmhurst alongside ensures that a generous visual gap between the building and the new flats on the Red Tree Cottage site would be retained.

Overall the building would retain the general appearance of a large detached house. Being set well back behind a verdant frontage with a driveway to one side it would not appear out of character alongside the three detached houses to the west. To the east, the redevelopment of Red Tree Cottage with a building comprising five flats sets a clear precedent for the current proposal. This includes a front balcony, large windows, two dormer windows and forecourt car parking. The Council considers that the outward appearance of this building is comparable to that of a large detached house and the same would be true of the appeal proposal.

The proposal would not therefore significantly depart from the spatial standards in this part of the ASRC, would not appear cramped in the street scene and would not materially erode the quality and character of the area.'

Planning permission was refused at Merrywood under ref. 16/03597 for demolition of existing detached dwelling and erection of a 2.5 storey building comprising 9 two bedroom apartments with associated landscaping, parking, refuse and cycle storage. The refusal grounds were as follows:

'The proposal, by reason of its excessive bulk and scale, would be incongruous with the two storey residential character of this part of Bickley Park Road and would result in a harmful impact on the character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies BE1, H7 and H10 of the Unitary Development Plan.'

Conclusions

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

- Principle of Development
- Design/Impact on the character and appearance of the Area of Special Residential Character (ASRC)
- Standard of Residential Accommodation
- Impact on Adjoining Properties
- Highways and Traffic Issues
- Ecology and Trees

Principle of Development

Policy H1 (Housing) aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites. The suitability of windfall sites for housing purposes will be assessed against criteria: whether the site comprises previously developed land; the location of the site; the capacity of existing and potential infrastructure; physical and environmental constraints on the development site and the need to retain the existing land use on the site.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy 3.4 Optimising Housing Potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is located within an Area of Special Residential Character. In this case it is considered that the principle of development is acceptable however, dependent upon the level of harm on the character of the ASRC along with the other issues outlined above.

Impact on Local Character

The site falls within the Bickley Area of Special Residential Character (ASRC) where the Council will seek to preserve the special character and spatial qualities of the area. Bickley Park Road is largely characterised by detached two storey

residential properties with pitched roofs and traditional styles. Whilst the principle of flatted development may not be objected to, it is considered important to respect and preserve the individual qualities of the area.

The main reason for the refusal of the previous application ref. 16/03597 was the bulk and scale of the development and the harmful impact that this would have on the character of the ASRC. The current application has replaced the previously proposed mansard roof with a pitched roof with accommodation in the roof space and dormers. The width of the building has also been reduced by 1m in order to occupy less of the width of the overall site.

The proposal will replace a two storey detached dwelling with a two storey block of flats with accommodation within the roof space to provide a second floor. The overall height will be the same as the existing building and the bulk has been significantly reduced from the previous proposal as a result of the alteration to the roof design and the reduction in width.

Whilst the previously proposed mansard roof was considered to substantially alter the established character of the ASRC and erode the sense of space around the building, the current scheme would appear much more in keeping with the local character. Planning permission has been allowed on appeal at Durley Lodge to the east of the site. This building is sited in close proximity to the junction of Summer Hill and is a significant distance from Merrywood, however the principle of flatted development within the ASRC has been established.

The proposal at Durley Lodge included a two storey design with fully pitched roof and dormers, with the Inspector stating at appeal that the development would replicate some of the original roof features. The same can be said of the recent block of flats adjacent to Durley Lodge at Red Tree Cottage. This development is two storeys in height with a pitched roof and modest dormers. It is considered that the design of the current proposal is more in keeping with the area, respectful to the overall form of the ASRC and reflective of the size and roof shapes of these recent nearby consents. The proposal would therefore be considered to respect the character and appearance of this part of the Bickley ASRC.

Design and Standard of Accommodation

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 47 dwellings per hectare with the table giving a suggested level of between 50-95 dwellings per hectare in suburban areas with a PTAL rating of 3. The proposals would therefore result in a density marginally lower than the recommended density for the site, however this figure should not be applied mechanistically and should take account of the character and density of the area. In light of the site's location within a spacious ASRC, this minor shortfall in density is not considered an under-development in terms of the efficiency of the use of the site.

The London Plan suggests that the minimum size of a one bedroom two person flat should be 50 sq.m and a two bedroom four person flat should be 70 sq.m. The submitted plans indicate a floor area of between 63 sq.m and 103 sq.m for the proposed flats and therefore the dwellings are considered to comply with the requirements of the Technical Space Standards.

The proposal will provide suitable bedroom sizes, living areas, natural light and communal amenity/play space to the rear of the building. Four of the upper floor flats will also be provided with private balconies. It is considered that the standard of accommodation provided for future occupants would be suitable.

Impact on Neighbouring Amenities

Merrywood is sited in close proximity to Clarewood to the east, and this neighbouring property would be the most affected by the proposal. Merrywood currently possesses upper floor flank windows that overlook the rear garden of Clarewood. The proposal would site the new structure further from the flank boundary of the site and therefore may be considered to improve this relationship. The new building proposes no flank windows facing Clarewood and therefore it is considered that this neighbouring house would not be significantly overlooked. No significant impact on the amenities of neighbouring properties was considered to result under the previous application ref. 16/03597.

Whilst some trees would need to be removed from the site to accommodate the development, a landscaping condition can be imposed in order to retain a sense of privacy from neighbouring properties.

To the rear of the site, No. 6 Taryn Grove presents a flank elevation and obscure glazed windows towards the site. This arrangement would not result in significant loss of privacy to No. 6 and the siting of the new building would retain a 22m separation, which is similar to the existing relationship.

Impact on Highway Safety and Other Considerations

The proposal will utilise the existing access onto Bickley Park Road, and will be widened to allow for cars to pass one another. The proposed access gates will also be sited a suitable distance from the highway in order to allow for stopping off the road and waiting for the gates to open without causing disruption on the highway. The proposal includes 13 car parking spaces which are considered suitable in this location, providing a 1:1 ratio plus visitor parking. An adequate vehicle turning area is also provided within the site.

The proposed site plan indicates a refuse storage area that is a suitable distance from the highway for collection purposes. The proposed cycle store provides little detail on security and capacity, however its size appears suitable and these matters can be secured by condition.

The proposed gate will replace the existing tall gate at the front of the site. Whilst such a feature is not common in the locality (with low front boundary walls and open frontages common) it is not considered to result in a harmful impact given the

existing character of the site. The details of the gate can be secured by condition in order to control its appearance.

There are no objections raised in terms of the loss of trees at the site. Whilst many of the specimens to be removed are mature and of a positive amenity value, only one is protected and this will be retained. A landscaping scheme can be conditioned in order to ensure suitable replacements and boundary screening where necessary.

Summary

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character and appearance of this part of the Bickley Area of Special Residential Character and would not impact harmfully on the amenities of neighbouring properties. No significant impact on highway safety or trees would result from the proposal.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such**

positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 4** Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 5** Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 6** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: In order to comply with Policy 5.13 of the London Plan and to ensure the satisfactory drainage of the site.

- 7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 8 Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

- 9 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junction with Bickley Park Road and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not

prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 10 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 12 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 13 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 14 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-

certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 15 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 16 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

Reason: In order to comply with Policy 5.13 of the London Plan and to ensure the satisfactory drainage of the site.

- 17 Before the development hereby permitted is first occupied, the proposed window(s) in the first and second floor flank elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 18 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the hereby permitted, without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 19 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 20 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 21 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.**

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

- 22 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.**

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of highway safety.

You are further informed that :

- 1 This is a summary of the main reasons for this decision as required by law. The application has been determined in accordance with the development plan insofar as it is relevant and taking into account all other material planning considerations, including all the representations received. For further details, please see the application report (if the case was reported to Committee), the Unitary Development Plan and associated documents or write to Chief Planner quoting the above application number.**

- 2** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 3** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4** The applicant is advised that the wall located on the eastern side boundary of the site forms a party wall and therefore all necessary measures should be taken under the provisions of the Party Wall Act to ensure the structural stability and general condition of this wall in order to prevent damage to either the wall or neighbouring property.
- 5** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 6** Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant."

Application:16/05875/FULL1

Address: Merrywood Bickley Park Road Bickley Bromley BR1 2AY

Proposal: Demolition of existing detached dwelling and erection of a two storey building comprising 6 two bedroom and 3 one bedroom apartments with associated landscaping, parking, refuse and cycle storage



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 17/00024/FULL6

Ward:
Bickley

Address : 1 Bonar Place Chislehurst BR7 5RJ

OS Grid Ref: E: 542422 N: 170289

Applicant : Mr A Jacobs

Objections : YES

Description of Development:

Part 1/2 storey side extension, single storey rear extension. Replacement windows, re-cladding of roof. Demolition of existing garage and new hardstanding to front including new vehicular access.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

The proposal includes the provision of a part one/two storey side extension to increase the length of the previously constructed side extension and add a first floor of accommodation. The extension will have a pitched roof with a height of 7.2m to match the height of the house. The rear section will have a lower pitched roof with a height of 6.5m. The footprint of the side extension will be increased by adding a 2.1m long section to the front of the existing extension, resulting in a side extension that will retain a side space of 2.25m at the front corner of the site and 4.7m to the rear corner. The resulting two storey extension will have a width of 4.5m and a length of 10.8m.

