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DATE: 22 August 2017

To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Kevin Brooks, Alan Collins, Samaris Huntington-Thresher,
William Huntington-Thresher, Charles Joel, Alexa Michael and Colin Smith

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 31 AUGUST 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 APPOINTMENT OF CHAIRMAN

Due to the absence of the Chairman and Vice Chairman a member of the Sub-Committee will be nominated to take the Chair.

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

3 DECLARATIONS OF INTEREST

4 CONFIRMATION OF MINUTES OF MEETING HELD ON 6 JULY 2017

(Pages 1 - 8)

5 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
5.1	Crystal Palace	9 - 12	(16/02117/COND12) - Orchard Lodge, 107 William Booth Road, Penge, London, SE20 8BG
5.2	Kelsey and Eden Park	13 - 22	(17/02002/FULL1) - 21 Langley Road, Beckenham BR3 4AE
5.3	Bickley	23 - 32	(17/02274/B8RES) - 53 Liddon Road, Bromley BR1 2SR
5.4	Bromley Common and Keston	33 - 36	(17/02603/TPO) - Street Record, Brockdene Drive, Keston

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
5.5	Chislehurst Conservation Area	37 - 40	(17/02172/FULL6) - 3 Sturges Field, Chislehurst, BR7 6LG
5.6	Biggin Hill	41 - 52	(17/02291/FULL1) - 136 Main Road, Biggin Hill TN16 3BA
5.7	Orpington	53 - 64	(17/02330/FULL1) - 173-175 High Street, Orpington, BR6 0LW
5.8	Cray Valley West	65 - 68	(17/02408/FULL6) - 26 Palewell Close, Orpington, BR5 3BX
5.9	Bromley Town Conservation Area	69 - 90	(17/02418/FULL1) - 15 Bromley Common, Bromley BR2 9LS.
5.10	Penge and Cator Conservation Area	91 - 94	(17/02608/FULL6) - 26 Kings Hall Road, Beckenham, BR3 1LU
5.11	Copers Cope	95 - 98	(17/02615/FULL6) - 3 Olyffe Drive, Beckenham, BR3 5HF.
5.12	Clock House	99 - 112	(17/02634/RECON) - Stewart Fleming School, Witham Road, Penge, SE20 7YB.
5.13	Clock House	113 - 120	(17/02746/RECON) - Stewart Fleming School, Witham Road, Penge, SE20 7YB.
5.14	Mottingham and Chislehurst North	121 - 124	(17/02765/FULL6) - 69 Ravensworth Road, Mottingham, SE9 4LX
5.15	Bromley Town	125 - 128	(17/02996/RECON) - Horizon House, 26 Langdon Road, Bromley BR2 9JS
5.16	Penge and Cator	129 - 140	(17/03050/RECON) - 213 Kings Hall Road, Beckenham, BR3 1LL.
5.17	Chislehurst Conservation Area	141 - 158	(17/03076/OUT) - Kemnal Stables, Kemnal Road, Chislehurst, BR7 6LT

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
5.18	Chelsfield and Pratts Bottom	159 - 168	(17/02381/FULL1) - 62 Windsor Drive, Orpington, BR6 6HD.
5.19	Bromley Town Conservation Area	169 - 172	(17/03220/ADV) - 151 - 153 High Street Bromley, BR1 1JD
5.20	Bromley Town Conservation Area	173 - 176	(17/03229/ADV) - Freestanding Advertisement Outside 29 Market Sqaure, Bromley.
5.21	Bromley Town Conservation Area	177 - 180	(17/03239/ADV) - Land Fronting 125-127 High Street, Bromley.
5.22	Bromley Town Conservation Area	181 - 184	(17/03241/ADV) - 139 -141 High Street Bromley, BR1 1JD

6 CONTRAVENTIONS AND OTHER ISSUES

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

7 TREE PRESERVATION ORDERS

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

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 6 July 2017

Present:

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Kevin Brooks, Samaris Huntington-Thresher,
Alexa Michael, Keith Onslow, Colin Smith and Tim Stevens

1 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors William Huntington-Thresher and Charles Joel and Councillors Keith Onslow and Tim Stevens attended as their substitutes respectively.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 9 MAY 2017

RESOLVED that the Minutes of the meeting held on 9 May be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

4.1 HAYES AND CONEY HALL

(17/01047/FULL6)- 106 Birch Tree Avenue, West Wickham, BR4 9EL

Description of application – Alterations to existing side dormer (Retrospective Application).

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 14 June 2017.

Councillor Alexa Michael and Councillor Douglas Auld had supported deferment of the application at the meeting of Plans Sub-Committee 1 held on 13 June 2017 and although they acknowledged the applicant

had met the reasons for the deferral, in their view, the proposed development was still over dominant and out of character with other houses in the street scene. In 2016 the Planning Inspectorate had dismissed planning appeals at numbers 42 and 138 Birch Tree Avenue and Councillor Auld referred to those reasons for dismissal.

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 the following Informative to read:-

INFORMATIVE: You are advised that enforcement action has been authorised in respect of some or all of the development subject of this planning decision and you should contact the Planning Investigation Team on 020 8461 7730 or by email to planningappeals@bromley.gov.uk to discuss what you need to do to avoid formal action by the Council.

It was **FURTHER RESOLVED** that **ENFORCEMENT ACTION** be **AUTHORISED** to **SECURE THE REMOVAL OF THE DORMER**.

4.2 CRAY VALLEY EAST

(17/01224/FULL1) - Land adjacent 24 Chesterfield Close, Orpington, BR5 3PQ

Description of application – Detached two storey building comprising 4 one bedroom flats with front and side balconies, 5 car parking spaces, vehicular access from Sweeps Lane and cycle and refuse stores.

Oral representations in support of the application were received at the meeting. An email from Ward Member, Councillor Chris Pierce, in objection to the application was read which was also supported by Councillor Angela Page. A letter in support of the application from the agent had been received and circulated to Members.

Planning application 16/00444 for a block of six flats had been refused and dismissed at appeal in September 2016 and the Chairman acknowledged that the application had been reduced to four flats. In her view the site was developable but she objected to the over dominant appearance at the corner of Sweeps Lane and the proximity to the boundary. Councillor Michael referred to the Planning Inspector's comments on page 22 of the Chief Planner's report and, in her view, the application had not overcome

these.

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.

**4.3
CRYSTAL PALACE
CONSERVATION AREA**

**(17/01315/FULL1) - 33 Cintra Park, Anerley,
London, SE19 2LQ**

Description of application amended to read,
“Conversion of an existing dwelling house into 4 flats (3 x 2 bed flats and 1 x1 bed flat) together with a three storey infill extension to the rear over the lower ground, ground and first floors and rear dormer extension.”

The Chief Planner’s representative circulated a report update to Members which referred to page 37 of the Chief Planner’s report and replaced the wording of paragraph 3 under the heading, ‘Amenity Space’, to read:-

“In terms of amenity space adequate private amenity space should also be provided with a minimum of 5 square metres of private outdoor space for 1-2 person dwellings and an extra 1 square metres should be provided for each additional occupant. The basement and ground floor units will have access to private gardens 41.3m² for Flat 1 and 45m² for flat 2. Flats 3 and 4 will have separate private provision in the form of balconies of 6m² for flat 3 and 6.5m² for Flat 4. It is also noted that there are a number of parks (Westow Park and Crystal Palace Park). It is therefore considered that the provision of amenity space is acceptable at this location.”

The officer recommendation remained as set out in the Chief Planner’s report. A statement in support of the application from the agent had been received and circulated to Members.

The application proposed to extend a substantial house in a conservation area with bulky extensions at the rear that would not be visible from the road. Councillor Auld had visited the site at 2 pm that afternoon and had been unable to park and he referred to Highways original pre-application consultation that one a parking space should be provided per flat equating to a total of 4 spaces and objected to the application. Councillor Kevin Brooks agreed with Councillor’s Auld’s comments and also objected to the application.

Members were minded that, if provision of off-street parking had been proposed, then they may not have objected to the application.

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

1. No off-street car parking facilities are provided within the curtilage of the site and the proposed conversion of a single dwelling into four flats would therefore generate an unacceptable increase in the demand for on-street car parking and result in congestion, prejudicial to the free flow of traffic and conditions of general safety along in the highway. The proposal would therefore be contrary to Policies T3 and T18 of the Unitary Development Plan.

4.4 KELSEY AND EDEN PARK

(17/01579/FULL1) - Eden Parade, Eden Road, Beckenham, BR3 4AU.

Description of application - Demolition of six lock-up units and garages and erection of 4 three bedroom and 1 one bedroom terraced houses over 2/3 storeys with associated landscaping, parking and refuse stores.

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

Councillor Auld had visited the site and looked to the applicant for assurance that the proposed Construction Plan would be managed carefully to address the narrowness of the road and take into account the increased heavy vehicles and traffic flow during the construction process.

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 with an amendment to Conditions 4 and 9 to read:-

“4. 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 prior to commence of any development above ground level. 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.

9. The vehicular access details and turning area hereby approved shall be completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.9 metres in height within the approved splays except for trees selected by the Authority and which shall be permanently retained.

REASON: In the interest of pedestrian and vehicular safety and to comply with Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.”

**4.5
HAYES AND CONEY HALL**

(17/01937/FULL6) - 120 Birch Tree Avenue, West Wickham, BR4 9EL

Description of application – Roof alterations to incorporate the construction of a side dormer.

Members objected to the application as it had not overcome the previous grounds for refusal.

Members having considered the report, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**4.6
CHISLEHURST**

(17/02142/FULL1) - Red Hill Primary School, Red Hill, Chislehurst, BR7 6DA

Description of application – Single storey extension comprising of a nurture room and toilets to provide additional educational services to existing pupils.

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.

SECTION 3

(Applications recommended for permission, approval or consent)

**4.7
PETTS WOOD AND KNOLL**

(17/01154/FULL6) - 21 Ladywood Avenue, Petts Wood, Orpington, BR5 1QJ

Description of application - First floor infill extension to the side and associated roof alterations and increase in height of existing garage roof to incorporate a new en suite at first floor, single storey rear extension, two velux windows to the rear roofslope four velux windows to the side roofslope and new window in the side elevation serving the kitchen.

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.

**4.8
CRAY VALLEY WEST**

**(17/01600/FULL6) - 116 Beddington Road,
Orpington, BR5 2TE**

Description of application – Part one/two storey side/rear extension, roof alterations incorporating increase in ridge height, dormers to rear and rooflights to front and bay window to front.

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.

**4.9
SHORTLANDS
CONSERVATION AREA**

**(17/01653/RECON) - 95 Shortlands Road,
Shortlands, Bromley, BR2 0JL**

Description of application – Variation of Condition 2 of planning permission reference 17/00093/FULL6 (removing permitted development rights for all developments and minor operations within the curtilage of the dwellinghouse) so that permitted development rights are retained for the construction of any building of enclosure within the curtilage of the dwelling (Class E); any hard surface which is incidental to the dwelling (Class F); any chimney or flues (Class G); and any microwave antenna (Class H) of Part 1, and all minor operations under Part 2 of the Town and Country Planning (General Permitted Development) Order 2015.

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

The application sought a variation of Condition 2 of permission reference 17/00093/FULL6 that was permitted in March 2017. The Chairman said that Condition 2 of that permission had been included to avoid an overdevelopment of outbuildings on the site. The withdrawal of permitted development rights did not prevent an applicant from applying for planning permission for outbuildings in the usual way.

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

1. In view of the amount of development already undertaken at the property the proposed reinstatement of permitted development rights would

lead to an overdevelopment of this prominent corner site, which would be detrimental to the visual and residential amenities of the area, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

**4.10
SHORTLANDS**

(17/01659/FULL6) - 11 Top Park Beckenham, BR3 6RU

Description of application – First floor side extension, conversion of garage to habitable accommodation and front porch.

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.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**4.11
HAYES AND CONEY HALL**

(17/01724/FULL6) - 67 Hayes Wood Avenue, Hayes, Bromley, BR2 7BQ

Description of application – Loft conversion with roof alterations to include hip to gable extension with rear dormer, and front/side dormer. **RETROSPECTIVE APPLICATION**

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

INFORMATIVE: You are advised that enforcement action has been authorised in respect of some or all of the development subject of this planning decision and you should contact the Planning Investigation Team on 020 8461 7730 or by email to planningappeals@bromley.gov.uk to discuss what you need to do to avoid formal action by the Council.

It was **FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED TO SECURE THE REMOVAL OF THE DORMER.**

The Meeting ended at 7.50 pm

Chairman

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SECTION '2' – Applications meriting special consideration

Application No : 16/02117/COND12

Ward:
Crystal Palace

Address : Orchard Lodge 107 William Booth Road
Penge London SE20 8BG

OS Grid Ref: E: 534224 N: 169888

Applicant : Mr Harry Halpin

Objections : NO

Description of Development:

Details of conditions submitted in relation to planning permission ref: 16/02117/FULL1
Condition 4 - Construction Management Plan

Key designations:

Smoke Control SCA 6

Proposal

Planning permission was granted under ref. 16/02117/FULL1 for the comprehensive redevelopment of the site to provide a total of 252 new residential units in three blocks.

Planning permission was granted subject to a legal agreement and a number of conditions, including Condition 4, which required the submission and approval of a Construction Management Plan (CMP) prior to commencement of development. The CMP was approved pursuant to Condition 4 on 5th December 2016.

The working hours approved within the CMP are as follows:

0800 – 1800 hours Monday – Friday
0800 – 1300 hours Saturdays

No works are permitted outside of the above hours, on Sundays or Public Holidays.

Following an Enforcement investigation relating to a breach of these hours, the current application has been submitted to seek approval for an amended CMP containing extended working hours for a limited period (until 22.12.17). The activity that is proposed to take place outside of the already approved hours would be limited to levelling of the concrete pour (power floating) only.

The amended hours proposed are as follows:

“In addition to the above, the hours of operation will temporarily be extended Monday-Friday until 20:30 hours from 04.07.17 to 22.12.17. Construction work will be limited to levelling of the concrete pour (power floating) only in this period and between the hours of 18:00 and 20:30.”

The applicant has provided the following justification for the proposed amendment within the covering letter:

“As a result of the delivery access restrictions that apply to the site, the poured concrete is unable to reach a suitable consistency for levelling works to be completed within the current hours of operation. Waiting until the next day creates a situation where levelling is

not possible because the concrete has fully set. Split slabs are not recommended for a build of this nature.

Levelling of the concrete pour (power floating) involves only up to five construction workers and a supervisor, with machinery that generates a limited noise disturbance.”

A Breach of Condition Notice in relation to Condition 4 and working outside of the permitted hours was issued on 5th July 2017 and became effective on 4th August 2017.

Location

The application site is 1.8 hectares and is accessed from the western end of William Booth Road, the main access road from the western edge of Anerley Road, to a series of cul-de-sac developments that are predominantly two storey terraced dwellings. Two storey dwellings and their private gardens adjoin the north eastern boundary of the site. To the southeast of the site is James Dixon Primary School and the north western boundary is the former Anerley Boys School site which has now been redeveloped by two four storey residential buildings, Darwin House and Radcliffe House on Worcester Close and further blocks of flats comprising Scholars Court off Madeline Road. All of the land to the north-west, south-east and south of the site is within Metropolitan Open Land (MOL).

The site slopes in a north to south direction with a drop of approximately 5m in ground level. The site was previously used as a remand centre and most recently as a residential institution caring for people with Autism. The site is currently being redeveloped.

Consultations

Highways raised no objection to the application.

Environmental Health (pollution) raised no objection to the application.

Considerations

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

Unitary Development Plan:

T18 Road Safety

London Plan:

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The following draft policies are considered to be relevant to this application:

Draft Policy 32 Road Safety

Draft Policy 119 Noise Pollution

History

16/02117/FULL1 - Planning permission granted (subject to legal agreement) for demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (80 x 1 bed, 129 x 2 bed and 43 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open

space, play space, associated access roads, private and communal landscaping, cycle parking, recycling and refuse stores and associated works including widening of existing vehicular access onto William Booth Road.

Conclusion

The proposed amended hours seek to regularise the breach of the working hours specified within the approved CMP, and would only allow for the proposed levelling of the concrete pour (power floating) to take place up to 20:30 hours, Monday to Friday, until 22nd December 2017.

The principal reason for controlling working hours through the CMP is to safeguard the amenities of neighbouring residents with particular regard to noise and disturbance, although this must be balanced against the need for construction works to be completed in a timely manner once commenced and the temporary nature of any impacts arising. In this instance, works have already taken place outside of the permitted hours, giving rise to an Enforcement complaint and investigation, resulting in the serving of a Breach of Condition Notice.

The development site is adjoined by existing residential development and it is acknowledged that the levelling of the concrete pour could give rise to additional noise and disturbance outside of the normal working hours. The applicant has confirmed that this activity involves up to five construction workers and a supervisor with a limited noise disturbance generated, and the amended hours would be for a temporary period until 22nd December 2017. The applicant submits that the poured concrete is unable to reach a suitable consistency for levelling works to be completed within the current hours of operation, and that waiting until the next day creates a situation where levelling is not possible because the concrete has fully set. The applicant further submits that split slabs are not recommended for a build of this nature.

Comments have been received from the Council's Environmental Health (pollution) Officer, confirming no objection to the proposed amendment to the CMP, as the only exception sanctioned for late working is a concrete pour with power floating.

Members may wish to note that the Council has also served a notice under Section 60 of the Control of Pollution Act 1974 restricting the hours at which 'noisy building works' may take place to between 8am – 6pm Monday to Friday, 8am to 1pm Saturday and no noisy works at any time on Sundays or Bank Holidays, which accord with those specified in the approved CMP. The restriction on 'noisy building works' could apply to the proposed concrete pour (power floating). Therefore, whilst any approval of a revised CMP given pursuant to this application would resolve the outstanding breach of planning control in relation to the concrete pour (power floating), the developer would still need to apply for an exemption from the Section 60 notice should any noisy activity need to take place outside of the hours specified within it.

It is considered that any additional noise and disturbance arising from the concrete pour (power floating) taking place up to 20:30 hours Monday to Friday and for a limited period until 22nd December 2017 would be acceptable when balanced against the practical difficulties in completing this activity within the approved hours of working as outlined by the applicant, and the need for the development to be completed within a timely manner. Accordingly it is recommended that the revised CMP is approved.

RECOMMENDATION: APPROVAL

SECTION '2' – Applications meriting special consideration

Application No : 17/02002/FULL1

Ward:
Kelsey And Eden Park

Address : 21 Langley Road Beckenham BR3 4AE

OS Grid Ref: E: 536054 N: 168244

Applicant : Mr Michael Gerrard

Objections : YES

Description of Development:

The demolition of the existing garage and the construction of a part one/two-storey side/rear extension to create a new 1 bedroom dwelling.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 15

Proposal

UPDATE - The application was initially reported Plans Sub Committee 1 on the 3rd August 2017, and was deferred without prejudice to seek further information regarding the occupancy of the existing HMO at 21 Langley Road. The applicant has now provided additional information confirming that the property has a licence for an 8 room 10 people HMO. At present 8 rooms are let, with 9 residents. Two of these residents own cars.

Updated Highways Comments:- The latest comments (from the applicant) reinforce my view that such accommodation does generate parking demand. In this case 2 vehicles for 8 rooms. The site currently can accommodate 2 cars parked off-street (although we are not told where the 2 cars currently park) and only 1 space is proposed. There is thus scope for the current proposal to increase demand for on-street parking by 1 car. This might not be an issue based on the results of the parking stress survey. However, I consider that it would be desirable for the existing HMO site to provide cycle parking as well as a parking space.

The application seeks consent for the demolition of the existing garage and the construction of a part one/two storey extension in order to create a new 1 bedroom 2 person dwelling. Off-street parking for one vehicle would be provided to the front of the property.

The application relates to three-storey late C19th detached property, which is located on the east side of Langley Road. There is an existing single-storey detached garage located to the side of the property and a generous sized rear garden. The applicant indicates the existing building operates as a House of Multiple Occupation (HMO), however the existing floor plans show a number of units, which appear to be self-contained. The front of the property benefits from off-street parking.

The site is bounded by residential properties and their gardens to the north and west. To the south is Staddon Close, which leads to a small residential development.

The site is not located within a conservation area and there are no Tree Preservation Orders on the site but a number of large trees surround the southern and eastern boundaries. The site is located within a mixed residential area.

Consultations

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

- o The development will increase the existing parking problems. Parking street is already high on Langley Road. The survey doesn't take into account the rhythms of car use and new stresses on street.
- o The recent internal conversions of No 21 into 6 bedsits and the rear extension, into 2 flats has already resulted in a substantial amount of new parking need on this street. Combined with the nursery drop-off and pick up time and local primary school the area is over stresses.
- o Road already has parking problems, cannot park anywhere near house and people part over neighbouring drives.
- o Bromley parking wardens have already been called to solve a number of parking disputes
- o Will make the street more unsafe for children and other pedestrians
- o Traditional look of the building would be ruined.
- o Road is too narrow and additional builders vans and cars will result in congestion
- o Demolition of the garage may harm neighbouring properties
- o Dust and debris
- o Noise and disruption during building works
- o Loss of privacy
- o Harm neighbouring amenities
- o Noise pollution from access arrangements and position of entrance
- o 1m side space is inadequate for privacy
- o Cramped overdevelopment
- o The existing cottages appear to be original to the larger building to which they are attached and are not later additions.
- o This building will always be a contemporary design that will appear bulky and disjointed. Jeopardising the traditional appearance of the neighbouring buildings.
- o Will feel cramped
- o The garage forms the boundary and ensures privacy and security. It also hides the large new extension at No 21.
- o No 21 has been converted and there is an increase in the number of residents in the property.

Highway - The site is currently a house in multiple occupation. There is no information on the number of occupants of this dwelling or the associated car ownership of the residents.

There is an existing garage, drive and front garden, which could possibly accommodate up to 3 vehicles parked off-street. Only 1 off-street space is being proposed for the existing dwelling, potentially displacing 2 cars to parking on-street.

The site is in a location with a PTAL rating of 4 (moderate) where, in ordinary circumstances, a degree of car ownership could be expected to be associated with occupiers of the building. However, experience suggests that occupiers of such accommodation tend not to own cars to the same degree as would otherwise be the case.

Langley Road is a one-way street, is not subject to waiting restrictions, except for short lengths at its northern end and across the junction with Staddon Close (the latter suggesting that on-street parking had caused access issues in the past), and on-street car parking appears to be common on both sides of the street. However, due to it being a one-way street such parking would appear not to be an issue in terms of the free flow of traffic and conditions of safety in the street.

The application site is around 350m from Elmer's End Station and the bus terminus and stops and could be a popular parking destination for commuters as well as residents. It is thus likely that there is little or no spare capacity for further on-street parking.

1 car parking space and cycle parking are included in the proposal for the new dwelling as well as the single car parking space for the existing.

There is no car parking standards for the current use of no. 21. For comparison, the UDP recommends 0.5 spaces per unit for social-rented affordable housing. Ideally a site-specific assessment of car ownership is needed to inform this, but as a broad brush approach, it might be appropriate to consider 0.3 spaces per unit as an appropriate level for this type of accommodation. However, no information has been provided regarding the current number of occupants of no. 21 or the level of car ownership associated with those residents.

A recent parking stress survey has been carried out which shows that the day time situation is close to saturation point (95.7% in Langley Road, 94.4% in Goddard Road and 100% in Shirley Crescent) with only 5 spaces available on the day of the survey. As the level of parking is close to saturation (on another day it may be even closer or at saturation point) and with another development at no. 24 having the potential to add to demand there is scope to consider refusal of this application (and that for no. 24) on highway grounds.

Highways - Additional comments: Car ownership can be around 0.5 spaces per bedroom for such accommodation. I thus consider that, without a more detailed assessment of car ownership for this site than the agent doesn't envisage residents will own cars, more consideration needs to be given to providing off-street parking for the existing HMO. We still haven't been advised of the number of occupants of 21 in order to take a view on the potential scale of the potential parking demand.

Drainage - Please impose condition D02 (surface water drainage) if minded to approve.

Environmental Health - No objections

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
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- ER10 Light pollution
- T3 Parking
- T7 Cyclists
- T11 New Accesses
- T18 Road Safety

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

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 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
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 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 7.15 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.

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 mid-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 73 Development and Trees
Policy 79 Biodiversity and Access to Nature
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage
Policy 119 Noise Pollution
Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction Planning History

16/05507/HHPA Single storey rear extension, extending beyond the rear wall of the original house by 8m, for which the maximum height would be 3.625m, and for which the height of the eaves would be 2.580m. (42 Day Notification for Householder Permitted Development Prior Approval) Approval not required
04.01.2017

Conclusions

The main issues relating to the application are the principle of development, impact of the proposed works on the character and appearance of the area, standard of proposed accommodation, neighbouring amenity and highway issues.

Principle of Development

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.

Policy H7 of the UDP sets out criteria to assess whether new housing developments is 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 situated within a residential location and the Council will consider new 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 principle of an additional dwelling is 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, traffic implications and refuses arrangements.

Design, siting and layout

Policy BE1 and the Council's Supplementary design guidance seek to ensure that new development, are of a high quality design that respects the scale and form of the host dwelling and are compatible with surrounding development. This includes consideration of gaps between dwellings, when they contribute to the character of the area.

The development would involve the demolition of an existing side garage and the construction of one bedroom dwelling in its place. It would adjoin No 21 and has been designed to have the appearance of a pitched roof side extension to the host property with a front gable feature, similar materials, and would also set back from its front main

elevation. It would however incorporate a small two-storey rear projection and a significant ground floor extension.