The proposed rear extension will have a rear projection of 3.5m and a width of 4.0m. The roof will be flat with a height of 3.1m.

The proposal includes the demolition of the existing detached rear garage and the provision of a new vehicle access to the front of the house.

Elevational alterations include the replacement of windows, re-roofing and recladding of elevations along with the blocking up of an existing first floor flank elevation facing No. 2. A pitched roof will also be added to the existing front porch.

Location

The site is located on the corner of Bonar Place and Sundridge Avenue and comprises a detached two storey residential dwelling. The wider area is

characterised by predominantly similar residential dwellings set within spacious plots. The site is not located within a Conservation Area and the site has no designations pertinent to the consideration of the application.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- The loss of trees and increase in hardstanding would be detrimental to the character of the area. Any removed trees should be replaced at the site.
- Trees have been removed prior to the decision. A previous decision prevents the loss of trees by way of condition.
- Proposed materials will not match the building and wider area
- Excessive hardstanding at the site and incongruous hardstanding material
- Lack of windows to south east elevation will appear industrial

Consultations

Highways - The garage is being demolished although the 2 parking spaces in front if it will remain. A second crossover and parking area for 2 vehicles is proposed. There is a maximum width of 3m for a residential crossover so the layout will need to be agreed with Highways. The site is on the inside of a bend and so sightlines are affected. However, the site is within a cul-de-sac where traffic flows and speeds are likely to be low. The removal of vegetation from the frontage will also help the visibility.

Tree Officer - no objections raised.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space
NE7 Development and Trees
T3 Parking
T11 New Accesses
T18 Road Safety

Emerging Local Plan

The Council is preparing a Local Plan and the final consultation on its proposed submission draft of the Local Plan closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). The updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, and indicated the submission of the draft

Local Plan to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 - Residential Extensions
Draft Policy 8 - Side Space
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 73 - Development and Trees
Draft Policy 77 - Landscape Quality and Character

Planning History

Planning permission was granted under ref. 97/01984 for a single storey rear extension for conservatory.

Planning permission was granted under ref. 02/04278 for a single storey side extension. Condition 3 of this permission states:

'No trees at the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by or on behalf of the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.'

Reason: In order to comply with Policy G.28 of the adopted Unitary Development Plan and Policy NE7 of the second deposit draft Unitary Development Plan (Sept 2002) and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.'

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties. The impact on highway safety and trees are also considerations.

Impact on Character of the Area

The proposed two storey addition will reflect the architecture of the main house and will be set back 1.35m from the building line, thereby providing a sense of subservience to the main house. The proposed extension will have an acceptable bulk and scale and will not overdevelop the house or detract from its original character.

It is noted that a similar two storey extension has been granted under ref. 14/01581 at No. 2. This extension has been constructed.

The proposed side extension will retain a 2.25m side space to the front corner of the site and whilst this is not a significant separation, the set back of the extension

from the building line means that the built form will be staggered as the road bends. It is considered that the development would not therefore appear overly prominent or intrusive in the street scene. The side space increases to 4.7m to the rear of the extension and this would further reduce any sense of prominence.

The proposed rear extension will be modest in bulk and scale and subservient to the main house. The proposed roof to the front porch will also appear in context with the host building and will not impact harmfully on the character of the house. Subject to matching materials, it is considered that the proposal would not impact harmfully on the character of the area.

The demolition of the garage will increase the area of useable garden and this would offset the loss of garden space as a result of the further extensions to the house.

Impact on Residential Amenity

The extensions to the building will be significantly separated from the flank boundary adjoining No. 2 Bonar Place, with all other neighbouring properties separated by the highway. No windows are proposed in the flank elevation of the two storey extension. As a result, the proposed extensions are not considered to result in a detrimental impact on the amenities of neighbouring dwellings.

Highway Safety and Impact on Trees

In terms of highway safety, the provision of the new access is not considered to result in safety implications or the significant loss of on-street parking.

It is noted that three trees have been felled at the site during the course of the planning application's consideration. Whilst the historical condition attached to ref. 02/04278 is noted, this did not protect the trees at the site in perpetuity. Therefore it would not be considered reasonable to demand such a safeguard 15 years later, given that the trees were not covered by a Tree Preservation Order (TPO) or any other level of protection. It is considered that it would not be expedient to take further action in this regard and the Council's Tree Officer has raised no objections.

Summary

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. No impact on highway safety would result. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/02/04278 and DC/17/00024, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

Reason: In order to comply with Policy 5.13 of the London Plan and to ensure the satisfactory drainage of the site.

- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved**

under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 6 The additional accommodation shall be used only by members of the household occupying the dwelling at No. 1 Bonar Place and shall not be severed to form a separate self-contained unit.**

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

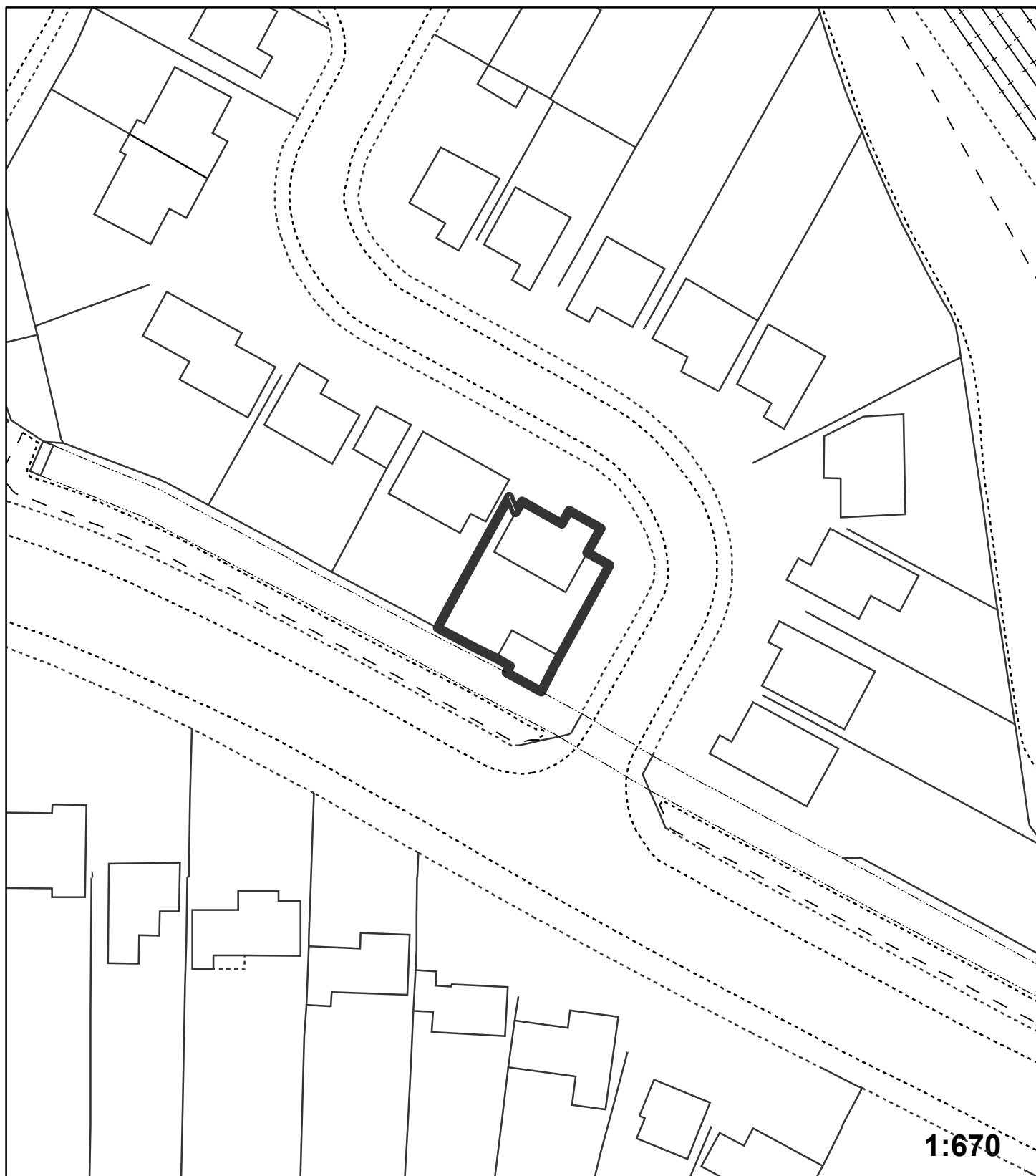
You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**

Application:17/00024/FULL6

Address: 1 Bonar Place Chislehurst BR7 5RJ

Proposal: Part 1/2 storey side extension, single storey rear extension. Replacement windows, re-cladding of roof. Demolition of existing garage and new hardstanding to front including new vehicular access.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 16/02529/FULL1

Ward:
Orpington

Address : 4 Hart Dyke Road Orpington BR5 4PL

OS Grid Ref: E: 547511 N: 166009

Applicant : Mrs Zeynap Kegan

Objections : No

Description of Development:

Single storey rear extension to No.4 Hart Dyke Road, demolition of detached garage and construction of 2-bed end-of-terrace dwelling

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 31

Description of Development:

The application site is located on the eastern side of Hart Dyke Road.