No 17, 19 and 21 Langley Road share similar proportions and architectural detailing. However, it is noted that No 17 & 19 benefit from two-storey pitched roof side additions, which are set back from the front elevations. Each of the side additions have been severed from the main dwellings and converted into self-contained units, however these severed units retain a significant degree of subservience. When looking at the dwellings from the street these side additions are situated to the right hand side of the properties, whereas the proposal would be contained to the left. Whilst this would disrupt the established rhythm to a degree, this is not considered to be significantly harmful due to its sympathetic design approach. Similar side additions are also noted on neighbouring properties on the opposite side of the road. The neighbouring properties at 17 & 19 are characterised by sub-divided plots. The proposed arrangement would not therefore be out of character with these neighbouring examples. A minimum of 1m side space would also be retained between the flank wall of the development and side boundary. This therefore complies with the requirements of Policy H9. The extension would appear sufficiently subservient and the narrowing of the space between the dwellings would not result in undue harm to the special standards of the streetscene.

Standard of accommodation

The London Plan and London Plan Housing SPG, together with the DCLG Technical Housing Standards set out minimum floor space standards for dwellings of different sizes.

The proposal would provide a dwelling with a GIA of around 62sqm. This meets the minimum standard of 58sqm for a 1 bedroom 2 person dwelling.

All rooms would achieve a satisfactory level of light and outlook. A small area of privacy amenity space would be provided at the rear.

Neighbouring amenity

The proposed dwelling would be situated between No 19A and 21 Langley Road. Number 19A is located to the north of the application site and has not been extended at the rear. This property is situated within the side addition at No 19. The proposal would sit adjacent to this neighbour but would be set back from the common boundary by 1m.

The main bulk of the proposed dwelling would be two-storey in height but its scale is modest; incorporating a rear gable with low eaves. Its form replicates the proportions of No 19A but it would also include single-storey at the rear. The proposed two-storey element of the dwelling would mirror the rear building line of No 19A. The single-storey extension would then project beyond the rear of this neighbouring property for 5.7m. At present, the existing garage forms the boundary wall separating the application site with the garden of 19A. The proposed single-storey element would be similar in depth to the existing garage structure but would be marginally lower in height. It is noted that the existing garage has already resulted in a degree of visual incursion and its replacement with a similar sized rear projection would not result in a level of visual harm - in terms of visual dominance, outlook or loss of light/overshadowing - which is significantly worse than the established situation. The two-storey element of the proposal would however infill the space between the dwellings to a greater degree, but the bulk of the existing dwelling has already resulted in some overshadowing. This would not be significantly exacerbated by the proposed development as the two-storey element of the proposal would not project beyond the rear of No 19A. Furthermore, the location of the existing garage, and its boundary height, has afforded No 19A a level of privacy from No 21. The location of the dwelling and relationship with the boundary would result in some additional overlooking into the rear garden however the first floor rear window would serve a bathroom and could be

conditioned to be obscured glazed and non-opening. The impact on the visual amenities of No 19A are therefore considered to be on balance acceptable.

The proposal would also abut the shared boundary with No 21. The applicant states this property is also used as a HMO. It has recently been extended by way of an 8m single-storey rear extension. The proposal would adjoin this property but would not extend beyond the rear elevation of this rear extension. This relationship would prevent any unacceptable loss of light and outlook, or be harmful by way of an overbearing impact.

The impact on the visual amenities of neighbouring properties therefore considered to be on balance acceptable.

Highways

The proposal would result in the demolition of the existing garage. At present there is the potential to accommodate up to three cars off-street. The development would provide one parking space for the new dwelling and one for the existing HMO, potentially displacing two vehicles, however the existing garage does appear to be small. The site has a PTAL of 4 and is within walking distance of a number of bus stops, a train station and local services. Langley Road is a one-way street and is not subject to waiting restrictions, except for short lengths at its northern end and across the junction with Staddon Close. The application is supported by a parking survey which shows that the day time situation is close to saturation point (95.7% in Langley Road, 94.4% in Goddard Road and 100% in Shirley Crescent) with only 5 spaces available on the day of the survey. The Council's Highways officer has raised concerns with the level of parking provision and potential for displacement of vehicles causing increased on-street parking demand. However, the proposed unit would be create a 1 bedroom dwelling and two spaces for the both the unit and HMO would be provided off street.

It is noted that an application for a new three bed residential dwelling (17/02008/FULL1) immediately to the rear of No 24, which is located on the opposite side of the road was refused, in part, due to inadequate parking provision, resulting in increased on street parking pressure. However, this application related to larger proposed residential dwelling (three beds) and a larger HMO (No 24). Given the size of the proposed dwelling (1bed) and proximity of the train station/services Members may consider that the parking provision in this case is on balance acceptable.

Conclusion

It is considered that the dwelling would not result in significant harm to the character and appearance of the streetscene or area in general. The standard of accommodation is considered to be acceptable and there would also be no undue harm to neighbouring residential amenities. In relation to the highway impact the proposal would have the potential to result in some additional on-street parking demand, but given the PTAL, size of the proposed unit and acceptability of the scheme in all other respects, Members may consider the scheme to be on balance acceptable.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/02002/FULL1 and any other applications on the site 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 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 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 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 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.

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** 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.

- 8** Before the development hereby permitted is first occupied the proposed window(s) in the upper floor rear 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

- 9** 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

- 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.

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SECTION '2' – Applications meriting special consideration

Application No : 17/02274/B8RES

Ward:
Bickley

Address : 53 Liddon Road Bromley BR1 2SR

OS Grid Ref: E: 541476 N: 168857

Applicant : Mr J Green

Objections : YES

Description of Development:

Change of use from Class B8 (storage and distribution) to Class C3 (dwellinghouses) to form 11 flats at 53 Liddon Road (56 day application for prior approval in respect of air quality, transport and highways, contamination, flooding risks, noise impacts, sustainability and impact on provision of storage and distribution services under Class P, Part 3 of the GPDO)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 13
Smoke Control SCA 12

Proposal

Prior approval is sought for the change of use of 2 barns/detached buildings on the application site from Class B8 storage to Class C3 dwellinghouses to form 2 one bed and 1 two bedroom residential units.

The proposal includes 11 car parking spaces at the front of the building.

Location

The application site is located on the southern side of Liddon Road, to the north of the gas holder station. The building is two storey with a flat roof construction. The property is served by a gated access from Liddon Road with parking to the front of the premises. The site lies within a predominantly residential area to the north with commercial/industrial building to the south, east and west.

Consultations

Comments from Local Residents

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

- lack of sufficient off-street parking provision and lack of sufficient supporting evidence to conclude a satisfactory parking provision in the local highway network. Additional car parking will impact on the amenities of neighbouring residential occupiers.
- Loss of commercial use should not be justified by permitted development schemes on neighbouring sites
- Area requires more housing, including family starter homes, rather than flats. Flats would also be out of character with the area and detrimental to this character.
- Proposal lacks evidence for impact on parking and standard of accommodation to be provided

Consultations

Highways - The site is located within a Low (Very Poor) PTAL area and lies inside the Bromley Town Centre Controlled Parking Zone (CPZ) where there is limited parking available. There is no objection to the change of use however in order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits. The parking layout is suitable as it is not blocking the entrances to the proposed flats. For residential development an area for storage of recyclables should be considered at a rate of 1 x 240 litre wheeled bin for paper, 1 x 240 litre wheeled bin for glass/plastic/cans and 1 x 1100 euro containers for general non-recyclable waste per 6 units. The space should also accommodate 1 x 240 wheeled bin for food waste per 20 dwellings. Also the bin store doors opens outwards in to the narrow entrance to the rear car park and this could be a safety hazard. The location of the waste storage should be provided as this could potentially have a knock on effect on the parking layout. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 1 cycle spaces to be provided per 1 bed unit. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities. The applicant should submit a site plan showing a secure cycle store of sufficient dimensions to accommodate 11 cycles. Conditions are recommended in line with the above.

Environmental Health (Pollution) - A similar Application in respect of 55 Liddon Road by the same Applicant was accompanied by a comprehensive Contamination Assessment which recommended remediation works to be carried out. Whilst it is appreciated that no external works are proposed at 53 Liddon Road it is likely that this site is similarly contaminated, and should the ground be opened for drainage, services, or even re-laying hard landscaping then this could put workers and others at risk. Such works may not require Planning Permission and therefore the Council would be unaware. A condition should be imposed prohibiting the disturbance of the ground without notifying the LPA then this would be my preferred option. Without such a condition there is a concern that the proposed works would result in a likelihood of contamination risk in the future for which there would be no other mechanism for mitigation.

Environmental Health (Housing) - no floor plans are submitted and therefore it is not possible to make comment on the layouts. Concern would be raised over inadequate light and ventilation to the proposed flats, however it is noted that the layout is not a consideration under the terms of the application.

Drainage Officer - no comments are made and the Environment Agency will be required to comment on flood risk.

The Environment Agency - initially objection was raised on the basis of an inadequate Flood Risk Assessment. The Environment Agency Product 4 data within the submitted FRA is from August 2106. The Ravensbourne modelling has since been updated including site specific climate change allowances. As a result we would insist that you obtain an updated Product 4 and update the submitted FRA accordingly with this new information especially in regards to ascertaining appropriate finished floor levels designed against the appropriate allowance for climate change. In addition, as stated within the Bromley Strategic Flood Risk Assessment section 11.2.1, 'wherever possible, floor levels should be situated a minimum of 0.3m above the 1% with climate change flood level'. The EA would seek that finished floor levels are designed according to this requirement including the 300mm freeboard. This is justified due to the presence of ground flood sleeping accommodation which we would usually advise against if avoidable.

Following the submission of further updated FRA information, the EA has commented that we have reviewed the proposal and would have no objection, but we would highlight our concerns.

Recommendations: The site is situated partially within Flood Zone 2 and under National Planning Policy Framework (NPPF) would be considered 'more vulnerable'. Reviewing the submitted information we note that the submitted Flood Risk Assessment (FRA) for this site is actually for the neighbouring site of 55 Liddon Road. While the developments are similar we would highlight that each different site should have its own assessment of flood risk. As a result the recommendations within the FRA may not apply to the proposed development as ground levels may differ as well as finished floor levels.

The Environment Agency Product 4 data used within the FRA has since been updated to include new climate change values. Unfortunately the new model data for the river Ravensbourne does not include this location, due to the river entering into the culvert. As a result we cannot guarantee the site will not flood because we have historical record of the area being inundated in September 1968. As with the neighbouring site we would expect the finished floor levels to be raised in order to appropriately mitigate against internal flooding. We would expect the finished floor level to be raised by no less than 300mm above the existing finished floor level as with the previous development which the FRA is based on. We would also highlight that the site boundary has the culverted river Ravensbourne (East Branch) running along it.

It should be noted that we are against encroachment within the 8 metres of the watercourse, especially when culverted, as we would require this space for access and maintenance of the culvert. We would strongly insist that there be suitable amount of space to ensure these works can be carried out if necessary in the future. Reviewing proposals we note that there is an existing building running parallel to the watercourse. From our review of the planning application there are no planned works for this structure. Please note that we would not approve of any excavations or structures which could damage, undermine or restrict access to the culvert. Please note that any works within 8m of the culvert will require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. Please see our website for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Planning Considerations

The Town and Country Planning (General Permitted Development) Order 2015 Class P (as amended) allows for the change of use of a building and any land within its curtilage from a Class B8 (storage and distribution centre) use to a use falling within Class C3 (dwelling houses) subject to certain restrictions and conditions. The change of use from B8 (storage and distribution centre) to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- o Impacts on air quality on intended occupiers of the development
- o Transport and highways impacts of the development
- o Contamination risks in relation to the building
- o Flooding risks on the site.
- o Noise impacts of the development
- o Whether residential use will have an adverse impact on the sustainability of the provision of storage or distribution services or industrial services or a mix of those services.

Paragraph W (10) requires the local planning authority, when determining an application for prior approval, to have regard to the National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012 and the guidance relating to transport, flood risk, land contamination, the economy and noise is a material consideration in the determination of applications for prior approval.

The London Plan (2015)

- 4.4 Managing Industrial Land and Premises
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.

Unitary Development Plan

- EMP4 Business Areas.
- T3 Parking
- T18 Road Safety
- ER 7 Contaminated Land

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 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 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 82 - Locally Significant Industrial Sites
- Draft Policy 112 - Planning for Sustainable waste management
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 114 - New Waste Management Facilities and Extensions and Alterations to
- 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 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Planning History

Planning permission was granted under ref. 00/01994 for extension to side and increase roof height of existing storage building.

Planning permission was granted under ref. 00/01999 for a two storey side extension and 2 additional car parking spaces.

Planning permission was granted under ref. 01/02464 for continued use as a storage building without compliance with condition 03 of permission 00/01994 to allow insertion of mezzanine floor.

Conclusions

Class P

Class P permits development consisting of a change of use of any land within its curtilage from a use falling within Class B8 (storage or distribution centre) to a use falling within Class C3 (dwellinghouses) if the property meets the criteria within P.1 and the conditions within P.2

Development is not permitted by Class P where:

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins.
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018.
- (d) the gross floor space of the existing building exceeds 500 square metres.
- (e)/(f) the site is occupied under an agricultural tenancy.
- (g) the building is within AONB/The Broads/National Park/World Heritage Site a listed building or within curtilage of listed building
- (h) the site is or forms part of a SSSI/Safety hazard area/Military Explosives Area
- (i) the building is a listed building or is within the curtilage of a listed building
- (j) the site is a scheduled monument

The gross floor spaces of the existing building is 390m² (not exceeding 500m²)

The site is not an agricultural tenancy.

The building is not AONB, within The Broads, a National Park or a World Heritage Site

The site is not nor does it form part of a SSSI. There are no safety hazard or military explosives storages within the Borough.

The building is not a listed building or a scheduled monument.

Class W sets out the procedure for prior approvals under Part 3. Section W(3) states that:

The local planning authority may refuse an application where, in the opinion of the authority -

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question

Class W(4) goes on to state that sub-paragraphs (5) to (8) and (10) do not apply where the local planning authority refuses an application under sub-paragraph (3).

The property is currently in use as a storage and distribution facility (Class B8) and the recent planning history supports this use going back to before 2000. An Officer visit to the site confirms the current storage and distribution use. The Council is therefore satisfied that the use has existed for a period of at least 4 years before the date of the development under Class P would commence. The proposal therefore complies with Part C of Class P.

The following issues have also been assessed.

1. Air quality on intended occupiers of the development

The Environmental Health Officer has not raised objection in respect of air quality.

2. Transport

The Council's Highway Engineer was consulted. No objections were raised in principle subject to conditions in line with the comments in the Consultations section above.

3. Contamination

The Environmental Health Officer has commented that a similar Application in respect of 55 Liddon Road by the same Applicant was accompanied by a comprehensive Contamination Assessment which recommended remediation works to be carried out. Whilst it is appreciated that no external works are proposed at 53 Liddon Road it is likely that this site is similarly contaminated, and should the ground be opened for drainage, services, or even re-laying hard landscaping then this could put workers and others at risk. Such works may not require Planning Permission and therefore the Council would be unaware. A condition should be imposed prohibiting the disturbance of the ground without notifying the LPA then this would be my preferred option. Without such a condition there is a concern that the proposed works would result in a likelihood of contamination risk in the future for which there would be no other mechanism for mitigation.

Therefore Officers are satisfied that, subject to a suitable condition as outlined above, there is no sustainable objection in regards to risk of contaminants being present at the site that might compromise the health or safety of any future residential occupiers.

4. Flood Risk

The application site is within Flood Zone 2. A site specific Flood Risk Assessment has been submitted with the application. The Environment Agency have no objected.

5. Noise

The Environmental Health Officer has commented that there would be no potential impact in terms of noise. Officers are satisfied that due to location of the units, the planning history and the current use of the site, there is a low risk of noise from the development on surrounding residential properties or noise from surrounding industrial uses on the future occupiers of the site.

6. Impact on the sustainability of the provision of storage or distribution services or industrial services or a mix of those services

P.2 (b) (vi) states where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

Policy EMP4 consistent with the NPPF requires that Use Classes B1, B2 and B8 are retained in designated Business Areas.

The supporting text for Policy EMP4 states:

'10.18 The Business Areas consist largely of land with established light industrial and warehousing uses. The Council wishes to safeguard a supply of such land in the Borough to provide for the growth and development of business and industry. Consequently, proposals in the Business Areas for uses not within Use Classes B1 to B8 will not normally be permitted.

10.19 The Business Areas provide appropriate locations for uses within the Business (B1) and General Industry (B2) Use Classes. The St Mary Cray Business Area in the London Plan as an Industrial Business Park. Proposals likely to be detrimental to the amenities of adjoining residential areas, however, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, will be resisted.

10.20 Analysis has shown that the supply of vacant industrial sites and premises in the Borough is diminishing and that most do not generally remain vacant or undeveloped for long. In these circumstances, the extent of the Business Areas shown on the Proposals Map represents a sufficient, though limited, supply of good quality sites for modern business development.

10.21 Although there are many cases of retail uses having become established in the Business Areas, the demand for new business premises is strong and the supply of suitable land for business development in the Borough limited. Proposals for retail uses in Business Areas will therefore not normally be permitted.'

The proposal has been submitted to Council under amended permitted development rights for conversion of Class B8 premises to a Class C3 use. Whilst relevant business and employment policies are outlined above, it is important to distinguish planning policy considerations under permitted development rights (for conversion of Class B8 units to Class C3) from those under a standard change of use planning application.

Under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015, particular attention is given to P.2(b)(vi). This paragraph states that the Council is to determine whether prior approval is required as to: where it considers the building is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

Although the site is located in the Homesdale Road Business Area under the UDP, it is a non-designated site under the Draft Local Plan. The three premises fronting Liddon Road are the only remaining Class B uses in the Business Area. Of these, only the subject site is used entirely for a storage or distribution or industrial service. The neighbouring property at 55 Liddon Road has current approval under permitted development rights for conversion of Class B1a units to Class C3. Further, the Gasholder site to the south is proposed as a site allocation for housing-led mixed use under the Draft Local Plan.

Taking this into account, the location of the site can no longer be considered important for providing storage or distribution and/or industrial services. Therefore, it is considered that the requirements of P.2(b)(vi) are satisfied in this case.

Summary

On balance it is considered that the proposal would satisfy the criteria as set out within Class P, Part 2 of the General Permitted Development Order and therefore it is recommended that Members grant prior approval subject to conditions.

Background papers referred to during production of this report comprise all correspondence on file ref: 17/02274/B8RES, excluding exempt information.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 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 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.

- 2 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.

- 3 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. 1 space shall be provided per studio and 1 bedroom unit and 2 spaces for all other dwellings.**

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 4 No disturbance of the ground for services or landscaping purposes shall occur until Local Planning Authority is notified.**

Reason: In order to ensure that any potential ground contamination is effectively mitigated.

- 5** 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.

- 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** 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.

- 8** 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** Your attention is drawn to the following legislation, British Standard and Government advice concerning means of access for people with disabilities:-

- o The Disability Discrimination Act (DDA)1995 (extended 2005)
- o BS 8300: Design of buildings and their approaches to meet the needs of disabled people (2001)
- o Approved Document M of the Building Regulations 2000 'Access and Facilities for Disabled People' made under the Building Act 1984, as amended.
- o DDA Code of Practice 2006 Rights of Access to Goods, Facilities Services and Premises (Disability Rights Commission)
- o DDA Code of Practice 2004 : Employment and Occupation (Disability Rights Commission)

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.

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 No : 17/02603/TPO

Ward:
Bromley Common And
Keston

Address : Street Record Brockdene Drive Keston

OS Grid Ref: E: 542052 N: 164712

Applicant : Mrs Victoria Kinlock

Objections : YES

Description of Development:

T1 Laurel adjacent to entrance gate - Prune back north and west lateral branches to improve access.

G2 Line of Cypress along north and west boundaries - Fell all trees marked with pink dots (retaining two on west boundary and four on north boundary) and reduce remaining trees in height and spread by up to 1m.

G3 Three Sycamores in north-west corner - Fell to near ground level.

G4 Four semi-mature Sycamores on south side of fence - Fell to near ground level.

T5 Oak (dead) - Dismantle to near ground level.

T6 Holly - Fell to near ground level.

G7 Multi stemmed Laurel and Holly - Fell to near ground level.

T8 Field Maple - Crown lift east side up to 2.5m.

SUBJECT TO TPO 36 (A2)

Key designations:

Smoke Control SCA 22

Proposal

This application has been made in respect of a number of tree species located within the plot. TPO 36 dates back to 1968, protecting trees that existed at the time. It is clear that most of the trees applied for in the description are not covered by the order on the basis of being too young.

Location

The application site comprises a parcel of land surrounding an electricity substation, located on the north side of Brockdene Drive. Brockdene Drive is a cul-de-sac accessed off of Westerham Road. The site is covered by area Tree Preservation Order (TPO) 36.

Consultations

Nearby owners/occupiers were notified of the application and 6 representations of objection were received which can be summarised as follows:

- There is no legal right of access to the site.
- There is no motive for the work.
- The tree survey of the site is incomplete.
- The trees provide effective screening to surrounding houses.
- Loss of privacy.
- If intentions are to build a house, this would represent overdevelopment.
- Concern over maintenance of the access drive.
- Wildlife impact.
- Reduced screening from noise and general pollution.
- Trees not included in the proposals appear to be at risk.
- Increased soil compaction
- Destroying connectivity of tree groups and habitat.
- Altered landscape character.
- The owners of Brockdene Drive have not been approached with regard to access permission.
- The Cypress trees are situated on the boundary and the ownership has been claimed by a third party.
- The plot is too small.
- The electrical substation could be dangerous to visitors or occupiers.
- No provision for utilities.
- If development occurs, further back land development may occur.
- Building a new dwelling would overshadow neighbouring properties.

Planning Considerations

A number of other significant trees on the site do appear to be covered by the order, but are not represented on the plan supplied. During the site visit, the tree officer estimated the ages of the subject trees. Those clearly younger than the TPO do not require consent from the Council. Informative 2 lists the trees not covered by the TPO.

The subject trees contribute to a group of trees situated along the north side of Brockdene Drive. Trees here range up to 15m in height. The density of the group has resulted in some trees growing with poor form. The most significant of the group subject to this application are the sycamore trees.

The works are proposed to improve access to the land and remove unwanted specimens.

Conclusions

The majority of the trees listed in the works specification are exempt from the application process and are therefore not subject to this decision.

The justification is reasonable in terms of the low level trees and addressing those requiring crown lifting.

The removal of holly is considered beneficial in terms of improving the growing conditions of surrounding trees.

The felling of the mature sycamore trees (G3/G4) is opposed. This would result in dramatic changes to the visual aesthetics. Mature trees in the plot have clearly been incorporated into the TPO plan and any proposal to remove trees would require adequate justification.

The application has been called in for a committee decision and it is recommended that consent be granted in part to reflect the above conclusion.

The objections raised make some valid points in respect of habitat loss, wildlife disturbance and loss of screening. This application has been made in respect of protected trees and has not been assessed with regards to the feasibility of future development. Refused works is only an option of the trees subject to legislative control.

The objections raise concern over trees not covered by the order. The TPO protects trees that were in existence in 1968. A level of works to trees younger than this date would not require Council consent. The beech tree is a significant tree that benefits from the protection of the TPO. This tree is situated to the left hand side of the access gates.

The objections made in respect of potential development of the plot are acknowledged, however, the main considerations of this application are in respect of the acceptability of the works in respect of good arboricultural practices.

DECISION

Consent in part for:

T6 Holly - Fell to near ground level.

G7 Multi stemmed Holly - Fell to near ground level.

Refusal for:

G3 Three Sycamores in north-west corner - Fell to near ground level.

G4 Four semi-mature Sycamores on south side of fence - Fell to near ground level.

Reason:

The proposed works have not been adequately justified and would result in dramatic changes to the character of the cul-de-sac. Trees here are awarded cohesive amenity value and should be retained where possible. This aspect of the application conflicts with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006), and subsequently negate the objectives of the TPO.

CONDITIONS

1. B09 Tree consent – commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

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.

2. B07 Tree surgery

The work to the tree(s) hereby granted consent shall be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work)

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.

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and Ivy from protected trees.
2. The following trees are not subject to the TPO:
 - T1 Laurel adjacent to entrance gate.
 - G2 Line of Cypress along north and west boundaries.
 - T6 Holly - Fell to near ground level.
 - G7 Multi stemmed Laurel and Holly - Fell to near ground level.
 - T8 Field Maple - Crown lift east side up to 2.5m.
3. Cherry laurel is considered a shrub and is therefore exempt from the TPO legislation.
4. Oak (T5) was confirmed dead and can therefore be removed under exemption.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02172/FULL6

Ward:
Chislehurst

Address : 3 Sturges Field Chislehurst BR7 6LG

OS Grid Ref: E: 544718 N: 170536

Applicant : Mr & Mrs Eaton

Objections : No

Description of Development:

Single storey rear extension, alterations to side dormers and dormer to the rear

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The application proposes a single storey rear extension that would replace an existing conservatory and have a width of 9.9m and a depth of 4.5m. It would have an eaves height of 2.4m and a ridge height of 3.7m.

The application also includes a dormer to the rear and alterations to the dormers at the side.

The application site hosts a two storey detached dwelling on the Western side of Sturges Field, Chislehurst and falls within Chislehurst Conservation Area.

The application was called in by a ward Councillor.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

The Conservation Officer did not comment on the application and APCA did not inspect the file.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
H8 Residential Extensions

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 mid 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 37 General Design of Development
Draft Policy 41 Conservation Areas

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

The following London Plan Policies are relevant:

Policy 3.4 Optimising Housing Potential
Policy 5.3 Sustainable design and construction
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture

The National Planning Policy Framework is also a material planning consideration.
Chapter 7 - Requiring Good Design

Planning History

07/02374/FULL6; Two storey side extension and single storey rear extension with flank rear and front dormer; Permitted

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.

Design and Bulk

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. 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.

The materials of the proposed extension are, in so far as practical matching to the existing property, as the extensions would be somewhat visible from the side this is considered to be acceptable. The extensions would preserve the character and appearance of the Conservation Area.

Residential Amenity and Impact on Adjoining Properties

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The dwelling at number 2 extends past the rear of number 3 and this would therefore mitigate some of the impact of the extension and as such it is considered that there would be little impact on the adjoining occupiers of number 2 in terms of amenity and outlook.

The dwelling at number 4 extends to a similar line of that at number 2, and there is a gap of approximately 3m between the two dwellings which helps to mitigate the impact of the rear extension. It is considered that on balance there would be little impact on this adjoining occupier in relation to outlook and amenity.

The property currently benefits from 2 side dormers facing number 4 and it is proposed to join these as 1, given that there would be no additional windows and little additional bulk it is considered that this would have no impact on the adjoining occupiers of number 4.

The dormer to the rear is very small and would not create any more overlooking than the existing window at first floor in the rear gable and therefore is considered to be acceptable.

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 adjoining residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/02172/FULL6 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 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 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.

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02291/FULL1

Ward:
Biggin Hill

Address : 136 Main Road Biggin Hill TN16 3BA

OS Grid Ref: E: 541951 N: 158801

Applicant : Hazelback Estates Ltd

Objections : YES

Description of Development:

Demolition of existing building and erection of part two/three storey building comprising 2 Class A1 retail units on ground floor and 1 two bedroom and 6 one bedroom flats on first and second floors, with front and rear balconies, 9 car parking spaces, amendments to access road, provision of refuse and cycle stores, and landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Retail Shopping Frontage Biggin Hill
Smoke Control SCA 24

Proposal

It is proposed to demolish the existing buildings on the site, and erect a part two/part three storey flat-roofed building fronting Main Road which would comprise two retail units on the ground floor, and a total of 7 flats on the first and second floors (4 one bedroom flats on the first floor, and 1 two bedroom and 2 one bedroom flats on the second floor). Each flat would have a front or rear balcony, whilst a communal amenity space would be provided to the rear adjacent to the parking area.

It is proposed to widen the existing shared access road between Nos.134 and 136 in order to access the rear parking area which would contain 9 car parking spaces and a cycle store. A refuse store would be incorporated within the main building adjacent to the access road.

The application is accompanied by a Planning Statement, a Design and Access Statement, a Transport Statement, a Stage 1 Road Safety Audit, and a Badger Assessment and Monitoring Report.

Location

This site is located on the south-western side of Main Road and is occupied by a vacant single storey building which comprised two Class A1 retail units. It lies adjacent to Biggin Hill Sports and Social Club to the south-east, separated by an access road, and is adjacent to an estate agents at No.134 to the north-west, again separated by an access road leading to parking at the rear of the shops.

Consultations

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

- * cramped form of development which would be out of character with the area
- * design of the building would not be in keeping with the area

- * substandard vehicular access
- * the building is too high at three storeys compared with neighbouring buildings
- * loss of privacy to neighbouring residential properties in Sutherland Avenue, particularly from rear balconies
- * loss of trees that currently screen the site to the rear
- * dangerous vehicular access
- * inadequate parking provision
- * lack of amenity space for the flats
- * future occupiers of the development could complain about noise levels at the adjacent Sports and Social Club to the detriment of club members
- * loss of light to the club buildings.

Comments from Consultees

Highways -The proposals are for a reduction of one flat since the refused 2016 application. There is a parking area to the rear of the building with an existing access from Main Road which is a very busy classified road, a London Distribution Route, and part of the A233. The site is within a low (2) PTAL area.

The access is close to the traffic signal junction with Lebanon Gardens, and would be widened to allow 2 cars to pass. A Stage 1 Road Safety Audit was carried out.

The application indicates that there are 5 existing parking spaces to the rear of the property, and 9 are proposed in the current scheme (one for each flat and one for each retail unit). The layout to the rear includes more landscaping and so the parking area has been reduced in size since the 2016 application.

The entrance door to the flats is shown opening inwards but residents would still be stepping straight into the access road, as with the previous scheme.

With regard to the Stage 1 Road Safety Audit submitted, the applicant has confirmed that self-closing or sliding doors would be used for the bin stores, which can be dealt with by condition, as can the incorporation of pedestrian measures in the design of the access. The telephone box to the front of the site which affects the sightline is due to be removed, although there is no timescale for its removal. As the access is already in use and there do not seem to be any accident issues associated with it, it would be difficult to justify its removal before any work commenced on site.

Stage 2 and 3 Road Safety Audits should be carried out at the appropriate times.

The West Kent Badger Group has identified an active badger sett in the wooded/rubbish area to the west of the proposed development, with entrances to the sett from the garden of the adjacent property at Dallington. The Group agrees with the recommendations made in The Badger Monitoring and Assessment Reports by the Ecology Partnership regarding retention of the green area in order to protect the badgers and their sett and to enhance the area. A planning condition is recommended in order to preserve this green space for wildlife.

Environmental Health advise that the two bedroom flat (Unit 7) would be slightly below the minimum size recommended, and the balcony would not be of adequate size if occupied by a family. The windows to the bedrooms should be slightly larger in order to provide adequate natural light. Adequate natural ventilation should also be provided to the living rooms and bedrooms of all the flats.

No drainage objections are raised, and Thames Water have no concerns about the proposals.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE5 Protected Species
S4 Local Shopping Centres

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, and is likely to be submitted to the Secretary of State in mid-2017. These documents are a material consideration, and the weight attached to the draft policies increases as the Local Plan process advances. The relevant draft policies include:

Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 72 - Protected Species

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

Planning History

Permission was refused in 2015 (ref.14/05017) for the demolition of the existing buildings and the erection of a part one/three storey building comprising 2 Class A1 retail units and 8 one bedroom flats with 12 car parking spaces, cycle and refuse stores and a caretakers store on 4 grounds:

- (1) the size, height and bulk of the building would result in a cramped overdevelopment of the site, detrimental to the street scene
- (2) the unacceptable intensification of the use of a substandard vehicular access
- (3) the proposals may adversely impact on badgers on or close to the site
- (4) the inadequate size of the residential units and the lack of adequate amenity space to serve the development.

More recently, permission was refused in August 2016 (ref.16/00231) for a similar scheme for 2 retail units and 8 flats on similar grounds. The only issue that had been satisfactorily resolved was the size of the residential units.

Conclusions

The main issues in this case are the impact of the revised proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residential properties, on parking and road safety in the adjacent highway, and on protected species.

The proposals have been revised since the 2016 application in the following main ways:

- * the number of flats has been reduced from 8 to 7
- * the height and bulk of the building has been reduced, and the second floor has been set back from the front of the building
- * private amenity space is provided in the form of front and rear balconies
- * the access road has been widened
- * the parking area at the rear has been reduced in size and the landscaped area increased in order to provide an appropriate safeguarding distance to a badger sett located at the rear of the site.

Further information has also been submitted in the form of a Road Safety Audit and a Badger Monitoring Report.

Amount of development and character and appearance of the area

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.

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.

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.

The site is located adjacent to other commercial properties to the north-west and south-east, some with residential accommodation above, and backs onto residential properties at the rear. The Council would therefore consider a mixed commercial/residential development to be appropriate in principle in this location, provided that it is designed to complement the character of surrounding developments, that the design and layout would provide suitable residential accommodation, and it would provide adequate garden and amenity space for future occupiers.

Density

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 64 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 2 PTAL location. The proposals would

therefore result in an intensity of use of the site that would be within the thresholds in the London Plan. However, the proposals need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Size, scale and design

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

Policy BE1 of the UDP sets 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, and 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 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 revised scheme has reduced the overall height of the building by approximately 1m, and the first and second floor accommodation would be stepped back 3-4m from the front of the building, whilst the front second floor flat would be set back between 1.8-5m from the side walls of the building in order to significantly reduce the overall bulk of the building. In comparison with the refused 2016 scheme, the proposed building would have more detailing particularly on the front elevation, and would sit more comfortably within the street scene.

Although the building would still be higher than the adjacent properties, the revised design and reduced bulk of the building mean that it would not now appear overbearing in relation to its neighbours, and would not appear overly cramped within the street scene. It would not therefore have a detrimental impact on the character and spatial standards of the surrounding area.

Future residential amenity

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

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

The proposals comprise 1 two bedroom 4 person flat and 6 one bedroom 2 person flats. The London Plan (2015) suggests that the minimum size of a two bedroom 4 person dwelling should be 70sq.m., and the minimum size of a one bedroom 2 person dwelling should be 50sq.m.

The two bedroom flat would be slightly below the requirements at 69sq.m., but this would not be unacceptably small to warrant a refusal on those grounds. The one bedroom flats would provide between 51-63sq.m. floorspace, and would therefore achieve the standard.

Each dwelling would have private outdoor amenity space in the form of a balcony and a communal area is proposed at the rear adjacent to the parking area.

With regard to the layout of the flats, Environmental Health have commented that the two bedroom flat would not provide adequate private recreational space if occupied by a family, and that the windows to the bedrooms should be slightly larger to provide adequate natural lighting, however, these aspects are not considered so significant to warrant a refusal on residential amenity grounds.

Impact on neighbouring residential amenity

Policy BE1 seeks to ensure that new development proposals respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

With regard to the impact on neighbouring properties, the proposed building would be separated from the adjoining buildings by side access roads, and would extend approximately 5m beyond the existing main building, but would not extend as far as the existing store. Although some loss of light may occur to adjacent properties, the separation is such that it would not be significantly harmful to the amenities of adjoining occupiers.

The proposed building would be visible from residential properties to the rear in Lebanon Gardens and Sutherland Avenue, and would contain rear-facing windows and balconies at first and second floor levels. However, they would be at least 30m away from the nearest rear garden at Dallington, and approximately 75m away from the rear elevations of properties in Sutherland Avenue. The proposals are not, therefore, considered to result in undue loss of outlook or privacy to residential properties to the rear.

Impact on parking and road safety in the adjacent highway

With regard to highway matters, the level of parking provided is acceptable, and the access road has now been widened. Subject to safeguarding measures, the proposals would now provide an acceptable access to the site, and would not now cause harm to the free flow of traffic and conditions of safety in the highway.

Impact on protected species

Badger Monitoring and Assessment Reports were submitted with the application, and the green area to the rear of the site would now be adequately retained in order to protect the badgers and their sett, and this can be appropriately conditioned in order to preserve the green space.

Conclusions

The revised scheme is now considered to have satisfactorily overcome the previous grounds for refusal, and would result in an acceptable form of development on the site.

as amended by documents received on 02.08.2017

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 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 No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by 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 NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

5 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

6 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

7 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

8 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.

9 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.

- 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** 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.

- 12** 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.

- 13** 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 Policy 4A.14 of the London Plan and Planning Policy Statement 25.

- 14** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first and second floor flank elevation(s) of the building 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.

- 15 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.

- 16 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

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.

- 17 Before any work is commenced on the access/highway works, a Stage 2 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the Local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the Local Planning Authority following satisfactory completion of the works.

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.

- 18 Details of the method of opening of the bin stores shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details before the first occupation of the building.

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

- 19 Details of the design of the access road to incorporate pedestrian safety measures shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details before the first occupation of the building.

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

- 20 The development shall be carried out in accordance with the recommendations in the Badger Assessment and Monitoring Report 2017 by The Ecology Partnership.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of badgers and their setts.

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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Section 3 (Applications recommended for permission, approval or consent)

Application No : 17/02330/FULL1

Ward:
Orpington

Address : 173 - 175 High Street Orpington BR6 0LW

OS Grid Ref: E: 546288 N: 166311

Applicant : Mr Peter Leuzzi

Objections : NO

Description of Development:

Demolition of existing building, and erection of a 4 storey building with retail on ground floor, with 8 residential units above

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Primary Shopping Frontage
Smoke Control SCA 29

Proposal

Planning permission is sought for the demolition of the existing building, and the erection of a 4 storey building with retail on ground floor, with 8 residential units above

The site is located towards the southern end of Orpington High Street. It is currently utilised as an A1 with associated storage space on the first floor.

The building has pedestrian access to the front through the retail unit and pedestrian/vehicular access to the rear. In addition, an external, partially covered alleyway is located between the application site and the neighbouring commercial premises (currently Ryman) to the east, which provides direct pedestrian access to the rear of the site.

It is of note, that planning permission was granted under application reference 08/02864/FULL1 for 'Part one/ three/ four storey building comprising retail shop and 1 one bedroom and 7 two bedroom flats with refuse storage and bicycle parking.' The application now under consideration is very similar to that granted. The emphasis of planning policy has not changed since it was granted, and as such, it carries a degree of weight as a material planning consideration.

The building is two storeys in height and sits within the Primary Shopping Frontage in Orpington Town Centre.

The site does not lie within a conservation area and is not a Listed Building.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Bromley Drainage Engineer has advised:

The new proposal covers the whole footprint of the site, so I do not see any space for SUDS to be installed to control surface water run-off. Could you please ask the applicant

to answer this question and please advise that we do not accept surface water run-off to be discharged into public sewer without attenuation.

In response to the submission of additional comments, he requested the imposition of condition D02.

Bromley Highways has advised:

'The proposal is for a retail unit on the ground floor and 8 flats (7 x 2 bed and 1 x 1bed) above which is similar to the permitted 2008 proposal. There is no parking provided as part of the proposal. The site has a moderate (4) PTAL assessment although it is within the town centre and its amenities. A Transport Statement was supplied with the application.

There is a car club vehicle in the High Street and the TA indicates that the developer will fund 2 years free car club membership and 20 hours driving time to the first residents of the residential units.

The cycle storage is in line with the London Plan (15 spaces). Waste Services should be consulted to ensure the waste storage facilities are adequate and they are OK with the collection arrangements.

Please include the following conditions in any permission

H22 cycle parking
H29 construction management plan
H33 car free housing

Non-standard condition

The developer should offer the first resident/tenant of each residential unit a 2 years annual membership of the closest car club to the development. In the first year of the car club membership, the developer will also provide the first resident with a minimum of 20 hours driving time per unit for the type of vehicle located closest to the development. The sale/rent of the flats should be advertised as car free development.

Bromley Environmental Health have advised:

'I have looked at this application and in principle would have no objections to permission being granted. I would however recommend the following Condition:

Before the use commences the Recommendations of the Noise Assessment carried out by DKN Acoustics (Report 0334.1 rev0) be implemented in full and permanently maintained thereafter.

I would also recommend that the following Informatives be attached:

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.

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.'

The Designing out Crime Officer has advised that unless mitigating circumstances apply, Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units. However, he can see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products. The following measures have been encouraged.

'These standards will need to be met if the applicant requires:

- o Full Points for Security from Category 8 (Code for Sustainable Homes)
- o Housing Corporation's Design and Quality Standards April 2007 Code Standard Level 3(***) Incorporating: Full Points for Security from Category 8 (Code for Sustainable Homes)
- o Secured By Design Award.

External Residential and Individual Flat Entrance Doorsets: All such doorsets to be certificated to one of the following standards.

- o BS PAS 24:2012 'Enhanced security performance requirements for Doors and Windows in the UK'
- o STS 201
- o LPS 1175 Security Rating 2
- o STS 202 BR2...
- o Any glazing to include at least one pane of laminated glass certificated to BS EN 356 2000 rating P1A.

Ground Floor and Accessible Windows: certificated to one of the following standards

- o BS PAS 24:2012 'Enhanced security performance requirements for Doors and Windows in the UK'
- o STS 204
- o LPS 1175 Security Rating 1...
- o Any glazing to include at least one pane of laminated glass certificated to BS EN 356 2000 rating P1A for residential.

Lighting

The purpose of lighting from a crime prevention perspective is so that people can see the faces of others in order to ascertain whether their intention is hostile or not and to be better able to identify anyone committing crime in that area. The light should be directed down onto the faces rather than sideways/upwards which would contribute to light pollution.

Communal areas such as roads, footpaths and parking areas should be lit to the standard required by BS 5489: 2013.

Bollards are deemed unsuitable for communal areas such as car parks and footpaths as they do not achieve this and the light they do provide can be blocked by parked vehicles.

Rear Gardens

Access should be restricted to the rear of the property by means of lockable gate with adjoining wall, railings or wooden fence with trellis topping. It is preferable that the barrier should be as far forward flush with the building line as possible, taking into consideration any adjacent climbing aids. When considering the design of the gate try to avoid centrally located horizontal bars or anything that could give the intruder a foothold.

Front Gardens

The main crime prevention objective for the front garden is that good natural surveillance is maintained. Any fence, wall or other barrier to vision at the boundary with the street should be 1 metre in height or lower. If barriers higher than this are required then they should be of types that allow vision through e.g. railings with or without brick piers.

Recommendations for the planting used in the front garden are that shrubs should have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.'

Planning Considerations

National Planning Policy Framework (NPPF) (2012)

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

Unitary Development Plan:

- BE1 Design of New Development
- BE1 Mixed Use D
- BE19 Shopfronts
- H1 Housing Supply
- H7 Housing Density and Design
- S1 Primary Frontages
- S6 Retail and Leisure Development
- T1 Transport Demand
- T2 Assessment of Transport Effects
- 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

Bromley's Proposed Submission Draft Local Plan

The Council is preparing an updated Local Plan. The local development scheme indicates the submission of the draft local plan to the Secretary of State in the mid part of 2017. As the local plan progresses through the consultation stages, the policies are afforded more weight in the planning balance.

The following should be afforded some weight:

- 1 Housing Supply
- 4 Housing design
- 30 Parking
- 31 Relieving Congestion
- 37 General Design of Development
- 91 Proposals for Main Town Centre Uses
- 101 Shopfronts and Security Shutters
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems

- 119 Noise Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Reduction
- 125 Delivery and Implementation of the local plan

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)

Planning History

08/02864/FULL1 - Part one/ three/ four storey building comprising retail shop and 1 one bedroom and 7 two bedroom flats with refuse storage and bicycle parking. Permission granted subject to legal agreement.

Conclusions

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

- o Principle of Development
- o Design, layout, scale, appearance and density
- o Residential Amenity
- o Standard of Residential Accommodation
- o Archaeology
- o Flooding
- o Highways and Traffic Issues
- o Sustainability and Energy

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

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 small scale infill development 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.

It shall also be noted that the Borough's five year housing supply position (2014/15-2019/20) illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered sufficient completions over the past few years

Therefore, in this case it can be concluded that the site is not required to fulfil the Borough's housing targets and as such the suitability of the site is considered on site specific merits.

The principle of a mixed use development in the town centre with retail provision on the ground floor is supported by UDP Policy BE2 where the value of improving the vitality and viability of town centres by introducing mixed use schemes is promoted. Draft policy 1 identifies town centre renewal and mixed use developments as appropriate sources of new housing provision.

The ground floor would provide a retail unit that would be in-keeping with desired uses in this primary frontage of Orpington Town Centre. The residential use on the upper floors would consist of 8 units which would result in an overall density of 200 units per hectare.

The Council's policy for development within centrally located areas such as this site recommends a density of between 240 - 435 habitable units. The London Plan SPG - Housing, recommends at table 3.2, a density of 215-405 units per hectare. It should be noted that a density figure for a mixed use scheme does not give a wholly accurate indication of intensity of development because of the floorspace devoted to the non residential use. Regardless, it is considered that the density is acceptable due to the context of the proposal site, in particular the height of neighbouring and opposite buildings.

In conclusion, Members may consider to support the principle of the development.

Design, Siting and Layout.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas and seeks to protect the amenities of neighbouring properties. This is reiterated in Draft Policy 37.

The general layout and scale of the proposal would harmonise with the prevailing pattern of development in the locality. The fourth floor element is shown as set back from the frontage and, as such, is considered to be acceptable. Bringing the predominant height of the site in line with the adjacent building presents a more congruous frontage to the streetscene and makes better use of the site in a town centre location.

The overall design and styling of the building would sit comfortably within the streetscene and would represent a higher quality interpretation of the surrounding built form.

The provision of a central courtyard, separating the two proposed residential blocks, would introduce light and air to the development, along with a private amenity space which creates natural surveillance and security. This approach is welcomed and maximises the use of the constraints of the site.

The access route to the north of the site has been maintained. This is considered to be preferable to the previously approved scheme which showed the loss of this access between the high street and the rear of the site.

Insufficient detail has been submitted regarding the materials to be used. Further detail can be required by condition.

Amenity

Policy BE1 seeks to ensure that new development proposals respects the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is reiterated in draft policy 37.

Overlooking between units facing the courtyard has been kept to a minimum with careful design of the window positions. Member may consider the impact within the scheme to be acceptable.

The windows in the rear elevation will sit in close proximity to those of No.42-46 The Walnuts which sits to the South of the rear of the site and contains residential accommodation. However, the proposed rear windows would sit at an oblique angle to them with daylight/sunlight from Drydon Way remaining unaffected. As such, it is considered that there would be not be an unacceptable impact on the amenity of these units in terms of loss of daylight/sunlight, overshadowing, or loss of privacy.

With the exception of No 42-46 the Walnuts, as addressed above, the other fenestration surrounding the application site is in commercial use. The proposal would not therefor

have an unacceptable impact on any habitable accommodation, and Members may consider this to be appropriate development within such a dense urban setting.

Another change since the previous application is the development of the Odeon block to the rear of the application site. Plant is located in close proximity to the proposed siting of units C, F and H. An acoustic assessment has been submitted with the application which has assessed the impact on the proposed residential units. It concludes that appropriate noise control measures have been provided, and that the resultant living environment would meet desirable levels. Bromley Environmental health have concurred with the findings and have recommended conditions to ensure their implementation.

The passage to the side of the proposal would present opportunities for antisocial behaviour, particularly for those using the secondary access for cycle storage. As such, a lighting scheme can be required by condition to ensure sufficient motion sensor lighting is provided.

Standard of Residential Accommodation

Standard 13 relates to the provision of an access control system. It requires that in scheme of that proposed, a control system with entry phones in all dwellings linked to a main front door with electronic lock release should be provided. This is a matter that can be dealt with by condition.

Standard 24 states that all new dwellings should meet the nationally described space standard. I have assessed the submitted plans and am satisfied that the scheme does accord with these.

Standard 26 states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. The proposal fails to make this provision for two of the flats. However, given the constraints of the site, and the accessible communal space that is provided at roof level, it is considered that this is acceptable, and a reasonable provision of amenity space.

Archaeology

The site lies within an area of Archaeological Significance. The NPPF and London Plan emphasize that the conservation of archaeological interest is a material consideration in the planning process.

The Application is accompanied by an appraisal to assess the archaeological impact of the proposal. It concludes that the application site itself lies within an area that was the hinterland of the Archaeological Priority Area. Further to this, considerable development has taken place within the vicinity of the site since at least the 20th Century. In addition, because the proposals involve the demolition of an existing building and redevelopment within the same footprint, the potential for significant archaeological remains to be disturbed during construction works is limited. As such, the appraisal identifies no heritage constraints to redevelopment of the site. It is accepted that this is entirely reasonable and likely.

Flooding

The site does not lie within a flood risk zone any longer. However it is identified as at high risk from surface water flooding. The new proposal covers the whole footprint of the site, so the applicant has proposed to provide water harvesting butts at 1st floor courtyard level to attenuate surface water run-off. Bromley Drainage Officer is satisfied with this approach and has recommended imposition of a condition to secure it.

Car parking

Two driveway parking spaces are provided for each dwelling with adequate and demonstrated turning space. The Council's Highways Officer has not raised objection in this regard.

Highways Impact and Access

From a highways point of view the site is located in an area moderately accessible to public transport and achieves a Public Transport Accessibility Levels (PTAL) level 4. For sites in this category the London Plan recommends less than 1 parking space per unit. The UDP indicates a maximum of 1 space per unit. This is also expressed as a minimum of 0.7 in the Draft UDP.

The proposal shows a car free development. Bromley Highways have advised that this is acceptable as there is now a car club vehicle in the High Street so any forthcoming application should make provision for 2 years free car club membership and 20 hours driving time to the residents of the units.

The TA indicates that the developer will fund 2 years free car club membership and 20 hours driving time to the first residents of the residential units. This can be secured by condition.

The cycle storage proposed is in line with the London Plan (15 spaces).

Sustainability and Energy

Draft UDP policy 123 requires that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account. This emphasises the general principles set out within the London Plan.

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 Energy and Sustainability Statement has been submitted to demonstrate how the proposal will meet these objectives. This can be conditioned to secure its implementation.

The Mayoral Community Infrastructure Levy (CIL):

The Mayor has introduced London-wide Community Infrastructure levy (CIL) applicable to developments consented on or after 1 April 2012. CIL is a charge that local Authorities and the Mayor of London can set on new development to help pay for community infrastructure. It is intended that the Mayoral CIL will raise £300 million towards the delivery of Crossrail.

London Boroughs will be acting as collecting authorities on behalf of the Mayor, and in Bromley the Mayoral CIL Charge has been set at £35 (plus indexing) per square metre of net additional floorspace.

The proposal would trigger a CIL contribution

Summary

Having regard to the relevant provisions of the Unitary Development Plan, the Council's Supplementary Planning Guidance on Residential Design Guidance and other material

considerations; Members may consider that the proposed development would be acceptable and that planning permission should be granted subject to conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 08/02864/FULL1 and 17/02330/FULL1 as 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 Prior to the commencement of development, details of all external materials to be used on the building hereby approved shall be submitted to and approved in writing by the local Planning Authority. the development shall be carried out only using those materials approved.**

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 The surface water drainage system indicated in the application submission shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

REASON: To ensure satisfactory surface water drainage provision.