The site does not lie within a Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

The area is mixed in character with detached, semi-detached, terraced dwellings and flats in the surrounding area.

Planning permission is sought for the demolition of the existing garage and construction of a two-bed room end of terraced property together with a single storey extension to No. 4.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Highways:

The site has a PTAL rating of 1b (low) and so car ownership can be expected to be associated with occupants of the existing and proposed dwellings.

It is proposed that the new dwelling would utilise the existing drive for parking. Although not shown on any plans, I assume the existing dwelling will require a new vehicle crossover and parking in the front garden. This would involve the re-sting of an existing lamp column.

1 space should be sufficient for the proposed 2 bed dwelling, but it is likely that the existing 3 bed dwelling could generate demand for 2 spaces.

Hart Dyke Road is narrow but can accommodate on-street parking on one side and still allow HGVs/emergency service vehicles to pass through. Thus demand for 1 on-street parking space is unlikely to be detrimental the free flow of traffic or conditions of safety in the highway.

There are thus no objections to this proposal from the highway point of view subject to conditions contained in this report.

Considerations

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

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 6 – Delivering a wider choice of high quality homes

Chapter 7 – Requiring Good Design

London Plan (2015):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.14 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
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

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

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

Draft Local Plan (2016):

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety

Planning History

There is none for this site.

Planning considerations

It is considered the planning issues and considerations relate to:

- Principle of development and density;
- Housing Supply
- Design and scale;
- Neighbouring amenity;
- Standard of accommodation;
- Car parking and access;
- Cycle parking;
- Refuse;
- Trees;
- Sustainability and energy; and
- Community Infrastructure Levy

Principle of development and density

National, regional and local plan policies promote redevelopment of brownfield sites and optimising site potentials. There is however no presumption in favour of development sites created from rear gardens of residential houses. In this respect, policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally, externally and in relation to their context.

Section 6 of the National Planning policy Framework (NPPF) requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area. Section 7 further states that permission should be refused where a development fails to improve the character and quality of an area. Policy H7 of the Unitary Development Plan (UDP) clearly outlines the Council's policies for new housing.

Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

Policy H7 seeks to prevent unacceptable residential developments on backland and infill sites and *will be expected to meet all of the following criteria:*

- (i) the development complies with the density ranges set out in the density/ location matrix at Table 4.2 below;
- (ii) in the interest of creating mixed and balanced communities, the development provides a mix of housing types and sizes, or provides house types to address a local shortage;
- (iii) 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;
- (iv) adequate private or communal amenity spaces are provided to serve the needs of the particular occupants;
- (v) off street parking is provided at levels no more than set out in the Table at Appendix II. These are maximum parking standards. A higher provision will be acceptable only where it can be demonstrated that complying with the maximum standards would not be in the interest of the safety of highway users, or where additional parking is required to meet the needs of particular users, such as those with disabilities;
- (vi) the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and
- (vii) security and crime prevention measures are included in the design and layout of buildings and public areas.

This is supported in London Plan Policies 3.4 and 3.5.

The application site fronts onto Hart Dyke Road and this would form the basis of its character reference for the proposal in terms of plot sizes and built pattern of development. Plots in the area are predominantly rectangular in shape with front amenity spaces and long rear gardens. The proposed development proposes the removal of the existing garage and construction of an end of terraced dwelling, the area is characterised by both terraced and semi-detached properties the width of the plots ranging from 3 -15m on the corner. The new house would have a plot width of 5m which is 1m less than the new plot for No. 4. As such the proposal would fit into the established pattern and would not appear shoe horned into the built environment to the detriment of the areas character.

The site has a public transport accessibility level (PTAL) of 1b on a scale where 1 is poor and 6 is excellent. In terms of density Table 3.2 of the London Plan (LP) and Policy H7 of the UDP provide a density matrix and states for suburban areas with a PTAL of 0-1 in LP or 1-2 in UDP the density level should be between 150-200hr/ha. The density level at this site is proposed to be 187.5hr/ha. Whilst this density is within the ranges set out above, density is only one aspect of applications acceptability.

The site is currently developed for a less dense residential use. Therefore in this location the Council will consider residential replacement development 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. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of the new dwellings on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

As such it is considered that the principle of development can be accepted as the development is in compliance with Policies 3.4 and 3.5 of the London Plan and Policies H1 and H7 of the UDP.

Housing Supply

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document 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.

Design and Scale

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The proposed single storey rear extension is shown to have a flat roof resulting in a modern and contemporary design approach which contrasts against the host building. The extension is proposed to be matching rendered which will therefore blend in with the host building.

The proposed new house would be located immediately adjacent to the northern boundary. Whilst the proposal would not provide a "*minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building*" the proposal would not result in a terracing effect given that the new house is on the corner it does not conflict with the reason for the policy and as such is compatible.

The proposed end of terraced house is designed to be a continuation of the existing pair of semi-detached houses, it is shown to have a pitched roof to a maximum height of 8.1m (eaves 5.5m), the design of the new house and newly formed terrace are seen within the borough, the neighbouring properties are a mix of architectural styles and would not appear alien to the established layout, pattern and distinctive character and appearance of dwellings in the area.

Therefore, it is considered the proposed development would comply with Policy 7.6 of the London Plan and Policy BE1 of the UDP in that the dwelling does have proportion, composition and scale that enhances, activates and appropriately defines the public realm. The proposal would have regard to the form, function, and structure of the surrounding area and would not provide a positive relationship between the proposed and existing urban context.

Neighbouring Amenity

Policy BE1(v) of the UDP that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

The proposed new house would be located to the south of No. 12 Rye Crescent. A shadow study has been produced which shows the new development would not have any impact on neighbouring properties in terms of loss of light.

Given the location of the new house it is considered that this increase would not result in a loss of amenity in terms of light and increased sense of enclosure to any neighbouring property.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for the new house overlooking the rear amenity space and street. The outlook from windows from the proposed property is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property. There are no flank windows proposed.

The single storey rear extension is shown to project a maximum 3m from the original dwelling, which is the depth currently allowed under permitted development it is considered that the development would not result in an un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers at No. 2 to the south.

Standard of accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015). In addition, consideration needs to be given to Policies 3.8 and 7.2 of the London Plan.

The floor space size of each of the new unit would be approximately 83m². The nationally described space standard requires 79m² for a 2-storey four person two bedroomed unit. On this basis, the floorspace provision for the unit is close to the required standards and is similar to the adjoining properties and is therefore considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

The proposed amenity space to the rear would be accessed from the ground floor however would only measure 75m² (~5m x ~15m) which is considered to be acceptable for a unit of this size.

Car Parking and Access

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy T3 of the UDP. The proposed development would provide 1 off-street parking spaces (and a new parking space for the original unit).

The Council's Highway Officer has reviewed the current application and not raised objection due to adequate on site provision and suitable access and manoeuvring arrangements.

Cycle parking

London Plan requires two cycle spaces per dwelling, no details of any lockable storage has been provided, however subject to further details required in a condition no objection is raised in this regard.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage. Further details regarding a containment structure can be conditioned as necessary.

Trees and landscaping

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has submitted a number of criteria to achieve a sustainable development listed in the Design and Access Statement which outlines that it will be possible for the development to meet these objectives.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to complete the relevant form.

Conclusion

Having had regard to the above, Members are asked to consider if the proposed single storey rear extension to No.4 Hart Dyke Road, demolition of detached garage and construction of 2-bed end-of-terrace dwelling is acceptable as detailed in the report. It is considered that the development has been carefully and sympathetically designed to ensure that the proposal would not result in amenity implications that would harm the quality of life of existing surrounding.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/02529/FULL1 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 5 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 6** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure a satisfactory means of surface water drainage and to accord with Policy 5.16 of the London Plan.

- 7** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9** Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate)

shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 11 Before any part of the development hereby permitted is first occupied the drives shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 0.6m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.

- 12 No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy BE1 of the Unitary Development Plan.