- 5 The developer should offer the first resident/tenant of each residential unit a 2 years annual membership of the closest car club to the development. In the first year of the car club membership, the developer will also provide the first resident with a minimum of 20 hours driving time per unit for the type of vehicle located closest to the development. The sale/rent of the flats should be advertised as car free development.**

REASON: To promote sustainable transport useage in accordance with the London Plan; and 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.

- 6 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.

- 7 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.

- 8 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.

- 9 Before the use commences, the Recommendations of the Noise Assessment carried out by DKN Acoustics (Report 0334.1 rev0) be implemented in full and permanently maintained thereafter.

REASON: To protect the amenity of future occupiers of the premises in accordance with policy BE1 of the UDP

- 10 Details of a scheme of lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

- 11 Details of a scheme of a control system with entry phones in all dwellings linked to a main front door with electronic lock release shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner.

REASON: In the interest of the safety of occupiers of the building and in accordance with the requirements of Standard 13 of the London Plan Housing Supplementary Planning Guidance

You are further informed that :

- 1 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.

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.

- 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

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02408/FULL6

Ward:
Cray Valley West

Address : 26 Palewell Close Orpington BR5 3BX

OS Grid Ref: E: 546728 N: 169462

Applicant : Mr Timothy Cross

Objections : NO

Description of Development:

Two storey side extension.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 20

Proposal

The application seeks planning permission for the erection of a two storey side extension with a width of 3m and a depth of 7.02m. It would feature a flank gable end that would match the ridge and eaves height of the existing dwelling.

Location

The application site hosts a two storey end of terrace property located on the western side of Palewell Close, a cul-de-sac.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

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.

London Plan:

Policy 7.4 Local character
Policy 7.6 Architecture

Unitary Development Plan:

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 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 37 General Design of Development

Planning History

The application site has no previous planning history.

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.

Design

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. 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.

The proposed two storey extension would have a width of 3m, and would extend the entire depth of the property. The roof would feature a gable end to match the ridge and eaves height of the existing dwelling.

The extension would have a modest width and is not considered to result in a significant bulky addition to the property or an overdevelopment of the site. The proposed materials would match the existing, and the extension would therefore not result in any significant harm to the appearance of the host dwelling. Furthermore, its design would be in keeping with the character of the area and would not result in any harm to the streetscene in general.

Side Space

Policy H9 requires a minimum 1m side space to be provided for the full length and height of developments of two storeys or more.

The site has a tapered boundary which angles away from the flank wall of the proposed extension. The front of the extension would provide a side space of 1m when measured along the line of its front wall however when measured directly to the boundary the distance would be approx. 0.85m. This distance would then increase to the front and rear given the angle of the boundary and relationship to the host dwelling.

The extension would therefore technically be contrary to Policy H9, however it would provide a side space well in excess of 1m aside from its front corner. The dwelling is sited in the corner of a cul-de-sac and would therefore not be prominent within the wider

streetscene. It would not be considered to result in a cramped form of development, and any harm to the spatial standards of the area would not be significant. As such, it is considered the proposed extension is an acceptable addition to the host dwelling.

Residential Amenity

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The proposed extension would not project further forwards than the existing dwelling, and given the relationship to the neighbour at No. 27 the additional width would not result in any significant loss of outlook or light to this neighbour. Any impact would also be mitigated by the existing boundary treatment. Furthermore, the first floor flank wall would be blank which would prevent any loss of privacy, whilst windows to the front would not result in any overlooking above that which already exists.

The proposed extension would also not project further to the rear of the extension and would not be visible from the neighbouring property at No.25 Palewell Close.

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.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/02480/FULL6 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 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 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 No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

REASON: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02418/FULL1

Ward:
Bromley Town

Address : 15 Bromley Common Bromley BR2 9LS

OS Grid Ref: E: 541116 N: 168175

Applicant : Mr M Paye

Objections : YES

Description of Development:

Construction of a two storey plus basement rear extension to the existing building to create 7 additional flats comprising 3 two bedroom, 4 one bedroom flats within the extended sections of the building in connection with revised flat layouts in the existing section of the building. Provision of front parking with in/out access, amenity space, refuse and cycle storage and associated landscaping.

Key designations:

Conservation Area: Bromley Common
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 19

Proposal

Planning permission is sought for the construction of a two storey plus basement rear extension to the existing building to create 7 additional flats comprising 3 two bedroom, 4 one bedroom flats within the extended sections of the building in connection with revised flat layouts in the existing section of the building. Provision of front parking with in/out access, amenity space, refuse and cycle storage and associated landscaping.

The application is a resubmission of a previously refused application with amendments made to address the Council's previous reasons for refusal as detailed in the planning history below.

The rear extension will have a footprint of approximately 14.8m depth by 11.7m width at its maximum extents and will be contained approximately centrally within the width of the existing building across the adjoining property boundaries between No's 15 and 17. Separation distances of approximately 7.98m increasing to 11m to No19 and 9.13m to No13 at the rear elevation point of the extension are maintained to the south east and north west flank property boundaries respectively. The resultant height of the extended section of the main building will be approximately 8.4m to the ridge and 5.8m to the eaves. The design of the extension will be two storeys with a pitched roof at the same gradient as the existing main roof of the building.

Deep lightwells are incorporated to the rear and flank sides of the extension. Internally in the original building, a lift is provided for level access on all floors along with repositioning of the internal stairs.

An in and out parking system is shown utilising the existing highway crossover point to provide vehicle access to a front parking area for 14 vehicles.

In terms of materials, the rear and flank wall will be rendered with a matching tiled roof. Windows details are left to be agreed. However, the plans are indicative of a sash style window aperture to the rear extension and full height opening sections in the basements.

Private amenity areas are provided for the rear ground level flats in large lightwells to the rear and flanks. The rear curtilage area will provide a communal space with access available for all flats in the building as a whole.

Location

The application site comprises No's 15-17 Bromley Common, situated to the northeast of Bromley Common Road, to the south of Bromley Town Centre. The building is a three storey property of render and face brick construction, comprising six residential apartments (one 2 bed and five 3 bed). The building is set back from Bromley Common (A21) and accessed via a crossover leading directly to the established area of parking provision. To the rear is an area of shared overgrown garden for use by current residents. A demarked garden area currently exists for the ground floor flat at No15.

To the north west No's 11 and 13 also locally listed, comprise office accommodation (Use Class B1a). The rear of the properties have been jointly extended to infill the middle area retaining a courtyard, between original rear projections across the original adjoining party boundary and further extending the building into the rear curtilage.

To the south east No 19 is set substantially forward of the site with additional residential buildings to the rear at 19a and 19b.

There are mature trees and dense vegetation to the rear curtilage and side boundaries giving the area a mature and pleasant appearance. Part of the rear of the site is subject to a Tree Preservation Order (TPO).

The building is not statutory listed building but is locally listed and falls within the Bromley Common Conservation Area.

Consultations

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

- Concerns regarding the impact to the privacy and overlooking of properties located in Fielding Lane to the rear of the site.
- General comments regarding another application submitted by the developer on a different site.

Officer comment: Only comments regarding the scheme for the application site are taken in to account in the consideration of this application.

Advisory Panel for Conservation Areas:

No objection subject to landscaping condition to front parking area to ensure the retention of trees plus new ones and suitable ground cover.

Internal Consultations

Highways:

Bromley Common (A21) is part of Transport for London Road Network. The site in an area with PTAL rate of 3 on a scale of 0 - 6b, where 6b is the most accessible. The development is utilising the existing access arrangement leading to the front car parking area. Fourteen parking spaces are indicated on the plan, which is acceptable.

London Plan Cycle parking standards should be adhered to. Refuse storage is indicated on the submitted plan and is acceptable.

Drainage:

Additional information recommended to be sought by planning condition.

Environmental Health - Pollution:

No objections.

Trees and landscaping:

The proposals are less destructive to existing trees. The reason for refusal associated with application 17/00329/FULL1 have been acknowledged and the scale of the development appears more acceptable. I would recommend a compliance condition be applied in the event planning permission is granted.

Transport for London:

- The site of the proposal is on the A21 Bromley Common which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.
- It is understood that the proposal is an extension to provide 4 two bedroom flats and 3 one bedroom flats in addition to existing flats. It is understood that the 14 car parking spaces for a total of 13 flats, including one visitor

space and one Blue Badge space, will be provided on site. Considering the site's moderate PTAL of 3, the applicant should investigate the possibility of reducing the number of car parking spaces. This is to support the London Plan's objective to reduce traffic and congestion levels and avoid undermining sustainable travel.

- It is requested that 20% of all car parking spaces are active Electric Vehicle Charging Points (EVCPs) and a further 20% are passive EVCPs in line with the London Plan.
- TfL welcomes the proposed 23 cycle parking spaces as this is in line with London Plan standards. All should be located in secure, sheltered and accessible locations.
- It is understood that an existing crossover on the A21 Bromley Common will be retained and welcomed that vehicles are able to enter / exit the site in forward gear.
- It is understood that delivery and servicing will be undertaken on the TLRN as per existing. It is requested that further information on delivery and servicing arrangements are provided particularly where on the TLRN delivery and servicing will take place.
- The footway and carriageway on the A21 Bromley Common must not be blocked during the extension. Temporary obstructions during the extension must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the Bromley Common. All vehicles associated with the extension must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Subject to the above comments, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

Crime Prevention:

No further comments received. Previous application comments under ref 17/00329/FULL1 advised:

There is no reason for the development to not be able to achieve that standard of security for the new build and efforts should be made to attain this level of security for any refurbished units within the current building.

Thames Water:

No further comments received. Previous application comments under ref 17/00329/FULL1 advised:

No objections with regard to sewerage infrastructure capacity or water 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
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas.
- 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. The submission of the Draft Local Plan was made to Secretary of State on 11th August 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 39 - Locally Listed Buildings

Draft Policy 41 - Conservation Areas

Draft Policy 43 - Trees in Conservation Areas.

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

17/00060/FULL1: Change of use from 3-bed flat to 7 person House of Multiple Occupation (HMO) and internal alterations to provide shower room. Pending consideration at time of writing.

17/00329/FULL1: Construction of a three storey plus basement rear extension and rear roof alterations to the existing building forming additional upper level accommodation to create 9 additional flats comprising three 1 bedroom, six 2 bedroom flats within the extended sections of the building in connection with revised flat layouts in the existing section of the building. Provision of front parking with in/out access, amenity space, refuse and cycle storage and associated landscaping. Refused 13.03.2017.

The related refusal reasons are summarised as follows:

- The rear extension by reason of its design, excessive depth, height, mass and scale would failed to be subservient to the host dwelling dominating the rear elevation of the building contrary to the preservation of the identified character of the wider Bromley Common Conservation Area and the character, appearance and special local interest of the locally listed building and its setting.
- The dormer extension, lift housing and additional floor, by reason of its scale, massing, design and close proximity to roofscape boundaries, was considered to be out of character with the prevailing pattern of roofscapes within the immediate locality and represented a visually intrusive addition, harmful to the character and appearance of the locally listed building and Bromley Common Conservation Area, as well as having a serious and adverse effect on the amenities enjoyed by occupants of neighbouring property.
- Due to the scale of the development, the amount of trees proposed for removal to facilitate the development negated the objectives of the Bromley Common Conservation Area and the Tree Preservation Order (TPO) on site.
- The development failed to provide a satisfactory layout and standard of good quality accommodation for future occupiers by reason of its poor living quality of internal spaces of four of the flats proposed.
- The development by reason of its overbearing nature, siting and proximity to neighbouring buildings and property boundaries had a serious and adverse

effect on the privacy and amenity enjoyed by the occupants of neighbouring property at No19a and 19b Bromley Common.

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 conservation area, locally listed buildings and wider 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.

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 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. 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 block on the land appears 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.

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 3 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 resultant development incorporating the existing flats would have a density of 68 dwellings per hectare.

Whilst the proposed development would sit within 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.

Design and Conservation.

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 H8 of the UDP in its justification details that proposals for an additional storey on a block of flats should comply with the Council's requirements for new development, including car parking.

Policy H9 of the UDP 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.

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 BE10 requires that a proposal to alter, extend or for the change of use of a locally listed building will be permitted provided that it will be sympathetic to the character, appearance and special local interest of the building and will respect its setting.

Policy BE11 details that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development and alteration or extension to a building within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

The SPG for Bromley Common Conservation Area details that the insertion of new structures within plots which are already developed will generally require constraint in scale and careful positioning to ensure that they do not detract from the established character and appearance. The siting and layout of new structures must also be respectful of the character and appearance of the Conservation Area. This requires recognising and responding to the predominant scale, form and detailing of contributory buildings, and reflecting the bulk and spatial composition of structures and intervening spaces. Extensions and additions should reflect the forms, materials, textures and finishes of the host building, along with the design

philosophies underlying its style. The proportions, positioning and integration of an addition relative to the host building are important and deserving of significant design effort to safeguard not only the building's contribution to the public realm, but its enduring value to the owner. It should not be so large as to dominate or compete in visual terms with the host building.

It is noted that the proposal will involve some beneficial repair and redecoration of this locally listed building. The resubmission of the scheme has involved a number of alterations to the previously refused scheme. The extension has been repositioned 1.8m to the west in order to increase the distance and reduce the impact of development on the occupants of 19a and 19b Bromley Common. The width of the extension has been reduced by 1m and the depth by 2m reducing the scale of the extension. The height of the extension has decreased with the roof gradient of the extension reflecting the eaves level of the existing building. The number of units has been reduced from nine to seven. The previous dormer and other works to the original roofscape have been omitted. Opaque windows and 'v' angled windows have been introduced to mitigate against any potential for overlooking. The previously proposed glass balustrades to the basement gardens have been substituted to railings. The number of trees to be removed has also been reduced and a greater level of replacement planting is proposed.

The Council's Conservation Officer has reviewed the revised scheme and commented that the rearward projecting element of the scheme is far more subservient and would not now be harmful to the character and appearance of the conservation area or the locally listed building.

It is also noted that there are some similar extensions and development to the north of the site, most notably adjacent at No 11 and 13. However, the circumstances at those sites are different and their extension of the scale allowed is not characteristic of the more domestic parts of the conservation area that the site forms part of, as the conservation area progresses south along Bromley Common. Nevertheless the resubmitted scheme is reflective of their precedent.

Therefore, given the substantial revisions made in view of the identified character and appearance described in the SPG that the proposed extension to the rear is now of an acceptable depth, height, mass, scale, level of subservience to the original building and is sited in a position that provides suitable spatial separation to adjoining property.

On balance the extension is considered to maintain the character and appearance of the conservation area and the significance of the locally listed heritage asset.

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 partly altered flats in the existing part of the building and the proposed sections of the extended building, ranges between 37.05m² and up to 128.03m² respectively. The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit. The sizes of the flats have been reviewed and 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 the development failed to provide a satisfactory layout and standard of good quality accommodation for future occupiers by reason of its poor living quality of internal spaces of four of the flats proposed. In the current scheme due to internal layout alterations and design mitigation features this has been overcome. Angled windows have been introduced to the extension flank windows with elements of obscure glazing that direct outlook to the rear. In the original section of the building some obscure glazing has been introduced to kitchen and dining room areas indicated in the existing rear layout. On balance the overall layout is considered to overcome the previous concerns and would not warrant refusal of planning permission on this basis.

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'.

A Part M compliance review has been submitted that details compliance with the relevant sections of Part M. A compliance condition is recommended in this regard.

Amenity Space

Amenity space is provided communally by way of a large garden area that is indicated to the rear to be landscaped with the loss of some mature trees. This will be for use by all residents and is accessed from the main pedestrian entrances to the building. Basement light well spaces have also been provided to the new ground and basement floor flats P1, P2, P3 and P4 to create private areas of amenity space. The size of these areas is generally in compliance with the requirements of the London Plan guidelines.

The remaining flats have no private provision. However, the internal size of the flats is generally greater than the minimum recommended size standards which allows for the lack of external balcony area to be mostly incorporated within the flats.

On balance, given the communal area available the provision of amenity space is considered acceptable at this location.

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 extended office block (No's 11 and 13) to the north west incorporates a number of windows facing into the site on both levels at approximately 13m between flank elevations. Given the use of the building and at this distance this is not considered a constraint.

To the south east there is an improved tapering gap in the revised scheme to the boundary of approximately 11m reducing to 8m from the proposed two storey extension flank wall in which the windows from habitable rooms in Flat P5 will be situated. Given the angled design mitigation introduced and additional distance that the flank elevation is set further away from the rear garden spaces of residential property at No19a and 19b, on balance a suitable level of privacy will now be maintained to overcome previous concerns. Furthermore, it is not considered that there is any detrimental overlooking to the rear of the site towards properties in Fielding Lane due to the adequate separation distances of some 30m between resultant rear elevations.

A shadow study has also been submitted that indicates the impacts of the proposed scheme in this regard to adjacent property at different times of the year. The plans detail the existing and proposed impacts and indicate that some increased shadowing will take place during the longer days of the year to the rear parts of the rear curtilage at No19a and 19b. This will not result in a significant loss of daylight to the dwellings and therefore is on balance deemed an acceptable level of minor impact to neighbouring residential amenity.

Highways and Car parking

The Council's Highway Officer and Transport for London have reviewed the current application and not raised any objection in this regard. Fourteen spaces are to be provided on site utilising an existing vehicular access point which 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 all the units comprising of 23 spaces in the rear curtilage. Further details in this regard are recommended by condition as necessary.

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 Bromley Common. The location point is considered acceptable within close proximity of the highway. Further details in this regard are recommended by condition as necessary in relation to capacity and a containment structure.

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.

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. The Council's Arboriculture Officer has reviewed the revised scheme with regards to the impact to trees on the site considered to be part of the character of the conservation area and also protected as part of a TPO. Given the alterations to scheme, improved landscaping indicated including special foundations and a proposed feature tree, it is considered that the previous concerns have been overcome. Therefore subject to a compliance condition the impact to the wellbeing of trees protected by TPO's and conservation area status is considered acceptable.

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

Taking into account the issues discussed above it is considered that the revised development submission proposed would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and flat type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the conservation area or the significance of the locally listed building. The standard of the accommodation that will be created will be good. 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.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02418/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

As amended by documents received on 22.06.2017 21.06.2017

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 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** 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.

- 6** 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.

- 7** 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.

- 8** The development permitted by this planning permission shall not commence until a surface water drainage scheme and details of general drainage works 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 Policy 5.13 of the London Plan.

- 9** No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and the piling has the potential to impact on local underground sewerage utility infrastructure and to accord with Policy 5.13 of the London Plan.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) for 23 bicycles 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** Details of a scheme for the location of 20% of all car parking spaces to be active Electric Vehicle Charging Points (EVCPs) and a further 20% passive EVCPs in line with the London Plan shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and retained in perpetuity.

Reason: In the interest of sustainable modes of transport and to comply with Policy 6.13 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 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 reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

14 Before the development hereby permitted is first occupied, the angled first floor windows in the flank elevations of the building shall be installed and be obscure glazed in accordance with details shown on Drawings 121 Rev 11 and 112 Rev 11 dated 15/520/17 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.

15 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.

16 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 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.

- 17 The development shall be implemented in accordance with the Arboriculture Report BS 5837 Tree Survey dated 15/5/2017 submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist to ensure that the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice in the interests of the health and amenity of the trees to be retained and to maintain the visual amenity of the area in accordance with Policy NE7 and BE14 of the Unitary Development Plan and Policy 7.21 of the London Plan.

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 The applicant is reminded that the granting of consent by the Council to allow the removal of trees or works to trees does not in any way supersede the requirement to obtain the full agreement of the tree owner and any necessary separate statutory consent where the trees are located outside of the site boundary.
- 6 The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.
- 7 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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 8 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
- 9 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing

wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 10 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.**

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02608/FULL6

Ward:
Penge And Cator

Address : 26 Kings Hall Road Beckenham BR3 1LU

OS Grid Ref: E: 536045 N: 170054

Applicant : Mrs Debbie Lane

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

Conservation Area: Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 25

Proposal

The application proposes the construction of single-storey rear extension. The depth would measure 3m but this would be added onto an existing rear addition. Cumulatively the rear extension would measure 6.5m in depth. It would incorporate a flat roof with a height of 3.3m to the top of the parapet.

Location

The application property is a large two-storey semi-detached dwelling. It is set back from the road, with off-street parking to the front and a modest sized rear garden. The property is situated within the Aldersmead Road Conservation Area.

Consultations

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

- o Unacceptable overdevelopment with the loss of the garden and open aspect of the immediate neighbourhood.
- o No other developments have been this deep into the garden and stretched the full width of the building.
- o Harm to neighbouring amenity.
- o Overshadowing due to its height and adjoins neighbour. Will overshadow patio area, kitchen and utility
- o Visually dominant in comparison to the house
- o It would be an 'extension on an extension' rather than the original wall.
- o Comments regarding other examples in the street including 28. Concerns about the standard of construction and impact on the Conservation Area
- o Not in keeping with the profile of the house in this street
- o Breaks normal guidelines about building from the original rear wall
- o A tree would need to be removed. Trees should be protected.
- o Comments regarding consistency of development on neighbouring properties

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
BE11 Conservation Areas
H8 Residential Extensions

SPG 1 General Design Guidance
SPG 2 Residential Design Guidance

Aldersmead Road Conservation Area SPG

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Relevant policies:

Policy 6 Residential Extensions
Policy 37 General Design of Development
Policy 41 Development in Conservation Areas

Planning History

17/02604/TREE Fell 1 x Cherry Apple tree. No objections raised 05.07.2017

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 application property forms one half of a pair of semi-detached properties. The Aldersmead Road Conservation Area SPG states that the special character of the Conservation Area is derived from the visual unit and common form of the Whiffen houses. Paragraph 4.23 goes on to state that 'The preferred location for any extensions will be on the rear elevation'.

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing. Policy BE11 also seeks to ensure that developments within conservation areas will preserve or enhance the character and appearance of the conservation area by respecting or complimenting the layout, scale, form and materials of existing buildings.

The proposed extension would be contained to the rear of the property. There is however an existing pitched roof rear extension, which would be incorporated into the proposal. Historical maps of the area seem to suggest that the property originally had a ground floor rear projecting element, set within an 'L-shaped' arrangement with a small glazed infill to the side. The neighbouring properties to the north west have similar sized rear extensions. The properties to the south east have a slightly different arrangement at the rear, with two-storey rear projections.

The proposal would extend this existing rear projection by a further 3 metres, but the rear element as a whole would measure 6.5m in depth. The design of the extension would incorporate a flat roof, however whilst the cumulative size of the extension is substantial, it

is not considered to be disproportionate to the main house or site in general. Glimpses of the extension would be visible between the dwellings from the street, however it would utilise matching materials, which is considered to be sympathetic and acceptable. Its position would not appear dominant or obtrusive from the public realm and from a conservation area and heritage perspective no objections have been raised by the Council's Conservation Officer. It is also noted that an extension could probably be erected under permitted development. Subject to the use of matching materials, it is considered the proposal would be an acceptable alteration, which would preserve the character and appearance of the conservation area.

In relation to neighbouring amenity, the proposed extension would span the full width of the property but would incorporate the depth of an existing rear projection. The proposal would extend this existing element a further 3m into the rear garden. This would abut the shared boundary with No 24 Kings Hall Road, which is located to the north west of the application site. At present the existing rear projection has a maximum height of 3.9m and an eaves height of 2.5m due to the pitched nature of the roof. The proposed flat roof would have a flat roof with a height of 3.3m. The neighbouring property at No 24 adjoins the application property and includes a rear projection, with a partially glazed pitched roof. The proposal would project 3m beyond this neighbouring addition. Whilst this level of projection would have some impact on the visual amenities of this neighbour in terms of light during the morning hours, the level of projection is not considered to be overly deep or detrimentally overbearing. The generous size of the gardens would also help ensure a sufficient sense of openness and outlook was retained.

The extension would be set away from the common boundary with the property to the south east at No 28. This property also has a different arrangement at the rear with a small two-storey rear projection and single-storey addition. This neighbouring development, orientation and set-back from the common boundary would limit the visual impact of the proposed development.

Concerns have been raised regarding the loss of a Cherry Apple tree within the rear garden; however an application was made under ref: 17/02604/TREE for its removal and no objections were raised by the Council. Accordingly the removal of this tree is considered to be acceptable.

Having regard to the above, Members may consider that the proposal would not result in significant harm to the character and appearance of the dwelling and would preserve the character and appearance of the Aldersmead Conservation Area. They may also consider that the development would have an acceptable impact on the visual amenities of neighbouring occupiers.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/02608 as set out in the sections above.

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** 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.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02615/FULL6

Ward:
Copers Cope

Address : 3 Olyffe Drive Beckenham BR3 5HF

OS Grid Ref: E: 538175 N: 169790

Applicant : Mr sing man

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

Planning permission is sought for the construction of a single storey rear extension. The extension would project 3.0m, 5.9m wide with a flat roof to a maximum height of 2.9m. The new extensions will be finished in facing brickwork to match the host building.

Location

The application site is a two-storey mid-terraced dwelling located on the eastern side of Olyffe Drive.

The property is not in a Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

Consultations

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

- How are the three beams to be installed?
- Drawings show three pillars and anticipated foundations, are these to be built into the original foundations because of the three beams?
- We share a party wall and the rear of the properties are not in-line, further clarification is required over the detail "A" and section "Y" on the proposed plans.
- Concern over loss of light to both adjoining neighbours as the properties already have reduced levels of light given the large trees on the boundary with Briary Lodge.
- Do not object to a conservatory being built like other neighbours.
- Concerned that the proposal is an overdevelopment and unsuitable for this type of property.