- 13 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that:

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and

Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 4 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 5 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 6 Before demolition commences, the Applicant is advised to have a full pre-demolition survey carried out to identify any asbestos containing products which may be in the building, and then contact the Health & Safety Executive to ensure compliance with all relevant legislation. The Applicant should ensure compliance with the Control of Asbestos Regulations 2012 and the Health and Safety at Work Act 1974 in relation to the safe removal of any asbestos on site prior to demolition.
- 7 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 8 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are

not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 10 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

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Application:16/02529/FULL1

Address: 4 Hart Dyke Road Orpington BR5 4PL

Proposal: Single storey rear extension to No.4 Hart Dyke Road, demolition of detached garage and construction of 2-bed end-of-terrace dwelling



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 16/05237/FULL2

Ward:
Chislehurst

Address : 3 Royal Parade Chislehurst BR7 6NR

OS Grid Ref: E: 544384 N: 170146

Applicant : Mrs Cindy Aust

Objections : No

Description of Development:

Change of use from A1 (retail) to A2 (financial and professional services)

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

Planning permission is sought for a change of use of the ground floor retail unit (Class A1) to financial services (Class A2).

The site is currently a retail unit, which is occupied by "Annabel's" an independent retailer. The premises is locally listed and is located on Royal Parade, which is a local parade within Chislehurst Conservation Area.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

The Chislehurst Society objected to the loss of retail space.

Highways raised no objections.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (2006)

S5 Local Neighbourhood Centres, Parades and Individual Shops

S10 Non-Retail uses in shopping areas

T3 Parking

T18 Road Safety

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 96 Neighbourhood Centres, Parades and Individual Shops
Draft Policy 30 Parking
Draft Policy 32 Road Safety

The following London Plan Policies are relevant:

Policy 2.7 Outer London: Economy
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
Policy 4.9 Small Shops
Policy 6.13 Parking

The National Planning Policy Framework (2012) is also a consideration.

Planning History

02/03259/FULL1; Extension to form second floor with first floor rear extension; permitted
02/03374/ADV; Lengthened non-illuminated fascia signed; advertisement consent granted
02/03381/FULL1; Shopfront; Permitted
03/04165; Extension to form second floor with first floor rear extension - Revision to permission 02/03258 to raise rear roof height; Permitted
06/00359/FULL2; Revised kitchen ventilation system to flat roof (Nos. 3 and 4 Royal Parade); Refused

Conclusions

The main issues relating to the application are the effect that it has on the shopping function of the Primary Frontage, the impact that it has on the amenities of the occupants of surrounding residential properties, with particular regard to the policies set out above.

Policy S5 states that change of use from A1 (shops) to other uses will be permitted provided that, the use proposed contributes to the range of local services. Policy S10 of the UDP considers that to enable shopping centres to remain vibrant, a diversity of uses that complement the retail function is necessary. Non-retail uses within Classes A2, A3, A4 and A5 can generate high levels of pedestrian activity and may be appropriate complementary uses, provided that the retail function of the centre is not undermined. There are no A2 units within this local parade, and as such it is considered that this change of use would therefore contribute to the

range of services in this parade and would contribute to the vitality of the local parade.

The proposed opening hours would be 9-6 Monday to Friday, 9-5 on Saturday and 10-4 on Sunday which is very similar to the other units along this parade, and given that there are some restaurants which will stay open later into the evening this is considered to be acceptable. The proposed change of use would provide an increase in employment by providing up to 3 full-time members of staff.

There appears to be residential property above the shop but there is not likely to be any impact on this adjoining owner as a result of the change of use as the operating hours and the amount of visitors attracted to the unit would be similar to that of the A1 shop.

In terms of the impact on parking, no objections have been raised from Highways engineers given the existing pay and display parking bays along Royal Parade.

Summary

Having regard to the relevant provisions of the Policies of the London Plan 2015, Policies S5, S10, T3 and T18 of the Unitary Development Plan, 2006, and other material considerations; it is considered that the proposed development would not materially harm the amenity of the surrounding occupiers nor the vitality of the local parade and would complement the existing retail function of the area.

As such, it is recommended that planning permission should be granted with the conditions set out in this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/05237 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3** The use shall not take place except during the hours of 09:00 and 18:00 Monday to Friday, 09:00 and 17:00 on Saturday and 10:00 and 16:00 on Sunday

REASON: In the interests of residential amenity and in compliance with Policy BE1 of the Unitary Development Plan.

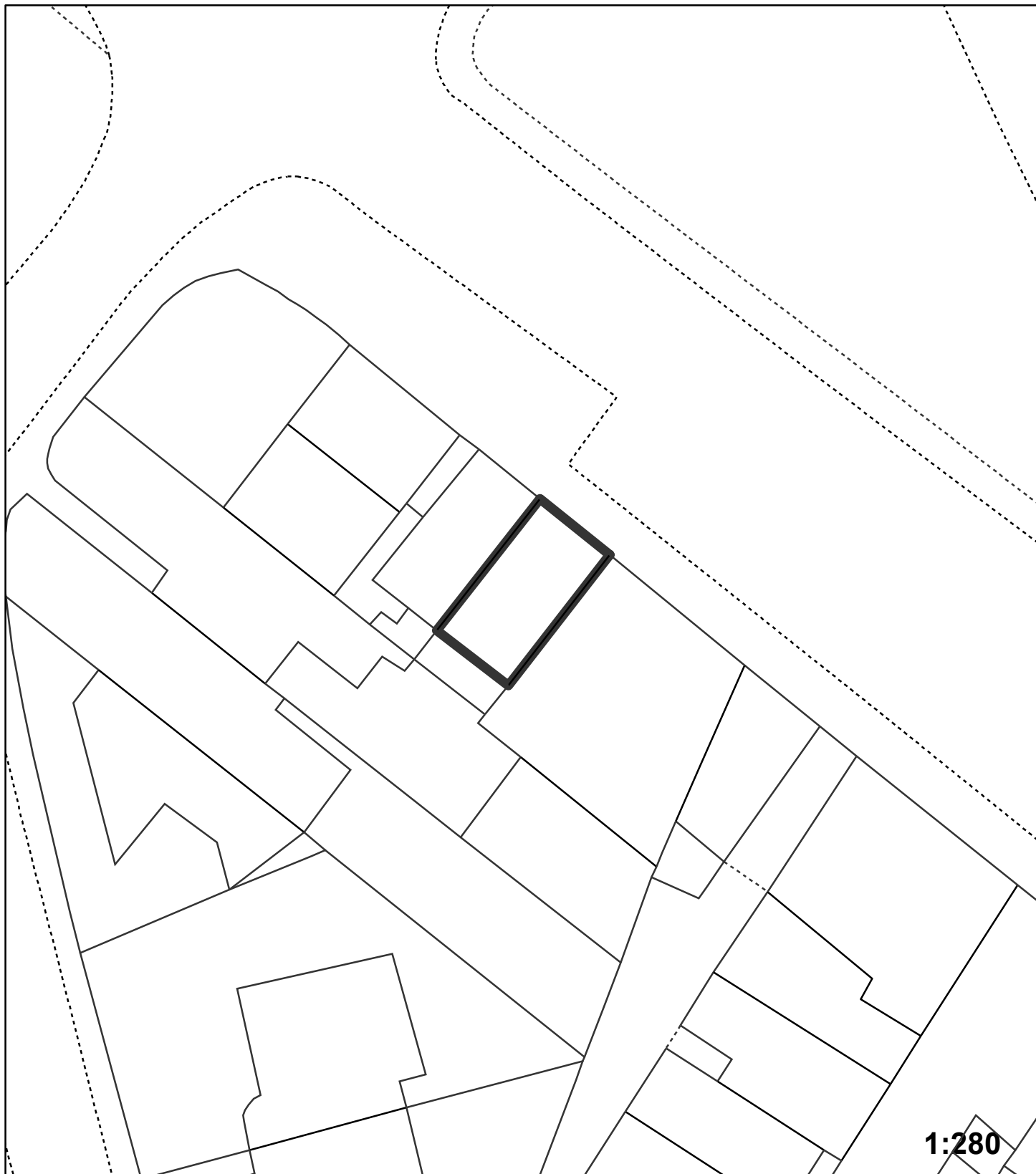
- 4** The premises shall be used for financial services (Use Class A2) and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). There shall be no change of use permitted by the Town and Country Planning (General Permitted Development) Order or any subsequent variation thereof.

REASON: To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area and Policy BE1 of the Unitary Development Plan.

Application:16/05237/FULL2

Address: 3 Royal Parade Chislehurst BR7 6NR

Proposal: Change of use from A1 (retail) to A2 (financial and professional services)



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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 16/05849/FULL1

Ward:
Copers Cope

Address : 63 Copers Cope Road Beckenham BR3
1NJ

OS Grid Ref: E: 536785 N: 170367

Applicant : Springhead Capital Management &
Omega Mears

Objections : YES

Description of Development:

CHANGE OF USE FROM CARE HOME (CLASS C2) TO A TEMPORARY
RESIDENTIAL SUPPORT CENTRE / HOSTEL (SUI GENERIS)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

- Temporary change of use for up to 3 years from Nursing Home (Use Class C2) to a residential support centre/hostel to provide short-term accommodation for people on the Council's housing waiting list (Use Class Sui Generis)
- No external alterations are proposed however the building will undergo some updating internally including the provision of additional kitchen/dining areas
- 41 bedrooms will be provided (5 x single bedrooms/35 x double bedrooms/1 x disabled bedroom)
- 5 communal kitchen/dining areas are proposed along with family room/shared communal facilities and quiet areas
- 30 bedrooms will be ensuite and additional shared W/Cs and bathrooms will be provided
- An office is proposed on the ground floor and a staff room on the lower ground floor and the building will be staffed 24 hours per day, 365 days of the year

The applicant has submitted the following documents in support of their application:

Supporting letter/Planning Statement ref.26791/A3/AJ (Dec 2016):

In summary, this document concludes that the proposal will bring a vacant former care home back into useful occupation whilst contributing towards meeting an

identified need for additional accommodation for people on the Council's housing waiting list. The applicant considers that the proposal accords with planning policy and that it would not harm the character or visual amenity of the area, nor would it result in an unacceptable impact on residential amenity. The applicant refers to 2 recently approved developments in Orpington (ref's 13/01055/FULL2 and 15/00969/FULL2).

Management Plan by Omega Mears (Nov 2016):

This document sets out a comprehensive strategy for the management of the premises and the conduct expected of staff.

Supporting Statement from the London Borough of Bromley's Housing Department (Dec 2016):

This sets out the case for why additional temporary accommodation is required. It states that the number of households in temporary accommodation in Bromley more than doubled between 2011 and 2016. The proposed accommodation will provide cost effective, local, supported temporary accommodation for local households, against the alternative use of nightly paid accommodation, ensuring they are close to local support networks, employment and schooling. Furthermore, the intensive housing management and support service will provide residents with the help they need to gain the necessary skills to sustain independent living and to avoid repeat homelessness in the future.

Marketing letter from B&K Consultancy (June 2015):

This letter outlines the marketing activities that have taken place in relation to the site and the responses which have been received along with feedback received. It recommends that approaches be made to alternative use purchasers, such as residential developers, since these types of enquiries have been more prevalent and offers have been received in respect of re-developing the site for residential use.

Location

- The application site is approximately 0.11 hectares in area and is positioned on the corner of the junction of Copers Cope Road and Park Road;
- it comprises a large detached building maximum three storeys in height which has been in use as a Nursing Home under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- The building is currently vacant;
- To the north of the site on the opposite side of Park Road is the boundary of the edge of the Copers Cope Conservation Area which extends north along Copers Cope Road and to the east as far as No.48 Park Road;
- Immediately to the west of the site is No.123 Park Road, a detached dwellinghouse;
- To the south of the site, at No.53 Copers Cope Road, is a four storey flatted development;
- The surrounding area is predominantly residential in character comprising large flatted developments as well as single dwellinghouses;
- New Beckenham train station lies approximately 40m to the west of the site

- The application site is within an area with a public transport accessibility level (PTAL) of 2 (on a scale of 0 - 6b where 6b is the most accessible).

Consultations

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

- Will make area unsafe for children walking to the nearby school
- There will be drug dealing and other illegal business in the under passage next to New Beckenham Station
- This area is fully residential with no shopping facilities or other facilities that the proposed residents may want and so is completely unsuitable
- Astounded that Bromley Council closed care home for the elderly to replace with a halfway house
- Worried how many families will be housed as many local residents are elderly and prone to noise
- traffic from New Beckenham station creates parking problems
- no street lighting
- do not wish to feel even more vulnerable
- the area will be "exposed" to the problems of the residents at the centre
- behavioural problems, anti-social behaviour, increase in crime, creation of fear in neighbourhood, noise, littering, criminal damage, loitering
- additional congestion
- potential for more accidents on Copers Cope Road
- why is it necessary to wait for 2 years prior to building a block of luxury flats?
- Discrepancy over length of period of use
- Area is not very well lit and slightly "off the beaten track"
- Not the right place for a homeless shelter
- Not in keeping with residential nature and ambience of Beckenham
- Detrimental to local residents
- Could become a permanent fixture
- This application and the Lawful Development Certificate application are mutually exclusive
- Proposed use does not fall within Class C2 or any other use class, it is sui generis
- Guidance on the use of temporary conditions does not support a three year period which is being sought
- If the use accords with planning policy it is not appropriate to seek to make the permission temporary
- The need identified by the Council's Housing Department has no planning relevance to this specific application
- There is no evidence of any unsuccessful marketing
- Inadequate parking
- The site has a low PTAL rating and is therefore not easily accessible by public transport
- The intensification of use which will have an impact on amenity is not resolved by management within the hostel itself
- No jobs available nearby

- There were problems when this property was a Barnados home with youths living there
- Number of dwelling units excessive for the size of the site and will result in congestion
- Would be better to use for care to release hospital beds
- The Council should be focusing on securing self-contained accommodation
- Report does not indicate the building is unsuitable for use as a care home
- No assurance that the occupants will be families
- Beckenham tram stop is not 'nearby'
- Management Plan heightens fears
- Don't want to live amongst people with issues again
- Insufficient supporting evidence on the socio-economic impact of the proposals on the local community.

The Council's Highways Development Engineers: no objections subject to occupiers of the development not having access to a motor vehicle which should be secured through the tenancy agreement.

The Council's Environmental Health Team: no objections from a pollution perspective; the Housing Enforcement Officer has provided detailed comments on the internal living standards of the proposed accommodation in accordance with LB Bromley's adopted standards for HMO's.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (UDP):

BE1 Design of New Development
 BE13 Development Adjacent to a Conservation Area
 C1 Community Facilities
 C5 Facilities for Vulnerable Groups
 C6 Residential proposals for people with particular accommodation requirements
 H4 Supported Housing
 IMP1 Planning Obligations
 T1 Transport Demand
 T2 Assessment of Transport Effects
 T3 Parking
 T7 Cyclists
 T8 Other Road Users
 T9 and T10 Public Transport
 T18 Road safety

Planning Obligations SPD (2010)

The final consultation for the Preferred Submission draft Local Plan was completed on December 31st 2016. It is expected that the Examination in Public will commence in 2017. The weight attached to the draft policies increases as the

Local Plan process advances. These documents are a material consideration (albeit it of limited weight at this stage). Policies relevant to this application include:

Draft policy 11: Specialist and Older People's Accommodation
Draft policy 21: Opportunities for Community Facilities
Draft policy 30: Parking
Draft policy 32: Road Safety
Draft policy 37: General Design of Development
Draft policy 42: Development adjacent to a Conservation Area
Draft policy 99: Residential Accommodation
Draft policy 125: Delivery and implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

3.5 Quality and design of housing developments
3.8 Housing choice
3.9 Mixed and balanced communities
3.14 Existing Housing
3.16 Protection and enhancement of social infrastructure
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.10 Walking
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public Realm
7.8 Heritage assets and archaeology
7.13 Safety, security and resilience to emergency
7.14 Improving Air Quality
8.3 Community infrastructure levy

The 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. Both sets of alterations have been considered by an independent inspector at an examination in public and were published on 14th March 2016. The most relevant changes to policies include:

3.8 Housing Choice
6.13 Parking

The relevant London Plan SPGs are:

Housing (March 2016)
Accessible London: Achieving an Inclusive Environment (2014)

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

14: achieving sustainable development
17: principles of planning
56 to 66: design of development
69-70: promoting healthy communities
128 -137: heritage assets

Planning History

There is an extensive planning history attached to this site. The most relevant applications are as follows:

89/02526/FUL: Planning permission granted for change of use from children's home to nursing home, conversion of basement into flat, part single storey/part three storey rear extension and three storey external fire escape.

92/02698/FUL: Planning permission granted for enlargement of nursing home to include 4 storey side extension, entrance ramps and canopy to front with alterations to front car park.

94/02351/FUL: Part basement/2 storey/4 storey side/rear extension to nursing home access ramp detached pagoda and 4staff parking spaces with vehicular access at rear, amended fenestration to flank elevation of 4 storey side extension granted permission under ref.92/2698.

16/05422/PLUD: Change of use of nursing home (C2 use) to residential support centre providing accommodation, care, support services and training to occupiers under Use Class C2. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - APPLICATION WITHDRAWN

Conclusions

The main issues to be considered in respect of the current proposal are:

- Acceptability of the loss of the existing nursing home use and acceptability, in principle, of the proposed use;
- Impact on neighbouring amenity;
- Highways impacts;
- Housing Issues;
- Planning Obligations.

Acceptability in principle

The NPPF, at paragraph 69 states that planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Furthermore, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (Para 70, NPPF).

Proposals which would result in the loss of social infrastructure in an area where there is a defined need for such a use will be resisted. In the case of redundant or vacant premises, their suitability for the provision of other forms of high quality social infrastructure for which there is a defined need in the locality should be considered (Policy 3.16, London Plan). Policy 3.14 of the London Plan relates to existing housing and identifies the need to retain existing housing stock for all elements of the community and paragraph 3.83 refers to the retention of existing sites providing an element of care and indicates that where shortfalls of specialist housing needs have been identified the possibility of using these sites for other providers of specialist or supported needs accommodation should be explored.