Please note the above is a summary of objections received and full text is available on the planning file.

It should also be noted that issues raised regarding further clarification have been provided; plans have been discussed in detail with the objector and the case officer on site.

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 7.4 Local Character

Policy 7.6 Architecture

Unitary Development Plan (2006):

BE1 Design of New Development

H8 Residential Extensions

Draft Local Plan (2016):

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

Draft Policy 6 Residential Extensions

Draft Policy 37 - General Design of Development

Other Guidance:

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

Planning History

Olyffe Drive was constructed as part of the re-development of 52-54 The Avenue under Planning Ref: 76/807 for the formation of access road and erection of 9 two-storey three-bedroomed houses each with attached garage and 9 two-storey three-bedroomed houses each with integral garages. With this consent permitted development rights were removed under condition 3 which stated:

Notwithstanding the provisions of Class I (1,2 and 3) and Class II (1) of the Schedule I of the Town and Country Planning General Development Order 1973, no development shall be carried out within the curtilage of any dwelling other than with planning permission previously granted by the Local Planning Authority under Part III of the Town and Country Planning Act 1971.

Conclusions

It is considered the planning issues and considerations relate to:

- o Design and bulk;
- o Neighbouring amenity; and

- o Mayoral CIL.

Design and Bulk:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. 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.

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 single storey rear extension proposes a flat roof to the extension resulting in a modern and contemporary design approach which contrasts against the host building. Given that views of this element would be restricted to the rear of the property, flexibility can be shown in terms of assessing the design and as such it is considered that the extension would not appear overly bulky or dominant, and would not detract from the character and appearance of area generally given its limited size.

The proposal would be considered to complement the character and appearance of the host dwelling and for these reasons, it is considered that the proposed development is acceptable and complies with policy on design.

Neighbouring Amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The single storey rear extension is similar in terms of depth to the existing extension at No. 1 Olyffe Drive (which does not benefit from planning permission, however appears to have been in site for over 4 years and as such maybe immune from any Enforcement Action) as such given its limited size and dimensions it is considered that it would not result in any significant impact on neighbouring amenity in terms of un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers at No.1.

With regards to No. 5 to the south, the properties have a staggered rear elevation and the proposed extension would only project 1.5m beyond the rear elevation and as such it is considered that the proposed extension would not result in any significant impact on neighbouring amenity in terms of un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Mayoral Community Infrastructure Levy (CIL):

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has

arranged boroughs into three charging bands. The rate for Bromley is £35 (plus indexing) per square metre.

The current application is not liable to this requirement.

Summary:

Having had regard to the above, Members are asked to consider if the proposed construction of a single storey rear extension 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 neighbouring occupiers.

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: 17/02615/FULL6 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. **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. **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.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02634/RECON

Ward:
Clock House

Address : Stewart Fleming School Witham Road
Penge London SE20 7YB

OS Grid Ref: E: 535124 N: 168969

Applicant : Pioneer Academy

Objections : No

Description of Development:

Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 15/02597/FULL1 for part demolition to rear and demolition of single storey front element and erection of two storey building to northern elevation with roof level amenity area, two storey front extension with enclosed roof level games area, landscaping and expansion from 2FE to 3FE to allow for minor alterations to the proposed external elevations and to allow for a phased approach to completing the development.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 30

Proposal

Planning permission was granted (Ref 15/02597/FULL1) for reorganisation and expansion of the school facilities through the demolition of existing classrooms, hall, kitchen and WCs and construction of new classrooms, specialist teaching spaces, 2 new large halls, kitchen, staff and WC facilities. The approved scheme comprised:

- Erection of a part 1/part 2 storey extension along the northern boundary. The extension has been designed with a pitched roof to 3 sides concealing a roof level amenity space
- Erection of a ground floor extension with a roof top Multi Use Games Area (MUGA) along the western boundary
- Increase in school capacity from 2FE to 3FE (additional 203 pupils and 22 staff - 630 pupils and 75 staff in total)
- A new service access will be provided on Felmingham Road (with deliveries via an on street collection point).
- The main visitor entrance on Felmingham Road will remain.
- New additional pedestrian access point will be created from Witham Road
- Erection of cycle shelter to provide 20 new cycle parking spaces (40 in total)
- No existing parking onsite and none proposed

The application for consideration currently is a minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow for minor alterations of the consented scheme in respect of alterations to the proposed external elevations and to allow for a phased approach to completing the development.

Therefore the proposed development will be constructed in 2 phases (P1A & P1B and P2A & P2B). The submission documents detail that this is essential in order to accommodate

the ongoing safe operation of the primary school during the works. Phase 1 is on-site currently with Phase 2 is due to commence on-site in spring 2018.

The phased development of the proposal approved under ref. 15/02597/FU LL1 therefore requires the variation of conditions 2, 3, 8, 12, 13, 15 and 20 on the original planning permission. The application documents detail that without the proposed variation to these conditions the school is unable to occupy Phase 1 by October 2017, which is required in order to facilitate Phase 2 and the completion of the development whilst allowing the primary school to continue to operate throughout.

Location

The site is located to the northern edge of Witham Road and forms the junction with Felmingham Road to the north-eastern boundary. To the south-west of the site are the rear of the properties facing onto Sheringham Road whilst to the north-west of the site (the rear) are the properties of Suffield Road which adjoins perpendicular the site. Footpaths are present to the rear of the properties at Sheringham Road and Suffield Road and run for the entirety of the boundary with No.27 Suffield Road and No.32 Felmingham Road.

The area is characterised by two storey terraced dwellings forming a tight urban grain typical of the wider locality. As such the school, with its recreation area set to the front and occupying the land forming the junction with Witham Road and Felmingham Road, represents a break in this urban form and positively contributes to the spatial standards of the area with Beckenham Crematorium and South Norwood Country Park to the south being severed by the east to west railway line behind the properties of the southern edge of Witham Road.

The school itself comprises a linear one and two storey block set close to the north-western boundary as well as a detached single storey classroom block. The site is set below street level with steps down to the playground from the access with Witham Road. Servicing is typically from the access to Suffield Road.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Internal Consultations

Education: In summary with regard to rephrasing of the permanent works at the school. The delay was caused because we (Education) had to re-tender the main construction works at the school and the scheme was subsequently split into two contracts to ensure that the disruptive works fitted around the school calendar.

Highways: No objections.

Environmental Health - Pollution: No objections.

Drainage: The proposed amendments to the external elevations won't affect the already agreed FRA.

Planning Considerations

London Plan

3.18 Education Facilities

5.1 Climate Change Mitigation

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction
5.5 Decentralised Energy Networks
5.6 Decentralised Energy in Development Proposals
5.7 Renewable Energy
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
6.10 Walking
6.11 Smoothing Traffic Flow and Tackling Congestion
6.13 Parking
7.1 Lifetime Neighbourhoods
7.2 An Inclusive Environment
7.4 Local Character
7.6 Architecture
7.8 Heritage Assets and Archaeology
7.14 Air Quality
7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and promoting Appropriate Soundscapes
7.19 Biodiversity and Access to Nature
7.21 Trees and Woodland

Unitary Development Plan

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
ER7 Contaminated Land
ER10 Light Pollution
C1 Community Facilities
C7 Educational and Pre School Facilities
NE3 Nature Conservation and Development
NE5 Protected Species
NE7 Development and Trees
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T6 Pedestrians
T7 Cyclists
T11 New Accesses
T15 Traffic Management
T16 Traffic Management and Sensitive Environments
T17 Servicing of premises
T18 Road Safety
IMP1 Planning Obligations

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft policy 20 Community Facilities
Draft policy 28 Educational Facilities

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 79 Biodiversity and Access to Nature
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
Draft policy 125 Delivery and Implementation of the Local Plan

Planning History

The school first opened in 1939 and has been subject to numerous planning applications. The following are the most relevant:

99/00138/DEEM3: Single storey extension to provide 4 classrooms and office and toilet accommodation and formation of pedestrian access. Approved 15.04.1999

02/01830/DEEM3: Single storey extensions to form store room and cloak room. Approved 15.08.2002

10/01722/FULL1: Bicycle store, 2 timber storage sheds, 2 play area enclosures with artificial grass surface, new pedestrian ramp with handrail and balustrade and gate access and free standing canopy to pre-school classroom. Approved 13.12.2010

12/01057/FULL1: Demolition of existing kitchen annexe building and cloakroom and erection of new single storey infill building to accommodate new kitchen annexe and toilets. Approved 01.06.2012

15/01691/FULL1 Temporary two storey, four classroom modular block with entrance lobby, toilets, stoves and associated external works including ramp and steps. Approved 19.08.2015

15/02597/FULL1: Part demolition to rear and demolition of single storey front element and erection of two storey building to northern elevation with roof level amenity area, two storey front extension with enclosed roof level games area, landscaping and expansion from 2FE to 3FE. Approved 19.08.2015

15/02597/CONDIT: Details of conditions submitted in relation to planning permission Ref: 15/02597/FULL1

Condition 4 (a-c) - Contaminated Land Assessment

Condition 6 - Surface Water Drainage Scheme

Condition 7 - Landscaping Strategy

Approved 31.10.2016

15/02597/CONDT1: Details of conditions submitted in relation to planning permission Ref: 15/02597/FULL1

Condition 3 - Demolition and Construction Noise and Dust Management Plan

Condition 8 - Construction Logistics and Management Plan

Approved 16.11.2016

15/02597/CONDT2: Details of conditions submitted in relation to planning permission ref: 15/02597/FULL1

Condition 5 - Bird and Bat Survey

Approved 14.12.2016

17/02746/RECON: Retention of temporary two storey, four classroom modular block with entrance lobby, toilets, stoves and associated external works including ramp and steps for a further 2 year period.

Pending consideration at time of writing and is to be considered at Planning Committee on 31/8/17.

Conclusions

The main issues to consider under the previous application which was granted planning permission were:

- Principle and Educational Need
- Temporary accommodation
- Design
- Landscaping and impact on trees and ecology
- Highways impact
- Impact on neighbouring amenity
- Sustainability

The current application seeks minor elevation revisions and a phased programme of construction. All other aspects of the scheme remain the same and are therefore deemed to be acceptable.

Therefore, the main issues to consider are design and phasing only in terms of character and appearance and also the impact that the alterations would have on the amenities of surrounding residents.

Design

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.

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 BE1 of the UDP sets 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.

The alterations to the building comprise a minor increase to the vertical length of the Trespa cladding panels to terminate at a slightly lower height above the ground floor level and minor repositioning of a small number of ground level windows and doors.

The alterations are considered acceptable and in keeping and complimentary to the architectural style of the proposed building will not harm the overall appearance of the building which will remain a high quality design.

Phasing

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider in this case are the impact of the construction of the development proposal upon neighbouring properties by way of general noise and disturbance.

The justification for the phased approach for the development has been detailed above. Consequently the time taken to construct and implement the scheme will be longer than originally anticipated. While this is regrettable a balanced view needs to be taken regarding impacts to surrounding residents and the least disruptive method in terms of the education needs of students. On balance, the phased approach appears to provide a suitable compromise in this regard. A further construction management and logistics plan is recommended for the second phase of development to address to minimise disruption.

Summary

Having had regard to the above it was considered that the alteration to the design of the proposed building 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.

RECOMMENDATION: APPROVAL

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 approved shall be carried out strictly in accordance with the application plans, drawings and documents as detailed below:**

**26052-000-G-003 Revision P0 (Proposed Phasing Plan: P1A, P1B, P2A & P2B);
26052/101; 26052/102; 26052/103; 26052/104; 26052/105; 26052/106;
26052/108; 26052/107; 26052/109; 26052_110; 26052_112; 26052_113;
Design and Access Statement, Daylight and Sunlight Report, Transport Assessment, Energy Assessment, Phase 1 Ecological Habitat Survey Report, Noise Impact Assessment, Planning Statement and Flood Risk**

Assessment submitted 15 June 2015; Plan No. 26052/111 Rev A; Outline landscape Design Proposals - Stage C - Rev A submitted 21 July 2015; IA-384-LD-P01; IA-384-LP-P01, IA-384-LP-P01, Traffic Consultants Technical Note submitted 22 July 2015; Arboricultural Impact Assessment submitted 23 July 2015 and Daylight and Sunlight Addendum submitted 24 July 2015

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority when judged against development plan policies in the London Plan and UDP.

- 3 Prior to the commencement of development in phases P2A and P2B hereby approved a demolition and construction noise and dust management plan for phases P2A and P2B shall be submitted to the Local Planning Authority for approval prior to the works commencing. Once approved the plan shall be implemented in full for the duration of works of those phases.

Reason: In order to protect residential amenity and to comply with Policy BE1 of the Unitary Development Plan.

- 4 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

5 (i) No demolition shall take place nor works to trees by way of felling or pruning until a survey has been carried out to ascertain the extent to which there is potential for roosting bats or nesting birds within the buildings, trees and hedgerows on site. If any potential is identified, details shall be submitted to and approved in writing by the local planning authority of the timing of the works and any necessary mitigation measures.

(ii) The works shall be carried out in full accordance with the approved timing and mitigation measures.

(iii) If any potential for roosting bats or nesting birds is identified works to trees and hedgerows shall only be undertaken between the months of November to February inclusive thus avoiding the potential to harm protected species.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats and birds on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

6 (i) Notwithstanding the details set out within the Flood Risk Assessment submitted with this application the development hereby approved 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.

(ii) The development shall be implemented in full accordance with the details approved under Part (i) prior to any part of the extensions hereby approved being brought into use.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties in accordance with Policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage of the London Plan (2015).

7 (i) Prior to commencement of development a revised landscaping strategy that reflects the details hereby approved (save for alternative replacement tree species) together with additional tree planting on the southern

boundary of the site and the inclusion of stag beetle loggeries shall be submitted to and approved in writing by the local planning authority.

(ii) The development shall be undertaken in full accordance with the approved landscaping strategy and all landscaping shall be implemented in full with all planting, seeding or turfing carried out in the first planting and seeding seasons following the completion of the new buildings hereby approved. Any trees or plants which within a period of five years from the 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.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies BE1 and NE7 of the UDP.

8 (i) Construction works shall not begin in phases P2A and P2B until a Construction Logistics and Management Plan to manage all construction related vehicle movements to and from the site, identifying efficiency and sustainability measures to be undertaken during site construction of the development, measures of how construction traffic can access the site safely, how potential traffic conflict can be minimised, the route of construction traffic for arriving and leaving the site and hours of operation has been submitted to approved in writing by the Local Planning Authority.

(ii) The development in phases P2A and P2B shall not be carried out otherwise than in accordance with the approved Construction Logistics and Management Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and in the interests of reducing traffic and protecting amenity in line with Policies T5, T6, T7, T15, T16, T18 and BE1 of the UDP and Policy 7.14 of the London Plan.

9 The roof top Multi Use Games Area (MUGA), amenity space and running track hereby approved shall not be brought into use until all balustrading, boundary treatments and acoustic screens have been erected in full compliance with the details hereby approved and such features shall be retained and maintained in perpetuity.

For the avoidance of doubt the acoustic screens shall comprise:

Lower play deck

A 2.3m high Obscure glass barrier installed to the Western edge of the lower roof deck. A 1.8m high Obscure glass barrier installed to the Eastern edge of the lower roof deck.

The barriers will be constructed from laminated glass with a density in excess of 10Kg/m² with no gaps present. The glass panels will be fixed to a structural support or frame and sealed with an appropriate acoustic sealant or gasket where necessary to avoid gaps.

MUGA

A 3m high solid barrier made from trespa panels or similar shall be installed on the Western perimeter. The external panels will be installed with 30mm gaps that are overlapped on the inside face with panels to provide a solid wall and fully sealed to avoid gaps. The barrier will have a density of at least 10Kg/m². The barrier will be sealed at the base of the MUGA with a suitable compressible strip.

A 1.5m high solid barrier will be installed behind the trespa panels along the Southern and Eastern edges. The barrier will be of at least 10 Kg/m² with overlapping joints and sealed at the base with a suitable compressible strip.

A 1.2m high double weld mesh fence installed around the entire internal perimeter of the MUGA to reduce impact noise.

A 1.5m high solid barrier will be installed behind the trespa panels along the Southern and Eastern edges. The barrier will be of at least 10 Kg/m² with overlapping joints and sealed at the base with a suitable compressible strip.

A 1.2m high double weld mesh fence will be installed around the entire internal perimeter of the MUGA to reduce impact noise.

Reason: In order to protect residential amenity and to comply with Policy BE1 of the Unitary Development Plan.

- 10 The development hereby approved shall be carried out in strict accordance with the materials as set out within the Design and Access Statement submitted and approved as part of this application. Namely Blue Engineering Bricks with Charcoal Coloured Mortar; London Stock Bricks; Reglit Profiled Glass Panels (Opaque, Clear and Coloured); Dark Grey Polyester Powder Coated Aluminium Fenestration (RAL 7022); Dark Grey Polyester Powder Coated Aluminium Curtain Walling (RAL 7022); Dark Grey Polyester Powder Coated Aluminium Parapet Trims (RAL 7022); Zinc Standing Seam Roof and Rainwater Goods; PPC Aluminium Louvres (RAL 7022) and Green Trespa Panels (Spring Green satin A37.2.3, Lime Green Satin A37.0.8 and Turf Green Satin A36.3.5)**

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 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 Before any part of the new buildings in phases P2A & P2B hereby approved are first brought into use, bicycle parking shall be provided at the site in accordance with details hereby approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 13
- (i)** Prior to any part of the new buildings in phases P2A & P2B hereby approved being brought into use a scheme for any external lighting that is to be installed at the site (which for the avoidance of doubt shall not include any flood lighting for the MUGA or roof top amenity spaces which will be subject to a separate planning application), including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
 - (ii)** Any such external lighting as approved under part (i) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
 - (iii)** The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy BE1 of the UDP.

- 14
- (i)** Before any of the new school buildings hereby approved are first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority
 - (ii)** The Travel Plan should include measures to promote and encourage the use of alternative modes of transport to the car and shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 15
- (i)** The development hereby approved shall include the provision of a minimum of 116 sqm of Photovoltaic Panels on the roof of the school buildings in addition to the implementation of all measures set out in the Energy Strategy hereby approved, in order to ensure that the school will achieve a minimum of 35% reduction in CO2 below ADL2013.
 - (ii)** Within 3 months of the first occupation of the new school buildings in phases P2A & P2B hereby approved evidence shall be submitted to the local planning authority to demonstrate that the photovoltaic panels have been installed.

Reason: In order to ensure that the development can achieve the CO2 reduction identified in the application submission and will meet the aims and objectives of London Plan Policy 5.2 and UDP Policy BE1 in respect of sustainable design and construction.

- 16 At any time the combined noise level from fixed plant in terms of dB(A) shall be 10 decibels below the relevant minimum background noise level, LA90(15mins) measured at any noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. Thus if the predicted noise level is 40dB(A) from the plant alone and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. The L90 spectra can be used to help determine whether the plant will be perceived as tonal.

Reason: In order to protect residential amenity and to comply with Policy BE1 of the Unitary Development Plan.

- 17 The Multi Use Games Area (MUGA) and roof top amenity spaces hereby approved shall only be used in school term times and between the hours of 08:00 - 18:00 Monday to Friday inclusive.

Reason: In the interests of protecting neighbouring residential properties from activities that could result in excessive noise and disturbance outside of normal school hours and in accordance with Policy BE1 of the UDP (2006).

- 18 The development hereby approved shall be undertaken in accordance with the proposed ground and finished floor levels as shown on Plan Nos. IA-384-LP-P01 and 26052/111 hereby approved.

Reason: In the interests of controlling the height of the development and protecting visual and residential amenity in accordance with Policy BE1 of the UDP (2006).

- 19 The development hereby approved does not include the provision of any floodlighting for the roof top amenity spaces or Multi Use Games Area. 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 floodlighting shall be provided within the curtilage of the school 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 residential amenities of the area.

- 20 Before the development in phases P2A & P2B hereby permitted is first occupied, the proposed window(s) in the first floor North Western elevation shall be obscure glazed to a minimum of 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 floor of the room in which the window is installed 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.

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 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 **It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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.**
- 4 **Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.**
- 5 **The applicant is advised that the LLFA would expect a drainage proposal to meet the following criteria: - To demonstrate that opportunities to implement sustainable drainage techniques at the site have been maximised. - Surface water from the site should reflect greenfield run-off rate for the area of the site, typically 2 to 8l/s/ha. - The surface water attenuation system must be able to accommodate any storm event up to the critical duration 1 in 100 plus climate change storm event for the site without the flow balancing system being bypassed. Sufficient information**

**must be provided to demonstrate that the critical duration has been used. -
Management plan for future maintenance of all SUDS.**

6 In respect of Condition 7 the applicant is advised that Birch trees are not appropriate due to issues of allergies and alternative species should be incorporated into the detailed submission.

**7 The applicant should take account of the Sport England Design Guidance is used in relation to the construction of the proposed sports facilities. This is available at:
<https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>**

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02746/RECON

Ward:
Clock House

Address : Stewart Fleming School Witham Road
Penge London SE20 7YB

OS Grid Ref: E: 535124 N: 168969

Applicant : The Pioneer Academy

Objections : YES

Description of Development:

Retention of temporary two storey, four classroom modular block with entrance lobby, toilets, stoves and associated external works including ramp and steps for a further 2 year period

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 30

Proposal

A further period of temporary planning permission is sought relating to the continued use of the two storey classroom building being used whilst refurbishment work is undertaken on the existing school site and to facilitate the implementation of the current programme of works to the school. The temporary building is currently in situ and will remain located within the playground area to the south-east of the site at the junction of Witham Road and Felmingham Road. The classrooms are sought for a further two year period ending in August 2019.

The building is two storeys in height and has four 59m² classrooms and toilets, lobby and storerooms on each level. Access is provided primarily by a ramped access to the north-west elevation which faces into the school site, with two ground floor exits/entrances to the ground floor classrooms. This extension of the temporary period does not encompass any increase of pupil or staff numbers with the temporary classrooms sought for the continuing decant only.

The applicant has stated, in support of the application, that the extension of the temporary period is to allow for a phased approach to completing the redevelopment of the school required to meet the demand for primary school places. An application is currently under consideration (Ref 17/02634/FULL1) in this respect indicating that the proposed development will be constructed in 2 phases (P1A & P1B and P2A & P2B). The reasoning for this is to accommodate the ongoing safe operation of the primary school during the works. Phase 1 is on-site currently with Phase 2 is due to commence on-site in spring 2018.

Location

The site is located to the northern edge of Witham Road and forms the junction with Felmingham Road to the north-eastern boundary. To the south-west of the site are the rear of the properties facing onto Sheringham Road whilst to the north-west of the site (the rear) are the properties of Suffield Road which adjoins perpendicular the site. Footpaths are present to the rear of the properties at Sheringham Road and Suffield Road and run for the entirety of the boundary with No.27 Suffield Road and No.32 Felmingham Road.

The area is characterised by two storey terraced dwellings forming a tight urban grain typical of the wider locality. As such the school, with its recreation area set to the front and occupying the land forming the junction with Witham Road and Felmingham Road, represents a break in this urban form and positively contributes to the spatial standards of the area with Beckenham Crematorium and South Norwood Country Park to the south being severed by the east to west railway line behind the properties of the southern edge of Witham Road.

The school itself comprises a linear one and two storey block set close to the north-western boundary. The site is set below street level with steps down to the playground from the access with Witham Road. Servicing is typically from the access to Suffield Road.

Consultations

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

- Request for an extension of time goes against what the school and the Council originally said, where it was expressed that the building would not be needed beyond September 2017. This view has been expressed by a number of residents and is described as unacceptable.
- Structures are an eyesore affecting residents trying to sell homes.
- Causes a loss of light to properties opposite.

Internal Consultations

Education: The extension to the temporary permission is needed due to rephrasing of the permanent works at the school. The delay was caused because of necessity to re-tender the main construction works at the school and the scheme was subsequently split into two contracts, to ensure that the disruptive works fitted around the school calendar.

It is essential that the temporary accommodation remains on site until the completion of the main works in order to ensure that the school has sufficient accommodation. Phase 1 works are coming to an end and Phase 2 will be tendered shortly to be undertaken during 2018 and 2019.

Highways: No objections.

Environmental Health - Pollution: No objections.

Drainage: No objection to an extension to August 2019.