UDP policy C1 is the current adopted policy in respect of the retention of community uses however this does not specifically identify the retention of C2 Care Home uses. Draft Policy 11 of the Draft submission Local Plan resists the loss of sites currently providing specialist accommodation unless it can be demonstrated that there is no demand for the existing accommodation and no demand for sites from alternative providers, or there is equal or greater replacement provision of improved specialist accommodation in an alternative appropriate location. Although this is a draft policy its weight is increasing as the Local Plan progresses.

At the same time the London Plan makes clear that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments and promotes mixed and balanced communities across London stating that "Local Authorities' homelessness strategies will also be important tools in delivering this aim" (Para 3.58, policies 3.8 and 3.9). Furthermore, policy H4 of the UDP permits

proposals which increase the provision of supported housing, except where it can be demonstrated that there would be significant harm to residential amenity.

Shared accommodation or houses in multiple occupation is a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock, though its quality can give rise to concern (Para.3.55, London Plan).

According to the applicant, the application site ceased to operate as a nursing home on 4th September 2016 and has been vacant since then. A supporting document was received on 2nd Feb 2017 confirming that the site has been marketed since September 2014, however, limited interest was received in respect of the continued use of the site as a care/nursing home. Furthermore, the overall feedback received was that the internal layout makes the building inadequate for meeting current requirements for accommodation and accessibility. They conclude that it would not be viable to redevelop the site for a care home or nursing home use.

The application is also accompanied by a letter from LB Bromley Housing Department (Dec 2016) which sets out the need for accommodation for homeless persons. In essence, a reduction in new build accommodation, increases in private sector rents and changes within social housing has meant that the number of people in temporary housing has dramatically increased in recent years. The proposal will provide 41 units of cost-effective temporary accommodation, providing residents with the support and skills they need to sustain future independent living.

In terms of accessibility, it is noted that although the site is in an area with a fairly low PTAL rating of 2, New Beckenham station is located within 40m of the site and there is a bus stop within approximately 160m of the site serving bus routes which go near to Beckenham junction station and direct to Beckenham High Street. As such occupiers of the development would be able to access nearby amenities without reliance on private transport.

As confirmed in the accompanying letter from the Council's Housing Department, there is clear need for temporary residential accommodation for homeless families in the Borough and the supporting marketing information submitted confirms that the existing use as the building as a nursing or care home is demonstrably no longer in demand. Furthermore, there is a strong emphasis in national and local policy towards the need to create mixed and balanced communities and promoting social inclusion and more sustainable and healthy communities. In this respect, the proposed residential support centre/hostel is considered acceptable, in principle, in this predominantly residential location.

Impact on residential amenity

There have been numerous objections received from local residents regarding concerns over increased noise, crime and anti-social behaviour in the vicinity of the site and around the existing pedestrian subway to the west of the site. Paragraph 3.1.24 of the Draft Submission Local Plan recognises the importance of ensuring that the impact of community facilities in respect of noise, hours of operation,

highway safety or other environmental impacts are appropriately mitigated, for example through planning conditions or obligations. Similarly, adopted policy BE1 of the UDP seeks to ensure that occupiers of neighbouring buildings are not harmed by noise and disturbance while policy C5 states that facilities for vulnerable groups will be resisted where it can be demonstrated that such development would have a significant adverse effect on residential amenity.

In contrast to the existing lawful use of the site as a nursing home (Use Class C2), the proposed sui generis use would constitute a material change of use of the site with different characteristics to the previous use, particularly in terms of the external effects on the character of the area and on local residents which are likely to be more significant since residents of a nursing home will generally be less mobile than residents of the proposed homeless hostel who will be able to come and go more freely.

However, it is noted that the facility will be staffed at all times, including by onsite security at night time and 24 hours per day at the weekend to help ensure it has minimal impact on local residents. In addition, the supporting statement from LBB's Housing Department assures there are a clear set of proposals to ensure that lines of communication are continually available for local residents to report any concerns. It is also important to recognise that the hostel facility would accommodate a range of people on the Council's housing waiting list, whose backgrounds and needs are diverse and include families and those with children, vulnerable young adults and others whose needs arise from health care or other issues. As such it is unlikely that the proposed development, given the diverse nature of its occupants, would give rise to a significant loss of amenity to local residents.

Furthermore, the applicant states that the staffing levels will be significantly less intensive than that required for the care home and while there may be some intensification of use in terms of numbers of residents; this will be off-set in part by the reduction in the staff numbers. On balance, it is therefore considered that the proposed use will not, in itself, give rise to a significant loss of amenity to neighbouring residents as a result of any intensification of the use.

There are no external alterations proposed to the main building or within the site's curtilage which would impact on the daylight, outlook or privacy of occupiers of adjacent buildings and, overall, the proposal is unlikely to significantly impact on the character and appearance of the area or on adjacent Heritage Assets.

Nevertheless, it is suggested that a time-limiting condition for the proposed use is applied to any grant of planning permission, reflecting the temporary length of use required by the applicant. This would enable the impact on local residents to be reconsidered in light of the circumstances at that time and also to enable reconsideration of the loss of the C2 use in light of the adopted Local Plan and the demand for specialist accommodation. The NPPG, at paragraph 014, provides guidance on the use of time limiting conditions, stating that where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, these will rarely pass the test of necessity. However, circumstances where a

temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area. There is no presumption that a temporary grant of planning permission should be granted permanently.

Highways Impacts

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. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. For facilities for vulnerable groups, parking requirements will be dependent upon the nature of the facility.

The proposal will utilise 7 existing car parking spaces to the front of the site, accessed from Park Road, for staff and disabled users only. Concerns have been raised by local residents regarding additional parking and traffic congestion in the site's vicinity. The applicant maintains that housing will only be made available to those without a motor vehicle, which can be secured through a clause in the tenancy agreement and a condition is recommended accordingly. Furthermore, as set out above, the proposed use is unlikely to result in a significant intensification of the number of vehicle trips to the site given that staffing numbers will be lower than for the previous use of the site.

Cycle parking should also be provided in accordance with policy 6.9 and table 6.3 of the London Plan. The applicant has confirmed in their planning statement that opportunities for the provision of secure cycle parking spaces exist within the site and a cycle parking condition is recommended accordingly. Details of the provision of refuse and recycling facilities are also required by way of condition.

Overall, the proposal is therefore considered acceptable from a highways and road safety perspective.

Housing Issues

Density:

In relation to the proposed development, The London Plan SPG; Housing, confirms that the density matrix at table 3.2 of the London Plan relates only to Use Class C3 dwelling houses. It is not intended for applications to short term serviced

accommodation, student hostels, or residential institutions (Para.1.3.12, Housing SPG).

Standard of Residential Accommodation:

The Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies. The standards set out the minimum level of quality and design that new homes should meet, however, the SPG makes clear that the standards do not apply to specialist forms of housing which are not in the C3 use class such as student housing, care homes and homes in multiple occupation. In the case of the application proposal, the standard of accommodation being proposed would, in this instance, not fall under the remit of the planning system.

Furthermore the access standards, which are set through the Part M of the Building Regulations, do not generally apply to dwellings resulting from a conversion or change of use (para.2.1.13, Housing SPG).

Planning Obligations

The London Plan, at policy 3.16, states that Borough's should ensure that adequate social infrastructure provision is made to support new development, particularly in areas of major new development. The Council's Planning Obligations SPD supplements the policies of the UDP and sets out the requirements and mechanisms for infrastructure contributions. Education and health contributions, it states, will only usually be sought from major residential developments and specialist accommodation will normally be excluded from education calculations. This application does not fall within the statutory definition of a 'major development' as the site less than 1ha in area and the proposal does not involve the provision of any additional floorspace. Also, being a specialist form of accommodation, the proposal would not be liable to provide contributions towards health or education infrastructure.

Summary

The application site has been marketed for a continued Class C2 use (as a care home) and the use of the building for such uses is demonstrably no longer in demand. Furthermore, there is a defined need for temporary residential accommodation for homeless families in the Borough. In this instance the application site is considered suitable for the proposed residential support centre/homeless people's hostel use in terms of its accessibility to sustainable transport modes and the highways impacts it would have which are also considered acceptable.

While it is clear the external effects of the proposed use would be more significant than that of the previous use as a nursing home, in this instance it is not considered that the impact on local residents would be harmful enough to warrant refusal of the application, particularly as the applicant is only seeking a temporary change of use for up to 3 years (including a 1 year period of internal

modifications/refitting), which would see this empty property brought back into use prior to any longer term regeneration plans coming forward for the site.

Background papers referred to during production of this report comprise all correspondence on the file refs 16/05849/FULL1 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 31.01.2017 02.02.2017

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The use hereby permitted shall be discontinued on or before the 28th February 2020**

Reason: In order to comply with Policies BE1 and H4 of the Unitary Development Plan and so that the situation can be reconsidered in the light of the circumstances at that time and in the interest of the amenities of the area.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policies BE1 and H4 of the Unitary Development Plan and in the interest of the residential amenities of the area.

- 3 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order**

amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 5** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 6** Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

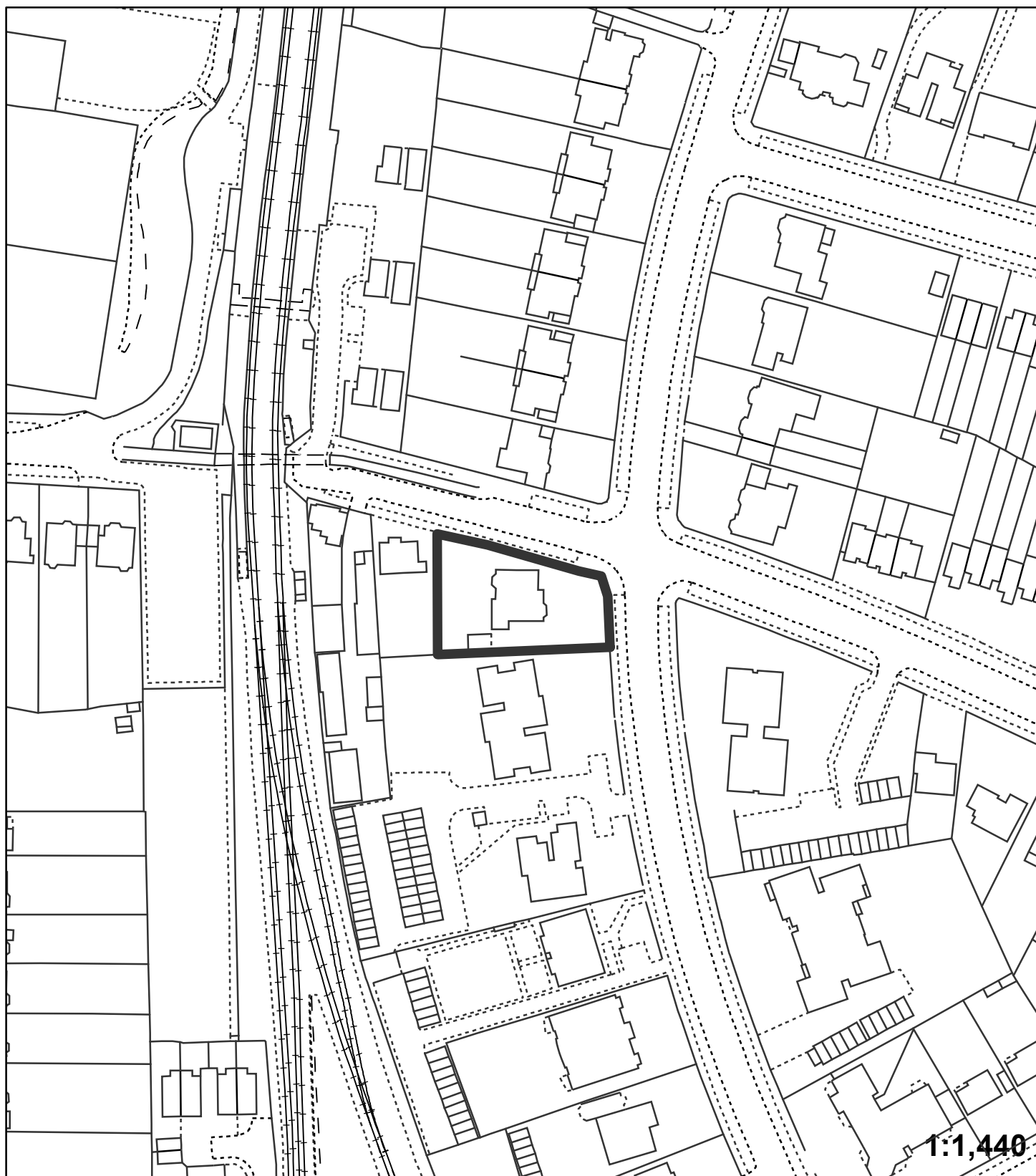
Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

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Application:16/05849/FULL1

Address: 63 Copers Cope Road Beckenham BR3 1NJ

Proposal: CHANGE OF USE FROM CARE HOME (CLASS C2) TO A TEMPORARY RESIDENTIAL SUPPORT CENTRE / HOSTEL (SUI GENERIS)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 16/05544/FULL1

Ward:
Mottingham And Chislehurst
North

Address : 5 Clarence Road Mottingham London
SE9 4SJ

OS Grid Ref: E: 542294 N: 172651

Applicant : Mr A Payton

Objections : No

Description of Development:

Two storey rear extension to no.5 Clarence Road and Construction of 3-bed end of terraced dwelling

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

The application site is located on the southern side of Clarence Road. The site is currently the side garden of the end-of terraced dwelling known as 5 Clarence Road which is located to the east. There are 4 pairs of semi-detached properties to the west of the site which have a staggered building line following the bend in the road and there are flats opposite.

Planning permission is sought for a two storey rear extension to No. 5 Clarence Road and the construction of 3-bed end of terraced dwelling. The new dwelling would have a footprint of 58.029 sqm, 6.67m wide, a maximum depth at ground floor level of 8.7m (7.75m at first floor) with a pitched roof to match the terrace to a maximum height of 7.6m (eaves 5.025m).

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Highways:

The applicant is suggesting that the existing front drive to number 5 will now become the new drive for the proposed property and as before, have sufficient for off road parking for two vehicles and number 5 Clarence road will also be able to accommodate two vehicles on their newly formed front drive. This is satisfactory

subject to conditions regarding parking, front boundary enclosures, refuse, cycle parking, drainage and stopping up of an access.

Drainage:

The site is within the area in which the Environment Agency – Thames Region which require restrictions on the rate of discharge of surface water. As such no objections subject to conditions regarding surface water and SUDS.

Thames Water:

No objections subject to conditions.

Planning Considerations

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

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 7 – Requiring Good Design

The London Plan (2015):

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3.8 Housing Choice
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.2 An Inclusive Environment
- Policy 7.4 Local Character
- Policy 7.6 Architecture

Unitary Development Plan (2006):

- BE1 Design of New Development
- H7 Housing Design
- T11 New Accesses
- T3 Parking

Draft Local Plan (2016):

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Daft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety

Planning History:

Planning permission was refused under ref: 16/02521/FULL1 for the construction of 2-bed end of terraced dwelling. The application was refused for the following reasons:

1. The proposed development by reason of its design, height, scale and mass would be an inappropriate development at this site, that would be out of proportion and out of keeping with the scale and design of the host properties, contrary to Policies 3.5 and 7.4 of the London Plan (2015), Policies H7 and BE1 of the Unitary Development Plan (2006) and the National Planning Policy Framework.

2. The proposed new dwelling, due to its position, height, scale, bulk and close proximity to the neighbouring No. 7 Clarence Road, would have an adverse impact on neighbour's amenities in terms of loss of outlook, an increase sense of enclosure contrary to Policy 7.6 of the London Plan (2015) and Policy BE1 of the Unitary Development Plan (2006).

Conclusions:

It is considered the planning issues and considerations relate to:

- Principle of development and density;
- Housing Supply;
- Character including design, scale and bulk;
- Neighbouring amenity;
- Standard of accommodation;
- Car Parking and Access;
- Cycle Parking;
- Refuse;
- Sustainability and Energy;
- Landscaping; and
- Community Infrastructure Levy;

Principle of development and density:

National, regional and local plan policies promote redevelopment of brownfield sites and optimising site potentials. There is however no presumption in favour of development sites created from rear gardens of residential houses. In this respect, policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally, externally and in relation to their context.

Policy H7 seeks to prevent unacceptable residential developments on backland and infill sites and *will be expected to meet all of the following criteria:*

(i) the development complies with the density ranges set out in the density/ location matrix at Table 4.2 below;

(ii) in the interest of creating mixed and balanced communities, the development provides a mix of housing types and sizes, or provides house types to address a

local shortage;

(iii) 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;

(iv) adequate private or communal amenity spaces are provided to serve the needs of the particular occupants;

(v) off street parking is provided at levels no more than set out in the Table at Appendix II. These are maximum parking standards. A higher provision will be acceptable only where it can be demonstrated that complying with the maximum standards would not be in the interest of the safety of highway users, or where additional parking is required to meet the needs of particular users, such as those with disabilities;

(vi) the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and

(vii) security and crime prevention measures are included in the design and layout of buildings and public areas.

This is supported in London Plan Policies 3.4 and 3.5.

The application site fronts onto Clarence Road and this would form the basis of its character reference for the proposal in terms of plot sizes and built pattern of development. Plots are predominantly rectangular in shape with front amenity spaces and long rear gardens. The proposed development proposes the removal of the existing side garden and construction of an end of terraced dwelling, while the area is characterised by terraced, semi-detached properties and flats the relationship between the new dwelling and the neighbouring properties is considered to not fit into the established pattern and instead would appear shoe horned into the built environment to the detriment of the areas character.