Planning Considerations

London Plan

3.18 Education Facilities

5.1 Climate Change Mitigation

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.5 Decentralised Energy Networks

5.6 Decentralised Energy in Development Proposals

5.7 Renewable Energy

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
6.10 Walking
6.11 Smoothing Traffic Flow and Tackling Congestion
6.13 Parking
7.1 Lifetime Neighbourhoods
7.2 An Inclusive Environment
7.4 Local Character
7.6 Architecture
7.8 Heritage Assets and Archaeology
7.14 Air Quality
7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and promoting Appropriate Soundscapes
7.19 Biodiversity and Access to Nature
7.21 Trees and Woodland

Unitary Development Plan

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
ER7 Contaminated Land
ER10 Light Pollution
C1 Community Facilities
C7 Educational and Pre School Facilities
NE3 Nature Conservation and Development
NE5 Protected Species
NE7 Development and Trees
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T6 Pedestrians
T7 Cyclists
T11 New Accesses
T15 Traffic Management
T16 Traffic Management and Sensitive Environments
T17 Servicing of premises
T18 Road Safety
IMP1 Planning Obligations

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft policy 20 Community Facilities
Draft policy 28 Educational Facilities
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 79 Biodiversity and Access to Nature

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
Draft policy 125 Delivery and Implementation of the Local Plan

Planning History

The school first opened in 1939 and has been subject to numerous planning applications. The following are the most relevant:

99/00138/DEEM3: Single storey extension to provide 4 classrooms and office and toilet accommodation and formation of pedestrian access. Approved 15.04.1999

02/01830/DEEM3: Single storey extensions to form store room and cloak room. Approved 15.08.2002

10/01722/FULL1: Bicycle store, 2 timber storage sheds, 2 play area enclosures with artificial grass surface, new pedestrian ramp with handrail and balustrade and gate access and free standing canopy to pre-school classroom. Approved 13.12.2010

12/01057/FULL1: Demolition of existing kitchen annexe building and cloakroom and erection of new single storey infill building to accommodate new kitchen annexe and toilets. Approved 01.06.2012

15/01691/FULL1 Temporary two storey, four classroom modular block with entrance lobby, toilets, stoves and associated external works including ramp and steps. Approved 19.08.2015

15/02597/FULL1: Part demolition to rear and demolition of single storey front element and erection of two storey building to northern elevation with roof level amenity area, two storey front extension with enclosed roof level games area, landscaping and expansion from 2FE to 3FE. Approved 19.08.2015

15/02597/CONDIT: Details of conditions submitted in relation to planning permission Ref: 15/02597/FULL1

Condition 4 (a-c) - Contaminated Land Assessment

Condition 6 - Surface Water Drainage Scheme

Condition 7 - Landscaping Strategy

Approved 31.10.2016

15/02597/CONDT1: Details of conditions submitted in relation to planning permission Ref: 15/02597/FULL1

Condition 3 - Demolition and Construction Noise and Dust Management Plan

Condition 8 - Construction Logistics and Management Plan

Approved 16.11.2016

15/02597/CONDT2: Details of conditions submitted in relation to planning permission ref: 15/02597/FULL1
Condition 5 - Bird and Bat Survey
Approved 14.12.2016

17/02634/RECON Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 15/02597/FULL1 for part demolition to rear and demolition of single storey front element and erection of two storey building to northern elevation with roof level amenity area, two storey front extension with enclosed roof level games area, landscaping and expansion from 2FE to 3FE to allow for minor alterations to the proposed external elevations and to allow for a phased approach to completing the development.

Pending consideration at time of writing and is to be considered at Planning Committee on 31/8/17.

Conclusions

The main issues relating to the application are the effect that the continued siting of the temporary building would have on the visual amenity of the streetscene and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The Officers report from the 2015 planning permission detailed that the Local Authority had a statutory responsibility to provide sufficient school places in the borough and that the failure to provide sufficient places will have a significant impact on the Local Authority and damage the Council's ability to deliver its programme of school expansion.

Members were advised that there was a very strong policy case to argue that the impacts of this development did not significantly outweigh the need to facilitate for the provision of school places.

The two storey nature of the development was considered to have a degree of impact upon the streetscene, however the utilisation of a two storey solution was considered to mitigate the impact upon the playground and therefore the playspace available to the children attending the school.

Members were advised to note the temporary nature of the proposal and due to the short term nature of the building it was considered that the short-term harm to the streetscene is outweighed by the benefit of the design approach to the playground provision and that any harm that does result will be for a relatively short period.

It was considered on balance, and having had regard to the above that the siting, size and design of the proposed temporary classroom space was acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the locality to such a degree as to warrant refusal of planning permission.

The building is now currently in situ and hence the circumstances of the siting of the building will remain the same as previously considered acceptable.

It was originally intended that the temporary building be in place for a maximum period of 2 years as an interim solution for decant to facilitate the wider works to the school after which it would be removed once the permanent solution was put in place.

The current application to extend the use for a further two years has come about due to a change in phasing of the wider works for the school to minimise educational disruption as detailed above and hence the temporary building remains required for a further period of time.

The classrooms are now required until August 2019 which is regrettable. Local concerns regarding this extra period of time are noted and given a good level of weight in the planning balance. However, it must also be noted that the classrooms are temporary and will not result in a permanent long-term impact upon the character of the area. Therefore, given the relatively low impact due the non permanency of the temporary structure and the identified need for the continued siting of the structure it is considered acceptable to extend the temporary permission for a further two years while the wider works are constructed to provide the required educational needs for school places.

The potential impact on the highways has also been reconsidered. The Council's highway Officer has reviewed the information and not raised further objection in this respect.

Summary

Given the temporary nature of the building, the impacts of the development are time limited in both their scale and period. As a result the further limited period of retention and occupation of this building for the intended uses is considered acceptable for the additional time period requested.

With regard to the temporary nature of the application, a condition is suggested requiring the removal of the building by the end of August 2019 and the restoration of the occupied area to its former condition. Should such removal and reinstatement not take place on or before this date the Council has recourse to enforcement action to secure this. Additionally, such a condition is considered necessary and reasonable given the acceptability of the impact of the development upon the character of the area and the streetscene on the basis of its short-term and limited duration.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02746 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The temporary classroom building hereby permitted shall be removed from the site and the permitted use shall cease on or before 31st August 2019 and the site shall be reinstated to its previous condition and use within 3 months of the removal of the buildings.**

Reason: Section 91, Town and Country Planning Act 1990 and in the interests of the character of the area and the visual amenities of local residents as well as the adequate provision of play space for current and future pupils of the school in accordance with Policies BE1 and C7 of the Unitary Development Plan and Policy 3.18 of the London Plan.

- 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 materials 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.

- 4 Parking spaces and/or garages and turning spaces hereby permitted 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.

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02765/FULL6

Ward:
Mottingham And Chislehurst
North

Address : 69 Ravensworth Road Mottingham London
SE9 4LX

OS Grid Ref: E: 542662 N: 171788

Applicant : Mr & Mrs WILLIAMS

Objections : No

Description of Development:

Part one/two storey side/rear extension, porch canopy and rooflights

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

The application seeks consent for the construction of a part one/two-storey side/rear extension, together with a front porch canopy and roof lights.

The proposed side extension would span to almost the full depth of the dwelling and would wrap around the rear elevation, incorporating a 3m deep first floor rearward projection and a 3.8m ground floor rear extension.

Location

The application relates to a two-storey end of terrace dwelling, which is located on the north east side of Ravensworth Road. The property has been extended by way of a single-storey side/rear extension.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

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

Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Relevant policies:

Policy 6 Residential Extensions
Policy 8 Side Space
Policy 37 General Design of Development

Supplementary Planning Guidance

SPG 1 General Design Principles
SPG 2 Residential Design Guidance

Planning History

90/01025/FUL Single storey side extension Permission 04.07.1990

02/03620/FULL1 First floor side extension Permission 27.11.2002

17/01214/FULL6 Part one/two storey side/rear extension, porch canopy and roof lights Refused 15.05.2017

Refused for the following reason:

1. The proposed extensions, by reason of their significant size, scale and lack of side space would result in a dominant and incongruous form of development, which fails to respect and complement the scale and proportions of host dwelling harmful to the appearance of the property, terrace and streetscene in general contrary to Policies BE1, H8 and H9 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 and No 2. .

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. Consideration should also be given to previous reasons for refusal.

Design

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

In addition to the above policies, Policy H9 of the UDP, which relates specifically to side space, also seeks a minimum of 1m side space to prevent a cramped appearance within the streetscene and to safeguard the amenities of the neighbouring properties for development, including residential extensions, of two storeys or more.

The application property is an end of terrace residential dwelling in a prominent location within Ravensworth Road. This prominence is emphasised by the position of the dwelling adjacent to an area of open space. The side and rear elevation of the property and wider terrace is therefore visible from the wider locality. There is an existing single-storey extension to the side/rear, which sits along the boundary with the adjacent open space.

The proposed extension would be set back from the front elevation and down at the ridge. The current proposal is a resubmission of an application made under ref: 17/01214, which was refused for the reasons outlined above. The extension has been reduced in width at first floor level by 1m from 5.3m to 4.3m. It no longer therefore extends up to the boundary at first floor level, but in all other respects the proposal remains as previously submitted.

The proposal would still fail the technical requirements of Policy H9 in that 1m side space should be retained for the entire flank of the extension at both ground and first floor level. However, the area of green space to the side of the dwelling would ensure the spatial qualities of the area were protected. The reduction in width at first floor level has also lessened the bulk of the extension when viewed from the front and the set-down at ridge level provides a degree of subservience. Whilst the extension is large, Members may consider that the reduction in width has sufficiently overcome previous reasons for refusal and would not result in harm to the spatial qualities of the streetscene.

The proposal would also include the installation of a porch and roof lights. These changes are considered to be modest and would not appear out of character with the dwelling or streetscene in terms of their design or scale.

Neighbouring Amenity

In relation to neighbouring amenity the main impact would be on the adjoining neighbour No 71, which has not been extended adjacent to the common boundary. The rear extensions would be set-away from the common side boundary, including a 3.5m separation at first floor level. This first floor element would have a roof, which pitches away from No 71. The set back and pitched roof is considered sufficient to not appear overly dominant or intrusive. The position of the extension in relation to the orientation of the site and set-back from the boundary would unlikely result in a significant overshadowing. Furthermore, the fenestration arrangement would not result in a loss of privacy which exceeds the current situation. The impact on neighbouring amenity is therefore considered to be acceptable.

Having had regard to the above Members may considered that the development in the manner proposed is acceptable in that it would not result in harm to the character and appearance of the host property, terrace and streetscene.

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 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.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02996/RECON

Ward:
Bromley Town

Address : Horizon House 26 Langdon Road Bromley
BR2 9JS

OS Grid Ref: E: 540687 N: 168645

Applicant : Ms Brid Stenson

Objections : YES

Description of Development:

Variation of Conditions 98 and 99 of application reference 90/03188 which currently restrict the D1 use to Monday to Friday 9am- 5pm except on two weekday evenings per week where the use can extend until not later than 9pm, and not before 10am and after 3pm on Saturdays and Sundays. The application seeks to vary the conditions to allow the use to operate Monday to Friday 7.30am to 6.30pm only.

Key designations:

Smoke Control SCA 5

Proposal

Planning permission is sought to vary conditions 98 and 99 of application reference 90/03188 which currently restrict the D1 use to Monday to Friday 9am- 5pm except on two weekday evenings per week where the use can extend until not later than 9pm, and not before 10am and after 3pm on Saturdays and Sundays. The application seeks to vary the conditions to allow the use to operate Monday to Friday 7.30am to 6.30pm only.

This has been accompanied by a covering statement from the applicant.

This states the application proposes:

- 1) to reduce the total operating hours from 58 to 55
- 2) to stop the use of the premises at the weekend
- 3) to stop opening until 9pm on two weekdays
- 4) to reduce the hours of operation to weekdays only Monday -Friday 7.30am to 6.30 pm

The property is a detached unit located towards the end of Langdon Road a cul de sac. This property was formerly a D1 use.

A Certificate of Lawful Development Certificate was recently granted under reference under 17/01092 to use the above property as a day nursery as this fell within the same use class..

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories (Use Classes). Class D1 categorises non-residential institutions and includes uses such as clinics, health centres, crèches and day nurseries. The planning history of the site includes 90/03188, a circular 18/84 consultation by the Bromley Health Authority for the change of use of the site from residential to an Activity and Recreation Centre, falling within Use Class D1.

Consultations

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

- o loss of parking in the road
- o accidents will happen
- o lack of parking already
- o lack of consultation
- o area heavily used by commuters

Highways: I assume there is no increase in the number of children or staff, if so, I would have no objection to the application as 9am and 5pm are rush hours and proposed time Monday to Friday 7.30am to 6.30pm will spread the hours.

Early Years: No comments received at the time of the report although it was noted that they supported the application before the submission of the certificate application.

Planning Considerations

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

- BE1 Design of New Development
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- EMP8 Use of Dwellings for Business Purposes
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

The London Plan and National Planning Policy Framework are also key considerations in determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

- Draft Policy 20 - Community Facilities
- Draft Policy 27 - Education
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 119 - Noise Pollution

Conclusions

The main planning considerations relevant to this application are:

- o Background and the need to vary the condition
- o Traffic, parking and servicing
- o impact on local amenities

Policy C1 of the UDP is concerned with community facilities and states that a proposal for development that meets an identified education needs of particular communities or areas of the Borough will normally be permitted provided the site is in an accessible location.

Policy C7 of the UDP is concerned with educational and pre-school facilities and states that applications for new or extensions to existing establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Policy BE1 also requires that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

Background

A certificate of Lawfulness exists for a D1 use. This application seeks to vary the approved hours.

Traffic

Locally there are objections to the proposal. Our Highways colleagues recommend that the proposal is acceptable.

Amenity

The D1 use is the permitted use. The amended hours reduce the overall hours of use that the activity could operate.

Summary

Members will need to decide whether the application to vary the hours is acceptable at this location. Taking into account comments received locally in the consideration of this application it is considered on balance that the proposal as submitted is satisfactory.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02996/RECON and any other applications on the site set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The use shall operate between the hours on Monday to Friday 7.30am to 6.30pm only.**

Reason In the interests of the amenities of the area and to accord with policy BE1.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/03050/RECON

Ward:
Penge And Cator

Address : 213 Kings Hall Road Beckenham BR3 1LL

OS Grid Ref: E: 536597 N: 170331

Applicant : Brookworth Homes Limited

Objections : YES

Description of Development:

Variation of condition 4 of outline permission ref. 15/04458 allowed at appeal for the introduction of access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping to allow the removal of drawing 13121/C402C - Proposed sketch elevations from the list of drawings with which the development must accord.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 25

Proposal

Outline planning permission was granted on appeal under reference 16/04433/OUT for the introduction of an access road and the siting of three dwellings on the application site. The application was submitted in outline only, with details of the appearance, scale and landscaping being reserved matters.

The appeal Inspector imposed a number of conditions on the permission. Condition 1 of the permission required that details of the appearance, landscaping and scale (the reserved matters) be submitted to and approved in writing before commencement of development. Condition 4 (the subject of this application) required that the development be carried out in accordance with the plans bundle, listing each plan by reference. It included reference to Drawing No. 13121/C402C - Proposed Sketch Elevations.

This application seeks to vary condition 4 so as to remove the requirement that the development accord with the sketch elevations submitted as part of application 15/04458/OUT. Members are advised that a separate application has been submitted which provides the details of the scale, appearance and landscaping pursuant to the outline planning permission ref. 15/04458/OUT. The elevational drawings show the dwellings have an appearance that differs from that shown in the sketch elevations submitted with the original outline application. The details pursuant application has not, to date, been determined.

Consultations

Local residents were notified of this application and representations were received which can be summarised as follows:

- The condition was not incorrectly imposed and the public have relied upon condition 4 as an important constraint upon the nature of the development
- The condition is not onerous - requiring only that houses are in keeping with those on Kings Hall Road

- The sketch in question was provided by the developer themselves and it was disingenuous to include the sketch if they wanted to build houses not in keeping with Kings Hall Road
- The Inspector's decision should be read as a whole and there is no inconsistency in the decision. Indicative means that the final detailed sketches must be in keeping with the sketch submitted at outline stage
- By relying upon the wording of condition 4 the public has foregone their right to challenge the grant of planning permission by a judicial review
- The houses in Kings Hall Road are examples of Victorian period houses and mark it out from other parts of Beckenham which are characterised by more modern housing
- There has been no material change of circumstances since the Inspector's decision and the decision of a higher decision making authority should stand as a matter of respect for that hierarchy and a matter of principle unless something significant has changed. To vary the condition would not show respect.
- There is no evidence that the inspector made a mistake
- It cannot be said that the developer was unaware of the nature of the condition and the developer has taken no steps to challenge or vary the conditions. This should have been done immediately after the decision was issued. It would be unfair if the protections afforded by the condition were now removed
- It is not the role of the local planning authority to confirm categorically that the drawing in question was outside of the scope of the appeal decision. There is the suggestions that the merits of the application have been pre-judged
- The applicant has consistently stated that the proposed houses should be similar in nature to others in the street so as to create elevations designed to sit comfortably within and enhance the surrounding area. The elevations provided in the outline application should be considered in the context of the Design and Access Statement which referred to the indicative elevations and stated that the architectural merit of the dwellings would have a sensitive regard to the surroundings
- The developer should be asked why the indicative elevations were submitted in support of the application it is was not expected that they would carry any weight in the determination and were in effect meaningless
- Any departure from the Inspector's conditions would undermine her decision.
- the applicant has breached condition 5 by bringing plant and materials onto the site already

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

H1 Housing Supply

H7 Housing Density and Design

H9 Side Space

NE3 Wildlife Features

NE7 Development and Trees

NE8 Conservation and Management of Trees and Woodland

ER10 Light pollution

T3 Parking

T7 Cyclists

T18 Road Safety

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in 2017.

Draft Policies of relevance to the application comprise:

- Policy 37 General Design of Development
- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 8 Side Space
- Policy 70 Wildlife Features
- Policy 73 Development and Trees
- Policy 74 Conservation and Management of Trees and Woodlands
- Policy 30 Parking
- Policy 32 Road Safety
- Policy 122 Light Pollution
- Policy 119 Noise Pollution

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

London Plan (July 2011)

- 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 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- 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

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

The Town and Country Planning (Development Management Procedure) (England) Order, 2010

National Planning Policy Framework

Planning History

14/01561/OUT

Planning permission was refused and a subsequent appeal against the refusal of outline planning permission was dismissed for the introduction of access road and erection of 6 dwellings comprising 3 pairs of semi-detached houses, parking and landscaping.

The ground for refusal was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character of the surrounding residential area. Traffic accessing the site will harm the amenities of adjoining residential properties by reason of fumes, noise and disturbance. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

The Inspector commented that in terms of the relationship with the surrounding properties that there would be no significant overshadowing of the adjoining houses and gardens. It was also commented that the outlook of surrounding residents would evidently change from the view over the existing extensive garden area and orchard, but there would be sufficient separation for the proposed houses not to be overbearing in views from the neighbouring dwellings.

In terms of traffic accessing the site it was not considered that there would be likely to be excessive noise and disturbance for existing occupiers. Similarly with regard to drainage with implementation of a suitable SUDS scheme there was no evidence that a satisfactory drainage scheme could not be devised.

15/00357/OUT

Outline planning permission was refused for the construction of 5 dwellinghouses comprising 2 pairs of semi-detached and 1 detached property, access road, parking and associated landscaping. A subsequent appeal against the refusal of planning permission was dismissed.

The reason for refusal of outline planning permission was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character of the surrounding residential area. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

In dismissing the appeal the Inspector concluded that the proposal would appear cramped and out of keeping with the area. The Inspector also commented that at present there are open views above the extension and garage between Nos 215 and 217 Kings Hall Road to

mature landscaping within the existing garden area and to the land beyond which contains a number of large mature trees which add to the verdant and open character of the area. The Inspector was not convinced that the indicative landscaping proposal would be capable of screening the proposal to such an extent that the impact on the open character and appearance of the area would be acceptable.

15/04458/OUT

Outline planning permission was refused for the access and layout of a development comprising the introduction of an access road and the erection of three detached dwellings, each with a double garage, parking and associated landscaping. The application was in outline, with details of the scale, appearance and landscaping of the development being reserved matters. Outline permission was refused on the ground:

"The revised proposals constitute an overdevelopment of the site which would have a detrimental impact on the spacious and open character and appearance of the surrounding area, and would therefore be contrary to Policies BE1 and H7 of the Unitary Development Plan."

A subsequent appeal against the Council's refusal of planning permission was allowed. The Inspector considered that the main issue in the case was the effect of the development on the character and appearance of the area. The Inspector considered that the orientation of the dwelling on Plot 1 (which corresponds to the current Plot 3) was such that the garage would be closest to the northern boundary, reducing the height of the development in direct views down the access road. The landscaping in front and behind the dwelling would soften views of the dwelling and allow retained views over and beyond the plot to the area of woodland behind. Landscaping to the southern and eastern site boundaries would also provide landscaped views between existing dwellings and would assist in screening the development from the rear of neighbouring properties. In respect of the concern that the development would result in an overdevelopment of the site, it was considered that the density of development would be appropriate in the location and that the proposal would not form overdevelopment. Having regard to the spacious size of the plots, the footprint of the dwellings and the retention and enhancement of the landscaping, it was not considered that the proposal would be out of keeping with the character and appearance of the area.

The Inspector considered the impact of the proposal on the living conditions of neighbouring dwellings, highways matters, drainage, flood risk, ecology and sustainable design and construction and in all these matters agreed with the Council that there were no concerns in respect of these matters. With regards to the concerns expressed by neighbouring residents regarding impact on visual amenity, security and light and noise pollution the Inspector concluded that there was no evidence to suggest that the proposal would result in security issues or pollution such that would cause material harm to the amenity of nearby residents and that the landscaping proposed would soften the visual impact of the development.

The Inspector allowed the appeal and granted outline planning permission subject to a number of conditions, including Condition 10 which stated that the dwellings should not be more than 10m in height, with this condition considered necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents.

At outline stage the applicant provided indicative elevations although the appearance and scale of development were reserved matters, as was landscaping. The indicative elevations which formed part of the application considered at appeal showed the dwelling at Plot 1 (now Plot 3) having a pitched roof approx. 9.8m high to the ridgeline and 5.6m

high to the eaves, with the attached garage 4.8m to the ridge and approx. 2.5m to eaves height.

Condition 4 of the outline permission listed plans with which the development must accord, including the indicative elevation referred to above.

17/00398

Under reference 17/00399/DET an application relating to the details pursuant to condition 1 of the permission was submitted, providing details of the scale, appearance and landscaping of the development granted planning permission on appeal. This application is undetermined.

Conclusions

The application reference 15/04458/OUT which was allowed on appeal subject to a number of conditions was submitted in outline only, with details of the appearance, scale and landscaping comprising reserved matters.

It is noted that in application 15/04458/OUT the applicant submitted sketch elevations despite explicitly (on the application forms) reserving the final details of the appearance of the development from consideration. This is not an uncommon practice in outline applications, and in determining outline applications where indicative details are provided despite being reserved matters, the decision-maker will be mindful of the scope of the application and the associated scope of the decision to be made.

Conditions 1 and 2 of the permission 15/04458/OUT jointly require, as is common practice in outline decisions, that within 3 years of the date of the decision the applicant submit details of those matters which had been reserved at outline stage, and that these details should be approved in writing prior to the commencement of development.

It is noted that the details pursuant application which is currently in abeyance includes elevations which show the appearance of the development not replicating that of the sketch elevations submitted with the outline application. Members will be aware however, that if this application to vary the condition is approved, this does not explicitly or implicitly tie Members to granting planning permission for the details pursuant application; these are separate applications and the onus on the Local Planning Authority in this specific application is to determine whether the variation of the condition on its own is reasonable.

Separately, in respect of the other application, the Local Planning Authority will be required to determine whether the detail of the appearance of the development under 17/00398/DET is acceptable. It is intended to report that application back to Committee pending the outcome of this application.

In considering this current application it is important to note that it is not uncommon for a Local Planning Authority to have the role of amending/varying the details of development which has been allowed on appeal, including the requirements or wording of conditions. Regardless of the applicant's assessment that condition 4 of the outline permission was drafted in error, the determination of this application is not a judgement on this matter. Rather, it is the responsibility of the Local Planning Authority to assess whether the removal of the drawing in question from the bundle of plans referred to in condition 4 would be reasonable and appropriate.

For background, it is however evident that when the Inspector allowed the appeal it was noted in the decision that the sketch elevations of the proposed dwellings were for indicative purposes only (para. 2 of the appeal decision notice). Within the section of the decision notice "Conditions" the Inspector stated at para. 20 "As the appeal proposal is in

outline with matters of access and layout to be approved at this stage, it is not necessary to impose conditions regarding appearance, scale and landscaping." This statement appears to be odds with the content of Condition 4 which lists all the plans which were submitted with the application, including that which provided an illustrative indication of the appearance of the development. At para. 20 the Inspector stated: "The normal conditions governing the submission of details in pursuance of reserved matters are required as is a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interest of proper planning."

Members will be aware that the outline planning permission granted by the Inspector related to the siting and means of access only and as such, that the Council would have the opportunity to consider the details of the appearance of the dwellings, their scale and the landscaping of the site at a later stage should the applicant decide to progress to details pursuant stage. As previously stated, a "details pursuant" application has in fact been submitted which includes elevational drawings that do not tally with the sketch/indicative elevations submitted at outline stage. It is important to note however that approval of the variation of condition 4 does not prevent Members from assessing the details pursuant application (17/00398) on its own merits and that that application has not been determined.

It is not for the Council at this stage and within this application to consider the detailed elevations and appearance of the proposed development; rather the purpose of this application is to remove the stipulation that the detailed development should be identical in appearance to the sketch elevations supplied in the course of the outline application.

The issue in question in this case is whether varying Condition 4 would be appropriate. In view of the original application having been submitted in outline only, with the appearance of the development being outside of that application, it is not considered reasonable for the Local Planning Authority to refuse to vary the condition; the net result of such a refusal would be to stipulate that the appearance of the development must accord with what were acknowledged by the Inspector to be indicative elevations only. In any case, the Local Planning Authority has the opportunity at detailed stage to determine whether the appearance of the dwellings would be acceptable, along with the scale and landscaping of the development, taking into account the relevant planning policies and any other material planning considerations.

Granting permission to vary condition 4 of the Inspector's decision does not undermine the Council's ability to consider matters of design and appearance in the detailed application - instead it addresses the contradiction between the wording of the condition and the detailed analysis of the merits of the outline application in the main body of the Inspector's decision notice.