In terms of density Table 3.2 of the London Plan (LP) and Policy H7 of the UDP provide a density matrix and states for Suburban areas with a PTAL 3 in the LP the density level should be between 150-250hr/ha. The density level at this site is proposed to be 294hr/ha. Which is over the density ranges set out above, density is only one aspect of applications acceptability and does not address the concerns regarding its siting and design which is explored further in the report.

As such it is considered that the principle of development cannot be accepted and is contrary to Policies 3.4 and 3.5 of the London Plan and Policies H1 and H7 of the UDP.

Housing Supply:

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date,

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document 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.

Character including design, scale and bulk:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded. Policy H8 states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to *(i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.*

With regards to the two storey rear extension to No. 5 it is considered that the design of the extension would be modest and by providing a pitched roof and utilising matching materials would result in an extension which would blend with the host building and as such this element is considered acceptable and complies with policy on design.

It is considered that the design of the new dwelling would blend in with the row of terraces; however it would appear shoe-horned and provide limited side space between the proposed new dwelling and the existing semi-detached house to the west. Whilst it is appreciated that the new dwelling would be sited forward of No. 7 and to address this concern the part of the first floor is set back by 0.95 adjacent to No. 7, however it would still appear cramped and create an uncomfortable relationship between the two properties.

Given all of the above it is considered the proposed new house fails to comply with Policy 7.6 of the London Plan and Policy BE1 of the UDP in that the dwelling does not have a proportion, composition and scale that enhances, activates and appropriately defines the public realm. The proposal fails to have regard to the form, function, and structure of the surrounding area and would not provide a positive relationship between the proposed and existing urban context.

Neighbouring Amenity:

Policy BE1(v) of the UDP that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

The two storey rear extension would be located 4m from the eastern boundary with No. 3 and together with the modest depth of 3.7m it is considered that this element would not result in a loss of amenity in terms of light and increased sense of enclosure to any neighbouring property.

The proposed new house would be located to the east of No. 7, whilst the property is set back from the road the new house would result in a loss of amenity in terms of light and increased sense of enclosure to the front of the property.

Standard of accommodation:

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015), consideration needs to also be given to Policies 3.5, 3.8 and 7.2 of the London Plan.

The floor space size of the new unit would be approximately 99.68 m². The nationally described space standard requires 93m² for a 2-storey five person 3 bedroomed unit. On this basis, the floorspace provision for the unit is considered compliant with the required standards and is considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

The proposed amenity space to the rear would be accessed from the ground floor however would only measure 17.5m² (7.45m x 2.35m) which is considered to be very small for family unit and out of character with the surrounding properties.

Car Parking and Access:

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy T3 of the UDP. The proposed development would provide off-street parking spaces.

Given this provision, there is no objection to the proposed development on highway grounds.

Cycle parking:

London Plan requires two cycle spaces per dwelling, no details of any lockable storage has been provided, however subject to further details required in a condition no objection is raised in this regard

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The Council's Waste Services Guidelines requires that bins should be easily accessible for collection and be located no more than 18 metres from the bin storage to the collection vehicle. Storage areas should be designed to accommodate the wheeled bins 'side by side' and not 'end to end'. Allowance should also be made for opening of the lid, as this will enable residents to access all containers without having to wheel them out of the storage area. As no details have been provided, it must be addressed by condition should permission be granted.

Sustainability and Energy:

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

No information has been provided with regards to this, however appropriate sustainability measures to ensure that the development strives to achieve the objectives set out above can be conditioned in planning permission is granted.

Landscaping

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard. Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to completed the relevant form.

Summary

The proposed construction of a 3-bed end of terraced dwelling on this particular site is considered to impact detrimentally on the character of the area and the amenities of the occupiers of the adjoining properties.

Accordingly, and taking all the above into account, it is recommended that planning permission be refused in line with the grounds contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/05544/FULL1 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

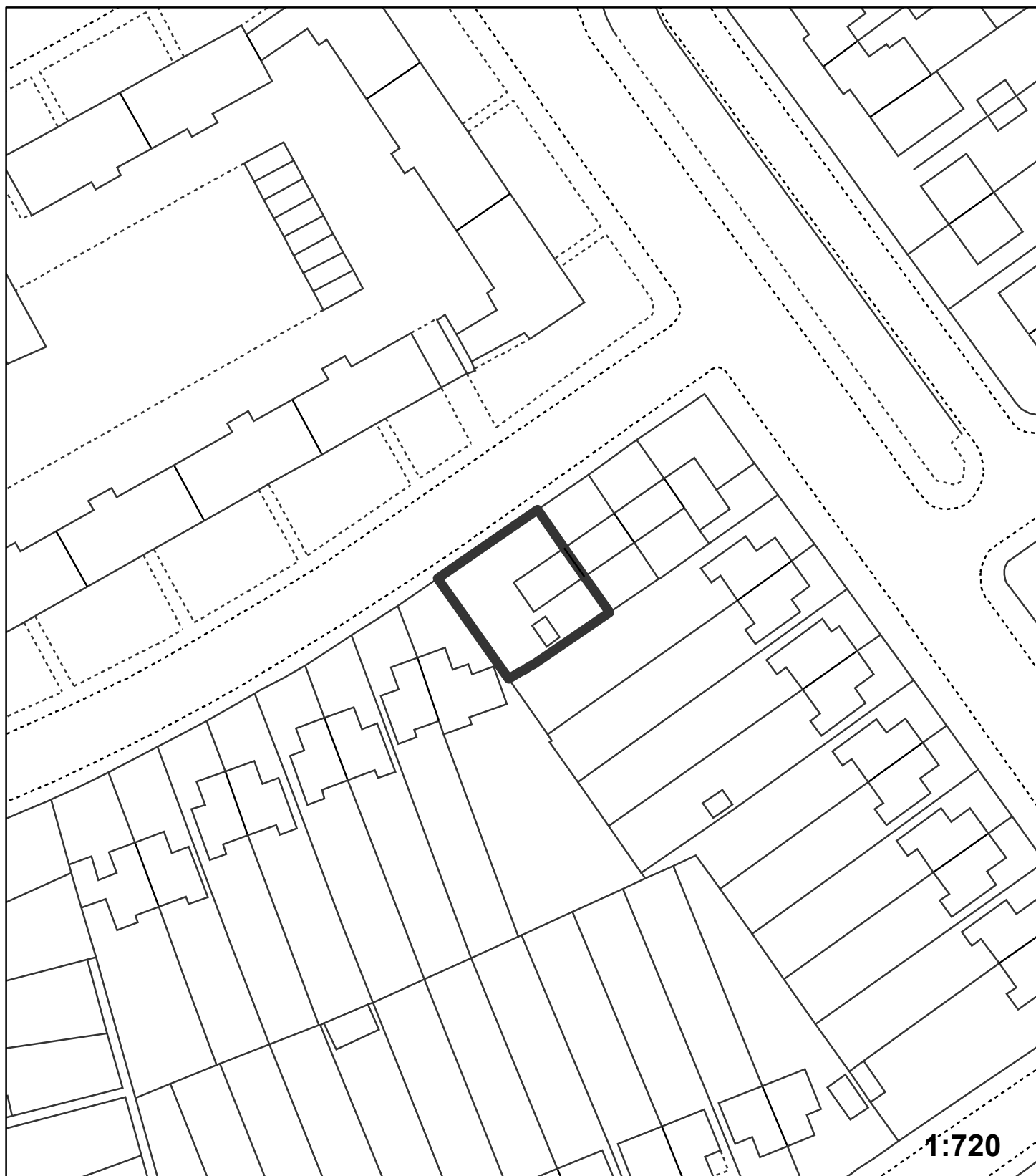
The reasons for refusal are:

- 1. The proposed development by reason of its design, height, scale and mass would be an inappropriate development at this site, that would be out of proportion and out of keeping with the scale and design of the host properties, contrary to Policies 3.5 and 7.4 of the London Plan (2015), Policies H7 and BE1 of the Unitary Development Plan (2006) and the National Planning Policy Framework.**
- 2. The proposed new dwelling, due to its position, height, scale, bulk and close proximity to the neighbouring No. 7 Clarence Road, would have an adverse impact on neighbour's amenities in terms of loss of outlook, an increase sense of enclosure contrary to Policy 7.6 of the London Plan (2015) and Policy BE1 of the Unitary Development Plan (2006).**
- 3. The proposal involves the unsatisfactory subdivision of an existing plot resulting in an overdevelopment of the site, leaving inadequate amenity space for the new occupiers which would be out of character with the area contrary to Policies 3.5 and 7.4 of the London Plan (2015) and Policies H7 and BE1 of the Unitary Development Plan.**

Application:16/05544/FULL1

Address: 5 Clarence Road Mottingham London SE9 4SJ

Proposal: Two storey rear extension to no.5 Clarence Road and
Construction of 3-bed end of terraced dwelling



"This plan is provided to identify the location of the site and
should not be used to identify the extent of the application site"

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