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are "necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." It was not the Local Planning Authority that imposed Condition 4 which included the sketch elevation while the appearance of the development was specifically reserved from consideration in that outline application. However, the LPA is required to determine this application and in assessing the merits of the proposal it is inevitable that such a determination will include consideration of the reasonableness of the condition in full as imposed by the Inspector.

Insofar as the application was submitted in outline with details of appearance and scale reserved from consideration it is not reasonable for the Council to seek to sustain a condition where it includes reference to sketch elevations, particularly in view of the

Inspector's own wording: "it is not necessary to impose conditions regarding appearance, scale and landscaping."

Background papers referred to in the preparation of this report comprise all correspondence on files refs: 14/01561/OUT, 15/00537/OUT, 15/04458/OUT, 17//0398/DET and 17/03050/RECON excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.**

Reason: In the interest of the visual and residential amenities of the area and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from 23rd September 2016.**

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.**

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

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Drawing No. 13121/S401 Site Location Plan
Drawing No. 13121/S402 Existing Site Survey
Drawing No. 13121/C401B Coloured Site Layout
Drawing No. 13121/P403 Proposed site block plan comparison of plot sizes
Drawing No. 13121/SK403 Coloured Site Layout with Previous Scheme**

Reason: In the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.

- 5 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the local planning authority.**

The statement shall include details of:

-Type and siting of protective fencing, and maintenance of protective fencing for the duration of the project;

- Type and siting of scaffolding (if required);
- Details of the method and timing of demolition, site clearance and building works;
- Depth, extent and means of excavation of foundations and details of method of construction of new foundations;
- Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement and concrete;
- Location of bonfire site (if required);
- Details of the location of underground services avoiding locating them within the protected zone;
- Details of the nature and installation of any new surfacing within the protected zone;
- Methods proposed for the watering of the trees during the course of the Project.

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

- 6 The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 7 The design of the foundations of the proposed new dwellings must be sufficient to allow the trees within the woodland order W1 to remain in situ sustainably in close proximity to the new dwellings given that the proposed development site is on London clay. The ownership and control of trees within the Woodland Order W1 should be placed into a management company to reduce post development pressure on the trees from the proposed new dwellings.

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** No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner before or during building operations, other than in accordance with the approved plans and details without the prior written approval of the local planning authority. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars]

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.

- 9** The development permitted by this outline 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 standards of the Mayor's London Plan.

Reason: To secure a satisfactory and sustainable means of surface water drainage to accord with the standards of the London Plan.

- 10** The dwellings hereby permitted shall not be more than 10.0m in height.

Reason: In the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.

- 11** Details of the layout of the access road and turning area including its junction with Kings Hall Road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

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

- 12** 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) 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 Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.

Reason: In order to comply with Appendix II of the Unitary Development Plan and to the interest of pedestrian and vehicular safety.

- 14 Garages shall have minimum internal dimensions of 2.6m x 6m and there shall be a minimum clear space in front of their doors of 6m (or of 7.5m where the garages are in a compound or opposite a structure or means of enclosure) to allow for manoeuvring and these dimensions shall be permanently retained as such thereafter.

REASON: In order to comply with Appendix II of the Unitary Development Plan to ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.

- 15 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.

- 16 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.

- 17 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out 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.

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/03076/OUT

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 office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 5 1 bedroom dwellings with communal parking and private terraces

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The application seeks outline planning permission with all matters reserved for the demolition of the existing residential building (Toppers Oak), stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 5 no. 1 bedroom dwellings with communal parking and private terraces.

Whilst plans have been submitted with the application, these are no more than illustrative given that the scheme is in outline provision with all matters reserved. The plans are considered to be an indicative representation of what the Applicant considers could be achieved on site. In determining the application Officers make reference only to the principle of the redevelopment of the site which includes an assessment on all relevant policy. Matters of appearance, means of access, landscaping, layout and scale will be subject to a reserved matters application at a later date. The decision on this application does not mean that the submitted plans are acceptable or not, as the detail within them is for consideration at reserved matters stage.

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 the following comments were received:

- The Kemnal Residents Association objects to this proposal on the grounds that it does not comply with the area's Green Belt status and would remove the type of "country" activity currently generated by the riding school/stables which contributes to the semi-rural character of the main part of Kemnal Road - a character which the Association is anxious to retain and to avoid further urbanisation of the northern part of the road.

- The Association's members are responsible for the maintenance of the main metalled part of Kemnal Road (unadopted) leading to the private roadway on which the site is situated. There is no means of access to the site other than via this part of Kemnal Road, and we are concerned that the proposed development would (because of the need for regular access and parking by residents of and visitors to the proposed new dwellings) generate more traffic in this quiet residential road. During the construction period, considerable additional heavy goods traffic can be expected. Previous experience has shown that this causes damage to the road (which residents would have to pay for) and nuisance to residents as a result of queueing heavy vehicles and vans.

-If the development is approved, the Association would strongly advocate a planning condition requiring formal before and after road inspections by highway engineers and the deposit of a financial bond to cover any necessary repairs.

Highways - 'It is noted that this is an outline application with all matters reserved. The site has a PTAL assessment of 0 so the vast majority of trips are likely to be vehicular. This section of the Kemnal Road is private although there is a registered footpath (FP 35) over it.

The proposal is to demolish the existing stables and construct 6 x 1 bed and 2 x 2 bed dwellings. There are 8 parking spaces shown. The Planning Statement refers to a Transport Assessment (para 6.17) but one could not be seen with the application.

There are no visitor's spaces parking shown. More spaces are likely to be required and there does seem adequate space to provide them. There is no indication of how the refuse collection will be undertaken.

There is also a proposal for a replacement dwelling at Toppers Oak. As that is like for like I would have no issue with the principle'.

Following receipt of the Highways Officers comments, a transport note was submitted (25th July 2017) and the following comments were received from the Council's Highways Officer:

'The vehicular trip generation from the proposed residential units may be slightly underestimated given the poor public transport links but it is accepted they are unlikely to be significantly more than the stables appear to generate. There is no mention of the access layout and no further comments are made'.

Environmental Health (Housing) - The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing

Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Environmental Health (Pollution) – No objections subject to conditions

Drainage - There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off. No objections are made subject to conditions

Conservation Officer - Although clearly quite indicative due to this being Outline, I consider that this proposal could be similar in bulk, scale and site layout to what is there at present and therefore may be considered to preserve the character and appearance of the CA. The elevations are at 1:250 which even at Outline stage is a very small scale and it would be useful at least to have 1:100 sections clearly showing max heights. It could be an improvement on the previously refused scheme 16/03627/FULL1.

Trees - The arboricultural submissions have adequately addressed tree constraints and implemented protection measures. Trees to be removed are not considered significant enough to prevent the proposals. Conditions are recommended.

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. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The following policies are most relevant:

Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 31 - Relieving Congestion
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 41 - Conservation Areas
Draft Policy 49 - The Green Belt
Draft Policy 61 - Horses, stabling and riding facilities
Draft Policy 113 - Waste Management in new Development
Draft Policy 116 - Sustainable Urban Drainage Systems
Draft Policy 119 - Noise Pollution
Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction

Green Belt policies are particularly relevant to this application:

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.

16/03627/FULL1 - 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.

Reasons for refusal:

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.

This application is currently at appeal with a Public Inquiry scheduled for February 2018.

Conclusions

Members will need to consider the principle of development as set out in the description within the site area defined. The submitted plans are not what is being considered at this stage as the application is in outline with all matters reserved. The decision on this application will not mean that the illustrative plans are acceptable or not acceptable, this will be determined at reserved matters stage.

The decision for Members is therefore whether a development of "Demolition of existing residential building, stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 5 1 bedroom dwellings with communal parking and private terraces" could be accommodated within the site in some form.

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. Members should note that as the application is in outline provision with all matters reserved, Officers are not considering the overall scale or layout of the development which will be subject to assessment within a future reserved matters application.

Green Belt - Whether the development is appropriate:

The applicant, as per the previously refused application, presents an 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:

- o the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and
- o 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. Given that the application involves the replacement of the stable buildings with the provision of 8 dwellings, it is not appropriate to consider the principle of one of the new dwellings under bullet point 4 but the redevelopment of the site should be considered as a single proposal as it is all part of the same outline application. The application is therefore considered under bullet point 6 of paragraph 89 of the NPPF.

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."

Whilst calculations have been made 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, Members should note that this application is in outline provision with all matters reserved, and matters of scale and layout which would be pertinent in assessing the impact of openness within the Green Belt, will be considered within a later application. This includes any footprint or volume, design and layout of the proposed dwellings and any associated development such as hard surfacing. The plans submitted by the Applicant are not the proposal to be considered, but an illustration of how the scheme could be taken forwards. .

Nevertheless, bullet point 6 makes explicit that 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 is appropriate within the Green Belt. The site is considered PDL as established within application reference: 16/03627/FULL1 therefore the partial or complete redevelopment of previously developed sites would be considered appropriate as long as the development would not have a greater impact on the openness of the Green Belt. 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.

Officers note that the scheme is to provide 9 separate dwellings which, given the low PTAL rating of the site (1a) would result in transient vehicular and people movements across the site. Nevertheless, whilst there would be some impact to the openness as a result of this, given the existing use of the site for 29 self-serving livery stables, the impact from the movements within the site is not considered materially worse than the existing use. As a result, Members may consider that in terms of activity, the proposed use would have no further impact upon openness.

It is therefore acknowledged that subject to a necessary future assessment of openness at reserved matters stage, the principle of a whole site re-development may be found to be acceptable subject to 9 dwellings of the sizes stipulated within the description of development being adequately accommodated on the site:

Proposed residential floor space

The description of development relates to the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 5 1 bedroom dwellings with communal parking and private terraces. In order to ascertain whether the quantum of development proposed could be satisfactorily achieved within the site to comply with Green Belt policy, it is necessary to assess the minimum sizes these dwellings are likely to be with regard to relevant policy.

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.

The existing floor space for the stables equates to 568sqm and 143sqm for the house. Policy 3.5 of the London Plan requires a minimum of 90sqm and a maximum of 130sqm for a four bedroom property, a minimum of 61sqm and a maximum of 79sqm for a two bedroom property and a minimum of 39sqm and a maximum of 58sqm for a one bedroom property. When considering the minimum floor space requirement of the London Plan standards, a floorspace of 407sqm would be required to be compliant with the standards and when considering the maximum, a floorspace of 578sqm would be required, both of which seem feasible based on the existing floor space within the site and that proposed to be developed. As previously stated however, calculation regarding floor space are one element in assessing openness of which a future assessment must be made within a reserved matters application.

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 an indicative density of 21.9 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 which will occur with the submission of the reserved matters application, the proposed residential density is deemed acceptable.

Highways

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).

Whilst matters of access are a reserved matter, it is pertinent for Officers to consider whether it would be possible to accommodate parking for 9 dwellings within the confines of the site in order to adequately assess whether the site is capable for the siting of 9 dwellings. Comments have been received from the Council's Highways Officer who states:

'It is noted that this is an outline application with all matters reserved. The site has a PTAL assessment of 0 so the vast majority of trips are likely to be vehicular. This section of the Kemnal Road is private although there is a registered footpath (FP 35) over it.

The proposal is to demolish the existing stables and construct 6 x 1 bed and 2 x 2 bed dwellings. There are 8 parking spaces shown. The Planning Statement refers to a Transport Assessment (para 6.17) but one could not be seen with the application.

There are no visitor's spaces parking shown. More spaces are likely to be required and there does seem adequate space to provide them. There is no indication of how the refuse collection will be undertaken.

There is also a proposal for a replacement dwelling at Toppers Oak. As that is like for like I would have no issue with the principle'.

Following receipt of the Highways Officers comments, a transport note was submitted (25th July 2017) and the following comments were received from the Council's Highways Officer:

'The vehicular trip generation from the proposed residential units may be slightly underestimated given the poor public transport links but it is accepted they are unlikely to be significantly more than the stables appear to generate. There is no mention of the access layout and no further comments are made'.

The Officer acknowledges that further parking spaces will be required to be provided but states that there appears to be adequate space to provide them. A full assessment of highways matters, including an assessment of the impact on openness, will be considered within any future reserved matters application.

On balance, Officers consider that at this stage it may be possible to redevelop the site with regard to paragraph 89 bullet point 6 subject to any future development submitted within a reserved matters application not having a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Members may consider that given that this is an outline application with all matters reserved, that at this point very special circumstances are not required given that the principle of the redevelopment of the land is acceptable. Should reserved matters be submitted which show a scheme of development found to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, then a very special circumstances argument may be required (or could be submitted) at that point.

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.

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. This application is in outline provision with all matters reserved, as such matters concerning design and impact upon the Conservation Area are all for future consideration. Nevertheless, it is considered that the site is capable of redevelopment for residential dwellings which could preserve or enhance the character and appearance of the Conservation Area, and the Applicant should make specific reference to the local plan policies and Chislehurst SPG guidance when finalising any future design.

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 property is sited within a centralised location between Brookside to the south and Uplands to the north. Matters of layout and massing are subject to a future reserved matters application however the Applicant should be mindful of the impact of the development upon the residential amenity of the neighbouring properties. The car parking in respect of the dwelling should be sensitively located and not cause any nuisance by way of transient vehicular movements. Windows within the flank elevations should not cause any undue loss of privacy or overlooking. The property should not overshadow or appear overbearing to the surrounding neighbouring properties in compliance with Policy BE1. It would appear possible to accommodate the number of dwellings proposed without unacceptable impact on neighbouring properties subject to suitable design and layout.

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

Landscaping matters are a reserved matter and will be subject to a future application. Given the verdant nature of the site, the Tree Officer has made indicative comments on the application which are as follows: The arboricultural submissions have adequately addressed tree constraints and implemented protection measures. Trees to be removed are not considered significant enough to prevent the proposals. Conditions are recommended.

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 site is considered to be able to be redeveloped for residential use as per paragraph 6 of the NPPF subject to an assessment as to the developments impact upon openness

within a future reserved matters application. It is considered that the density of the proposed dwellings is likely to be acceptable and that the required floor space provision for compliance with the London Plan standards is not over and above that which already exists on site. On balance, Officers consider that at this point Very Special Circumstances are not required given that the application is in outline provision with all matters reserved, and subject to future applications, the principle of a whole site re-development for 9 dwellings of the size outlined within the description, is found to be acceptable in principle, subject to suitable reserved matters.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/03627/FULL1 and 17/03076/OUT as set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Details of appearance, means of access, landscaping, layout and scale (inclusive of the height, width and depth of the dwellings) (Hereinafter referred to as the "reserved matters") shall be submitted to the local planning authority. No development shall commence until details of the reserved matters for that phase have been approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.**

REASON: In order for the local planning authority to consider the details pursuant of permission and in order to ensure compliance with policy BE1 and H7 of the Unitary Development Plan.

- 2 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.**
 - a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.**
 - b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.**
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.**

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 3 Before the use commences the applicant shall submit to the Local Planning Authority details of any external lighting which provides details of light spillage to any neighbouring property. Once approved in writing by the Local Planning Authority the lighting shall be installed in accordance with the approved scheme and shall be permanently maintained thereafter, and no further external lighting shall be installed without the approval in writing of the Local Planning Authority

REASON: In order to ensure that no adverse impacts occur as a result of the lighting on residential amenity and surrounding open Green Belt land in compliance with Policy G1, BE1 and H7 of the Unitary Development Plan

- 4 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 buildings, structures, alterations, walls or fences of any kind 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 for the Local Planning Authority to consider all future application to protect the site from overdevelopment within the Green Belt and to ensure a high level of residential amenity is maintained for neighbouring owner/occupiers in compliance with Policy G1 and BE1 of the Unitary Development Plan

- 5 Details of the layout of the access road and turning area including its junction with and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no

obstruction to visibility in excess of **** in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

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

- 6** 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) 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.

- 7** Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.

Reason: In order to comply with Appendix II of the Unitary Development Plan and to the interest of pedestrian and vehicular safety.

- 9** 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.

- 10** 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.

- 11** Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local

Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 12 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 13 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

- 14 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."

- 15 (i) Details relating to the

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 16 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.

- 17 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;

Type and siting of scaffolding (if required);

Details of the method and timing of demolition, site clearance and building works

Depth, extent and means of excavation of foundations and details of method of construction of new foundations

Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;

Location of bonfire site (if required);

Details of the location of underground services avoiding locating them within the protected zone

Details of the method to be used for the removal of existing hard surfacing within the protected zone

Details of the nature and installation of any new surfacing within the protected zone

Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

- 18 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.

- 19 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.

You are further informed that :

- 1 Registered footpath 35 runs along the eastern boundary of the application site. It is outside of the site and should not be affected by the granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware, by means of an informative attached to any permission, of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as result of, the development.
- 2 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.
- 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**

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/02381/FULL1

Ward:
Chelsfield And Pratts Bottom

Address : 62 Windsor Drive Orpington BR6 6HD

OS Grid Ref: E: 546551 N: 163978

Applicant : Mrs S Thomson

Objections : YES

Description of Development:

Retention of modular buildings in revised location.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 28

Proposal

This proposal is for the retention of a single storey rear modular extension to provide two consultation rooms, an office and WC to the doctor's surgery with an enclosed walkway in a revised location. The extension would be rotated through 90 degrees so that it would span the width of the property. The extension would measure between 9.4m and 5.2m in depth including a gap of 0.3m between the main building and it would be 10.2m in width. The roof would be flat with a varied height of between 3.3m and 2.5m as a result of the sloping ground level and proposed stepping down of the ground level of the part of the modular extension.

Location

The site is situated on the junction with Windsor Drive and Woodside and hosts a detached property which has been converted to a GP surgery from a dwelling. The surrounding area is predominantly residential and is characterised by detached and semi-detached houses.

Consultations

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

In support:

- o Chelsfield Surgery provides NHS medical care to over 8,000 patients and need the extra space to fulfil its commitments to its practice
- o is an attempt to reach compromise with Council
- o modular building is an asset the GP surgery
- o patient numbers continue to increase and the local ageing population continues to grow
- o accessible ground floor level rooms is essential
- o excellent doctors practice but,
- o without the extra to the extension will provide patients will suffer
- o national problem with accessing GPs
- o will put provisions for 8000 local residents in jeopardy
- o urge the authority to consider the affect the loss of provision would make to its constituents and allow the application

- o as patients and members of Patient Participation Group for Chelsfield Surgery we support the planning application
- o patients since 1981 and have excellent care
- o the modular building will help the surgery continue its much valued work in Chelsfield
- o surgery has grown in patients an variety of services
- o Also a teaching practice and with shortage of doctors
- o Essential they have sufficient room to accommodate trainee doctors
- o Extensions is accepted by patients and neighbours
- o Fulfils an urgent space requirement for a modern practice
- o With doctors, admin staff as well as nursing professionals
- o Vital to community
- o Would fail CQD inspection if not there
- o Please regularise this matter
- o Fully support application
- o Absolute necessity that clinical rooms are kept
- o Provides access for disabled patients
- o Clinical rooms are in constant use so surgery can provide full service
- o Removing them would be devastating and patients will suffer
- o Patient of the practice for 50 years
- o Grown older and less mobile as many other patients
- o Difficult to get upstairs to nurses rooms
- o Modular extension provides room for nurses at ground floor
- o For practice manager
- o And toilet facilities for many disables patients
- o Government wants practices such as these
- o To carry out more work usually done at hospitals
- o Not possible without extra rooms
- o Care received is excellent
- o Have young children one with disabilities and dreads GP surgery being affected
- o Building supports better healthcare which is massively under strain
- o With new detached properties in rear gardens in Windsor Drive that are too small, cannot see any objections to proposal
- o extension or modular buildings are essential
- o maintain the high calibre of services available at my GP practice
- o especially when NHS is under such pressure from patient demand
- o taking away clinical rooms
- o patients will suffer
- o not improve
- o original building too small for medical and support staff
- o health service budget constraints
- o proposed extension is only option

In objection:

- o owner of this property with no access since 2001
- o was not consulted or consented to original construction of portacabins
- o unaware of discussion between The Council and current tenants
- o Enforcement action ongoing
- o strongly object to the new plans
- o latest attempt to circumvent planning committee decision
- o chairman stated at the time of committee that this was an 'industrial unit in a residential setting'
- o situation has not changed
- o plan is simply to move position of portacabins
- o Never objected to a proper brick built extension passed in 2013

- o Meaning issue of space could have been resolved long ago
- o Permission has lapsed however I am sure that if the practice re-submitted the plans, the Council would be very sympathetic
- o Objection is to the temporary and industrial nature of potacabin
- o Not objecting to work of the surgery
- o Make the enforcement order a real order
- o Please remove the portacabin all together
- o It is an industry building in a residential area
- o No matter what layout
- o court order being ignored and negotiated

No technical Highways objections subject to standard conditions and informatives.

No Environmental Health objections have been raised.

Planning Considerations

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

The London Plan (2015)

Policy 3.2 Improving health and addressing health inequalities
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 3.17 Health and Social Care Facilities
 Policy 7.4 Local Character
 Policy 7.6 Architecture

Unitary Development Plan (UDP) (2006)

BE1 Design of New Development
 C1 Community Facilities
 C4 Health Facility
 NE7 Development and Trees

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

Draft Policy 37 - General Design of Development
 Draft Policy 73 Development and Trees
 Draft Policy 20 Community Facilities
 Draft Policy 26 - Health and Wellbeing

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

National Planning Policy Framework (NPPF) (2012)

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Planning History

89/03617 - Permission - Single storey side and rear extensions

99/03577- Permission - Single storey side extension for pram store

Planning permission was granted under ref. 09/02823 for a single storey rear extension for a consultation room. This permission was not implemented and has now expired.

Planning permission was refused under ref. 12/01921 for 2 single storey modular buildings with attached walkway. The refusal grounds were as follows:

'By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.

By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.

The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.'

Retrospective planning permission was refused under ref. 11/02841 for two modular buildings with attached walkway to provide 2 additional consulting rooms, office and WC at rear of doctors surgery. The refusal grounds were similar to the previous proposal.

An Enforcement notice was served for the temporary building to the rear of the site in 2011. An appeal was part allowed/part dismissed, the structure being dismissed and the hardstanding allowed.

With regards to the building, the Inspector concluded that the modular building, due to its flat roof and utilitarian appearance and associated structure, would compromise the architectural integrity of the existing building to an unacceptable degree thereby harmful to the character and appearance of the main surgery building and the surrounding area. Retention thereof would thus be contrary to saved UDP Policy BE1, SPG No 1 and the relevant provisions of the NPPF. It was further considered that screening either through vegetation or painting would not be sufficient to soften its appearance and a higher boundary treatment would be likely to appear obtrusive.

Regarding the impact on No. 64, the Inspector considered that 'the modular buildings are dominant, unsightly and obtrusive when viewed from the adjacent garden and detract markedly from the outlook enjoyed by the residential occupiers. The approved extension to the surgery building would be much shorter and would have a far lesser impact.' The existing boundary screen was considered obtrusive and it was not felt that an alternative boundary treatment could adequately screen the proposal given its height.

Planning permission was granted under ref. 13/02590 for a single storey rear extension to provide one consultancy room. The proposal was the same as a previous permission ref. 09/02823, both of which have not been implemented.

Planning permission was refused and dismissed on appeal under ref. 13/04227 for retention of part of single storey rear extension to provide two consultation rooms. In the appeal decision, the Inspector states:

'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

'For these reasons I conclude that even at the reduced size now proposed, the modular unit would have an unacceptable effect on the living conditions of the occupiers of No 64 having regard to outlook and privacy. It would therefore conflict with Policy BE1 of the Unitary Development Plan (UDP)¹ which requires development to respect the amenity of occupiers of neighbouring buildings having regard to privacy.'

Planning permission was granted under ref. 14/01127 for retention of part of single storey rear extension to provide one consultation room. This permission was not implemented and has now expired.

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 site has a lengthy planning history, including several refused applications for two consultancy rooms (latest ref. 13/04227) which had a similar depth of rear projection as the current proposal (proposed depth was 9.1m compared to a total depth of 9.4m currently proposed) and was dismissed on appeal. A smaller single storey extension to provide one consultancy room was granted under refs. 09/02823 and then 13/02490, however this has not been constructed. Subsequently, planning permission was granted (ref. 14/01127) for the retention of part of the single storey rear extension to provide one consultation room with a proposed depth of 5.5m. The site is also subject to an Enforcement Notice following the failure to comply with the approved plans.

Policy C4 of the UDP supports the improvement of health care facilities and states that they will be permitted provided that they are accessible by public transport or are located within town centres, district centres, local centres or local neighbourhood centres and parades. Paragraph 13.17 acknowledges that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties. It is advised that town centres and local shopping parades are likely to be more suitable and sustainable locations for these facilities, where the impact on residential amenities is minimised and there is good access to public transport.

Impact on the character of the area

The existing surgery was converted from a large detached residential property which has previously been extended. In a previous application for the retention of part of the single storey rear extension refused under ref. 13/04227, this scheme had a similar depth to the proposal and the Inspector concluded that although 'the retention of a reduced modular building for two consulting rooms would make a contribution to improving the surgery's facilities (...), this consideration does not outweigh the harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area

which would not accord with the development plan.' Therefore, the proposed extension would need to overcome the previous concerns regarding its impact on neighbouring amenities and the character of the area to be considered acceptable.

Following the Inspector's dismissal of the development that currently exists at the site, planning permission has been granted for a smaller development with a depth of rear projection of 5.5m and width of 5.1m. The current proposal involves the rotation of the existing unauthorised modular extension through 90 degrees so that it would have a maximum rearward projection of 9.4m and span for the full width of the existing property with a proposed width of 10.2m.

In 2013, planning permission was refused for the retention of part of the existing single storey rear extension with a depth of 9.1m and width of 5.1m (ref. 13/04227). The proposal would have a similar depth to the previously refused scheme and would have an increased site coverage as it would have a greater width, spanning the full width of the host building. In light of the Inspector's comments in the appeal decision for a similar proposal, it is considered that the proposed relocation of the single storey extension would raise similar concerns which have already been found to be unacceptable. It would have a utilitarian design and given its scale and siting, it would appear at odds with the architectural design of the building, the surrounding residential development and would be prominent from public areas.

The proposal would have a width which is double the size of the previously refused scheme which involved a similar depth from the western part of the rear elevation (13/04227), the width would be increased from 5.1m to 10.2m and would be built much closer to the side boundary fronting Woodside. It would appear conspicuous as a result of its utilitarian design and bulk in close proximity with the boundary along Woodside which would increase its visibility from the public parts of Woodside and Windsor Drive. It would therefore appear even more prominent from the public parts of the road which would worsen its impact on the character of the area than the most recently refused scheme. Given the above, it is considered that the development having a maximum 9.4m rear projection and significant width which is greater than that already refused, would impact harmfully on the character of the area and the visual amenities of the street scene.

It is proposed that screening would be provided by trellises and vegetation along the rear wall and part of the north east flank elevation however the Inspector considered that additional landscaping or planting would not soften the appearance of the extension sufficiently and that the timber screen would be excessively high and obtrusive and compound rather than reduce the harm caused by the main structure. Given the Inspector's view, it is not considered that the proposed screening would be sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

Impact on residential amenity

The Inspector found that the current development at the site would harm the privacy and outlook from the neighbouring residential property. The proposal would continue to have a significant rearward projection, significant height of the flat roof, despite it being stepped down from the existing raised level (it is currently raised by 0.5m to 1.1m from ground level) and that it would project excessively to the rear into the view of No. 64 at a slightly larger depth than the refused scheme (13/04227). The site coverage and rear depth of the development would therefore provide a visual impact to No. 64 that would be harmful to the visual amenities currently enjoyed by the occupants of this neighbouring dwelling.

The proposed relocation of the extension would have a similar height and depth along the common boundary than the previously refused scheme (13/04227) and would have a

similar separation to the shared boundary with No. 64 with a proposed gap of 1.8m. It would have a reduced height from the refused proposal for some of its length with a reduction from a maximum height of 3.5m to 2.8m. The existing screening would be removed from along the side boundary, however this was not considered adequate to prevent a loss of amenity and also was considered to have a harmful visual impact to No. 64. However the reduction in height is not considered to overcome the concerns resulting from the considerable length of the extension along the boundary, in addition to the existing extensions to the property. The Inspector found that the reduced length of the extension (9.1m) and screening would still result in a significant visual intrusion into the garden of No. 64. Consequently, its proposed location, reduced height and separation to the boundary would not overcome the previous issues raised as it would have a similar depth (it would in fact be increased by 0.3m) projecting much further to the rear than No. 64 and would continue to result in a significant visual intrusion and have a harmful impact on the visual amenities of this neighbouring dwelling.

It is stated in the supporting statement that the current proposal would provide a separation of just under 3m from the flank of the extension to the shared boundary with No. 64. However, as scaled from the proposed ground floor plan the separation between the modular extension and the shared boundary would be less than 2m (proposed gap being between 1.7m and 1.8m) for most of its depth (8.1m) which is similar to that already refused. There is a small section between the main property and the main flank wall of the modular extension which would have a gap of over 3m however this is a very small section of the extension (1.2m deep) compared to its overall depth of 9.4m. Furthermore, this is similar to the previously refused scheme which also had a narrower section between the main part of the modular extension and main property. Therefore, the concerns relating to the considerable depth and harmful visual impact to No. 64 as stated in the above paragraph would still be a concern.

Other considerations

The agent in their supporting statements have provided justification for the development which they consider would outweigh the harm as outlined in the preceding paragraphs. It is also appreciated that the surgery seeks to provide an improved level of care and service to its patients and this proposal is supported by a number of local residents particularly with regard to the needs of those with restricted mobility, the Patients Participation Group and the Bromley Clinical Commissioning Group. Furthermore and in accordance with Policies C1 and C4 the Council seeks to support community facilities in the Borough.

It is stated in the justification provided by the agent that the two consultation rooms in the extension support the surgery to provide a wider range of services including primary and community care services with some specialist services and in some cases it would prevent patients having to go to a hospital where these services would usually be provided. It is noted that the supporting analysis of 'Primary and community care, staff and public areas report' submitted with the application identifies that a total of 9 consultation and treatment rooms are required for the GP surgery based on the number of registered patients and calculations provided in the Department of Health Guidance - Health Building Note 11-01. It is also noted that the modular extension provides two consultation rooms to provide a total of 9 consultation and nurse rooms in the extension and main building.

It is further stated in the supporting information for the application that the need and crucial contribution that the extension provides would offset the harm of the extension on the character of the area, the host property and amenity of local residents. As well as there being a lack of other NHS properties in the local area which are accessible by public transport.

A similar justification for the development, including the need for the additional consultation rooms, the benefits it would provide for local residents and health care provision in the area has been considered in a previously refused application which was dismissed at appeal.

The appeal Inspector in their decision for application ref. 12/01921 stated that 'I appreciate that many patients at the surgery support its expansion and the provision of beneficial services, some of which could mean longer journeys to alternative facilities could be avoided. In addition, I recognise the support of the health authority, who confirm that the accommodation would provide space and facilities for GP trainees. However, this support does not outweigh or negate my concerns regarding the impact of the scheme on the character of the area or its impact on the immediate neighbours.' In light of the Inspector's comments, it is not considered that the proposal this justification would outweigh the harm which would result to the adjoining neighbouring property and on the character of the area, given the similarity of the proposal with previously refused schemes and compounded harm from the additional width of the proposal.

Previous applications for smaller extension have been granted which would provide at least one additional consultation room. It is considered that the previous Inspector's comments in the appeal on the enforcement notice in 2011 remain relevant, which stated that 'it is readily apparent that additional floorspace sufficient to meet the surgery's stated requirements could, if justified, be provided by less harmful means. This being so, I do not consider that a need for these facilities is sufficient to outweigh the harm arising from them has been demonstrated.' Given the above, it is considered that the justification provided would not outweigh the harm that would result from the proposal and the substantial level of harm could not be offset by a planning condition restricting its use.

It is acknowledged that this proposal involved a larger rear extension with a depth of 11m. However, in a subsequent refused scheme which was dismissed at appeal, similar conclusions were made by the appeal Inspector for the retention of the modular building with a smaller footprint than the current proposal but with a similar depth of rear projection (9.1m). In this appeal decision, the Inspector stated 'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area and which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

It is also stated by the agent in their statement that the public and staff areas at Chelsfield Surgery is close in floor area to the example of a primary care centre provided by the Department of Health. However, under Policy C4 Paragraph 13.17 it is acknowledged that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties where some extensions can have a detrimental impact on the amenities of adjoining neighbouring residents such as the proposed development.

Given that the proposed stepped level of the extension would result in the two consultation rooms in the extension not having step free access from the main surgery which would restrict their accessibility, this would lessen the weight of the justification for the extension to provide accessible consultation rooms.

It is not considered that the information submitted has resulted in a significant change from previous information which has been provided in support of the application which would

now justify taking a different decision from the previously refused schemes. In particular, as it would have a much greater width than the most recently refused application and therefore its harm on the character of the area would be exacerbated by the current proposal.

Additionally, the modular building and two additional consultations rooms is an unauthorised structure without the benefit of planning permission and therefore the loss of this part of the healthcare facility would not be considered to be contrary to Policies C1 and C4 and this limits the weight of this justification for the development.

Summary

Given the above it is considered that the siting, size and design of the proposed extension is unacceptable in that it would result in a significant loss of amenity to local residents and would impact detrimentally on the character of the area.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 **The proposal, by reason of its excessive rear projection, design and close proximity to the neighbouring residential property, would result in a detrimental impact on the amenities of that property, by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.**

- 2 **The proposed development, by reason of its overall size, design and visibility from the public realm, would be out of character with the surrounding residential area and would be detrimental to the amenities of surrounding residential properties and the street scene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.**

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03220/ADV

Ward:
Bromley Town

Address : 151 - 153 High Street Bromley BR1 1JD

OS Grid Ref: E: 540271 N: 169254

Applicant : Mrs Amanda Cole

Objections : NO

Description of Development:

Freestanding internally illuminated double sided digital display (advertising) unit

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 5

Proposal

Please note that there are currently four similar applications within Bromley Town Centre being considered by Members at Planning Sub Committee on the 31st August 2017 under refs: 17/03220/ADV, 17/03239/ADV, 17/03229/ADV and 17/03241/ADV.

This application seeks the installation of a freestanding advertising structure (internally illuminated digital display unit) on the public footway outside No 151-153 High Street Bromley, which is located within the Bromley Town Centre Conservation Area.

The proposed sign will be 2.93m high x 1.34m wide and 0.26m deep and internally illuminated to a maximum of 2,500 candelas per metre squared (cd/m²) auto adjust to ambient levels; 400cd/m² at night time. The proposed materials include steel, aluminium and toughened glass and the illumination will be static. The freestanding sign will be a double forum structure featuring a digital 84" screen on both sides. The units are referred to as 'Forum CIP Units', CIP meaning Community Information Panel. Community information is shown one side and commercial advertising on the reverse. The digital screen is capable of displaying illuminated moving images and content is supplied via secure remote connection.

The application form advises that JC Decaux was awarded Bromley Council's advertising concession (December 2016) and the proposed installation of the digital asset follows consultation with Bromley Council. JC Decaux advise they understand the Council's duty to reduce visual clutter and preserve existing Conservation Areas. In support of this JC Decaux advise they have significantly reduced the initial number of planned installations within the pedestrianised zone from 11 free standing CIPs to 4. They state that all 4 CIPs will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council.

The submission also advises that JC Decaux had further consultation to ensure that the introduction of the proposed new technology is considerate to the planned improvement works and that none of the proposed locations conflict with any new feature such as replacement benches, planters and/or pavilion canopies and that no entrances to any individual shops will be obscured. It advises that consultation has also taken place to ensure that pedestrian movement channels will be unaffected.

This application is one of four of proposed sign applications.

Consultations

Nearby owners/occupiers were notified of the application and any representations received following the writing of this report will be verbally reported to Members at Committee.

Concerns were raised by elected Ward Members in that the council are in the process of investing in decluttering and improving the public realm in this area with work starting in the next few weeks. Concerns are raised in that this is not an appropriate area for an advertising board and it would be out of keeping with the area.

From a heritage and urban design point of view the panel is considered as visual clutter within the conservation area which would neither preserve nor enhance the area as required by the Act. No public benefit is offered to counter this harm as per NPPF para 134 and therefore recommend that the proposal is resisted.

Advisory Panel for Conservation Areas, (APCA) consider the proposal to constitute unnecessary street clutter to the detriment to the character and appearance of the conservation area.

The Town Centre Planning Team advise the following:

The proposal will not physically conflict with the proposed High Street improvements due to commence in September 2017. However, the objectives of the improvements have always included the removal of street clutter and improving visual and pedestrian permeability. The introduction of this advertisement board will be additional street clutter and visually intrusive to views north and south in the High Street. I therefore consider that the proposal is harmful to the High Street and the proposed improvements and recommend that the application be refused.

Highways - This installation is in a location where currently there is little street furniture.

There are no highway objections to the proposed siting in principle. However there is a need to consult with the Town Centre management team to ensure the proposal does not conflict with any future plans for this area or the route for emergency vehicles.

Please apply the following to any permission

DI 03 - the licencing of the display under the provisions of the Highways Act 1980 - streetworks.enquiries@bromley.gov.uk

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE21 Advertisements, Hoardings and Signs
T18 Road Safety

The Council's adopted SPG guidance is also a consideration.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Draft Local Plan Policy

Policy 37 General Design of Development
Policy 102 Advertisements
Policy 32 Road Safety

London Plan (2016)

Policy 7.4 London Plan

Conclusions

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

BE1 requires a high standard of design for all development proposals and expects that development should not detract from the street scene.

Policy BE11 includes that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy BE21 amongst other matters advises that signs should have regard to the character of the surrounding area and not be likely to create a hazard to road users. That street advertising should be in scale and character with the street scene and area and should not be over prominent or appear as an obtrusive feature.

Policy T18 seeks to ensure that road safety is not compromised.

As noted, the applicants, JC Decaux, were awarded Bromley Council's advertising concession (December 2016). As part of this a number of structures were recently granted consent to the southern part of Bromley High Street. It is noted that these were replacement structures and fall outside of the pedestrianised and conservation area of the High Street.

It is understood that the Bromley Town Centre improvement scheme made a significant multi-million pound investment in the area with further improvements in the pipeline. Part of the improvements sought to actively declutter the street scene and at present there are no advertisement boards in this part of the High Street. It is considered that the introduction of the proposed structure would have a substantial negative impact leading to visual intrusion and clutter within this designated area and which would ultimately detract from and neither preserve nor enhance the character of the Bromley Town Centre Conservation Area

Supporting information suggests that the display units will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council. A need for such space has not been evidenced and it is not considered that the proposal will offer such public benefit sufficient to counter the harm caused.

In terms of Highways matters a vehicle emergency path will need to be maintained. Specific Highways comments in respect of highway safety will be reported verbally to Committee.

Having had regard to the above it is considered that the proposed display unit will appear as an over-prominent and obtrusive feature and constitutes unnecessary street clutter to

the detriment of the character and appearance of the Bromley Town Centre Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/03220/ADV set out in the sections above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed freestanding internally illuminated digital display unit at this location would be an over-prominent, obtrusive and detrimental feature in the streetscene and detract from the character of the conservation area contrary to Policy BE21 of Bromley's Unitary Development Plan, SPG and Policy 7.4 of the London Plan.**

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03229/ADV

Ward:
Bromley Town

Address : Freestanding Advertisement Outside 29
Market Square Bromley

OS Grid Ref: E: 540267 N: 169290

Applicant : Mrs Amanda Cole

Objections : NO

Description of Development:

Freestanding internally illuminated double sided digital display (advertising) unit.

Key designations:

Conservation Area: Bromley Town Centre
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Smoke Control SCA 5

Proposal

Please note that there are currently four similar applications within Bromley Town Centre being considered by Members at Planning Sub Committee on the 31st August 2017 under refs: 17/03220/ADV, 17/03239/ADV, 17/03229/ADV and 17/03241/ADV.

This application seeks the installation of a freestanding advertising structure (internally illuminated digital display unit) on the public footway outside No 29 Market Square, Bromley, which is within the Bromley Town Centre Conservation Area.

The proposed sign will be 2.93m high x 1.34m wide and 0.26m deep and internally illuminated to a maximum of 2,500 candelas per metre squared (cd/m²) auto adjust to ambient levels; 400cd/m² at night time. The proposed materials include steel, aluminium and toughened glass and the illumination will be static. The freestanding sign will be a double forum structure featuring a digital 84" screen on both sides. The units are referred to as 'Forum CIP Units', CIP meaning Community Information Panel. Community information is shown one side and commercial advertising on the reverse. The digital screen is capable of displaying illuminated moving images and content is supplied via secure remote connection.

The application form advises that JC Decaux was awarded Bromley Council's advertising concession (December 2016) and the proposed installation of the digital asset follows consultation with Bromley Council. JC Decaux advise they understand the Council's duty to reduce visual clutter and preserve existing Conservation Areas. In support of this JC Decaux advise they have significantly reduced the initial number of planned installations within the pedestrianised zone from 11 free standing CIPs to 4. They state that all 4 CIPs will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council.

The submission also advises that JC Decaux had further consultation to ensure that the introduction of the proposed new technology is considerate to the planned improvement works and that none of the proposed locations conflict with any new feature such as replacement benches, planters and/or pavilion canopies and that no entrances to any

individual shops will be obscured. It advises that consultation has also taken place to ensure that pedestrian movement channels will be unaffected.

This application is one of four of proposed sign applications.

Consultations

Nearby owners/occupiers were notified of the application and any representations received following the writing of this report will be verbally reported to Members at Committee.

Concerns were raised by elected Ward Members in that the council are in the process of investing in decluttering and improving the public realm in this area with work starting in the next few weeks. Concerns are raised in that this is not an appropriate area for an advertising board and it would be out of keeping with the area.

From a heritage and urban design point of view the panel is considered as visual clutter within the conservation area which would neither preserve nor enhance the area as required by the Act. No public benefit is offered to counter this harm as per NPPF para 134 and therefore recommend that the proposal is resisted.

Advisory Panel for Conservation Areas, (APCA) consider the proposal to constitute unnecessary street clutter to the detriment to the character and appearance of the conservation area.

The Town Centre Planning Team advise the following:

The proposal will not physically conflict with the proposed High Street improvements due to commence in September 2017. However, the objectives of the improvements have always included the removal of street clutter and improving visual and pedestrian permeability. The introduction of this advertisement board will be additional street clutter and visually intrusive to views north and south in the High Street. I therefore consider that the proposal is harmful to the High Street and the proposed improvements and recommend that the application be refused.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE21 Advertisements, Hoardings and Signs
T18 Road Safety

The Council's adopted SPG guidance is also a consideration.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Draft Local Plan Policy

Policy 37 General Design of Development
Policy 102 Advertisements
Policy 32 Road Safety

London Plan

Conclusions

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

BE1 requires a high standard of design for all development proposals and expects that development should not detract from the street scene.

Policy BE11 includes that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy BE21 amongst other matters advises that signs should have regard to the character of the surrounding area and not be likely to create a hazard to road users. That street advertising should be in scale and character with the street scene and area and should not be over prominent or appear as an obtrusive feature.

Policy T18 seeks to ensure that road safety is not compromised.

As noted, the applicants, JC Decaux, were awarded Bromley Council's advertising concession (December 2016). As part of this a number of structures were recently granted consent to the southern part of Bromley High Street. It is noted that these were replacement structures and fall outside of the pedestrianised and conservation area of the High Street.

It is understood that the Bromley Town Centre improvement scheme made a significant multi-million pound investment in the area with further improvements in the pipeline. Part of the improvements sought to actively declutter the street scene and at present there are no advertisement boards in this part of the High Street. It is considered that the introduction of the proposed structure would have a substantial negative impact leading to visual intrusion and clutter within this designated area and which would ultimately detract from and neither preserve nor enhance the character of the Bromley Town Centre Conservation Area.

Supporting information suggests that the display units will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council. A need for such space has not been evidenced and it is not considered that the proposal will offer such public benefit sufficient to counter the harm caused.

In terms of Highways matters a vehicle emergency path will need to be maintained. Specific Highways comments in respect of highway safety will be reported verbally to Committee.

Having had regard to the above it is considered that the proposed display unit will appear as an over-prominent and obtrusive feature and constitutes unnecessary street clutter to the detriment of the character and appearance of the Bromley Town Centre Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/03229/ADV set out in the sections above, excluding exempt information

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed freestanding internally illuminated digital display unit at this location would be an over-prominent, obtrusive and detrimental feature in the streetscene and detract from the character of the conservation area contrary to Policy BE21 of Bromley's Unitary Development Plan, SPG and Policy 7.4 of the London Plan.**

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03239/ADV

Ward:
Bromley Town

Address : Land Fronting 125 - 127 High Street
Bromley

OS Grid Ref: E: 540268 N: 169148

Applicant : Mrs Amanda Cole

Objections : NO

Description of Development:

Freestanding internally illuminated double sided digital display (advertising) unit.

Key designations:

Conservation Area: Bromley Town Centre
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Smoke Control SCA 5

Proposal

Please note that there are currently four similar applications within Bromley Town Centre being considered by Members at Planning Sub Committee on the 31st August 2017 under refs: 17/03220/ADV, 17/03229/ADV and 17/03241/ADV.

This application seeks the installation of a freestanding advertising structure (internally illuminated digital display unit) on the public footway outside No 125-127 High Street Bromley, which is within the Bromley Town Centre Conservation Area.

The proposed sign will be 2.93m high x 1.34m wide and 0.26m deep and internally illuminated to a maximum of 2,500 candelas per metre squared (cd/m²) auto adjust to ambient levels; 400cd/m² at night time. The proposed materials include steel, aluminium and toughened glass and the illumination will be static. The freestanding sign will be a double forum structure featuring a digital 84" screen on both sides. The units are referred to as 'Forum CIP Units', CIP meaning Community Information Panel. Community information is shown one side and commercial advertising on the reverse. The digital screen is capable of displaying illuminated moving images and content is supplied via secure remote connection.

The application form advises that JC Decaux was awarded Bromley Council's advertising concession (December 2016) and the proposed installation of the digital asset follows consultation with Bromley Council. JC Decaux advise they understand the Council's duty to reduce visual clutter and preserve existing Conservation Areas. In support of this JC Decaux advise they have significantly reduced the initial number of planned installations within the pedestrianised zone from 11 free standing CIPs to 4. They state that all 4 CIPs will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council.

The submission also advises that JC Decaux had further consultation to ensure that the introduction of the proposed new technology is considerate to the planned improvement

works and that none of the proposed locations conflict with any new feature such as replacement benches, planters and/or pavilion canopies and that no entrances to any individual shops will be obscured. It advises that consultation has also taken place to ensure that pedestrian movement channels will be unaffected.

This application is one of four of proposed sign applications.

Consultations

Nearby owners/occupiers were notified of the application and any representations received following the writing of this report will be verbally reported to Members at Committee.

Concerns were raised by elected Ward Members in that the council are in the process of investing in decluttering and improving the public realm in this area with work starting in the next few weeks. Concerns are raised in that this is not an appropriate area for an advertising board and it would be out of keeping with the area.

From a heritage and urban design point of view the panel is considered as visual clutter within the conservation area which would neither preserve nor enhance the area as required by the Act. No public benefit is offered to counter this harm as per NPPF para 134 and therefore recommend that the proposal is resisted.

Advisory Panel for Conservation Areas, (APCA) consider the proposal to constitute unnecessary street clutter to the detriment to the character and appearance of the conservation area.

The Town Centre Planning Team advise the following:

The proposal will not physically conflict with the proposed High Street improvements due to commence in September 2017. However, the objectives of the improvements have always included the removal of street clutter and improving visual and pedestrian permeability. The introduction of this advertisement board will be additional street clutter and visually intrusive to views north and south in the High Street. I therefore consider that the proposal is harmful to the High Street and the proposed improvements and recommend that the application be refused.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE21 Advertisements, Hoardings and Signs
T18 Road Safety

The Council's adopted SPG guidance is also a consideration.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Draft Local Plan Policy

Policy 37 General Design of Development
Policy 102 Advertisements
Policy 32 Road Safety

London Plan (2016)

Policy 7.4 London Plan

Conclusions

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

BE1 requires a high standard of design for all development proposals and expects that development should not detract from the street scene.

Policy BE11 includes that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy BE21 amongst other matters advises that signs should have regard to the character of the surrounding area and not be likely to create a hazard to road users. That street advertising should be in scale and character with the street scene and area and should not be over prominent or appear as an obtrusive feature.

Policy T18 seeks to ensure that road safety is not compromised.

As noted, the applicants, JC Decaux, were awarded Bromley Council's advertising concession (December 2016). As part of this a number of structures were recently granted consent to the southern part of Bromley High Street. It is noted that these were replacement structures and fall outside of the pedestrianised and conservation area of the High Street.

It is understood that the Bromley Town Centre improvement scheme made a significant multi-million pound investment in the area with further improvements in the pipeline. Part of the improvements sought to actively declutter the street scene and at present there are no advertisement boards in this part of the High Street. It is considered that the introduction of the proposed structure would have a substantial negative impact leading to visual intrusion and clutter within this designated area and which would ultimately detract from and neither preserve nor enhance the character of the Bromley Town Centre Conservation Area.

Supporting information suggests that the display units will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council. A need for such space has not been evidenced and it is not considered that the proposal will offer such public benefit sufficient to counter the harm caused.

In terms of Highways matters a vehicle emergency path will need to be maintained. Specific Highways comments in respect of highway safety will be reported verbally to Committee.

Having had regard to the above it is considered that the proposed display unit will appear as an over-prominent and obtrusive feature and constitutes unnecessary street clutter to the detriment of the character and appearance of the Bromley Town Centre Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/03239/ADV set out in the sections above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed freestanding internally illuminated digital display unit at this location would be an over-prominent, obtrusive and detrimental feature in the streetscene and detract from the character of the conservation area contrary to Policy BE21 of Bromley's Unitary Development Plan, SPG and Policy 7.4 of the London Plan.**

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03241/ADV

Ward:
Bromley Town

Address : 139 - 141 High Street Bromley BR1 1JD

OS Grid Ref: E: 540275 N: 169192

Applicant : Mrs Amanda Cole

Objections : NO

Description of Development:

Freestanding internally illuminated double sided digital display (advertising) unit.

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 5

Proposal

Please note that there are currently four similar applications within Bromley Town Centre being considered by Members at Planning Sub Committee on the 31st August 2017 under refs: 17/03220/ADV, 17/03239/ADV, 17/03229/ADV and 17/03241/ADV.

This application seeks the installation of a freestanding advertising structure (internally illuminated digital display unit) on the public footway outside No 139-141 High Street Bromley, which is located within the Bromley Town Centre Conservation Area.

The proposed sign will be 2.93m high x 1.34m wide and 0.26m deep and internally illuminated to a maximum of 2,500 candelas per metre squared (cd/m²) auto adjust to ambient levels; 400cd/m² at night time. The proposed materials include steel, aluminium and toughened glass and the illumination will be static. The freestanding sign will be a double forum structure featuring a digital 84" screen on both sides. The units are referred to as 'Forum CIP Units', CIP meaning Community Information Panel. Community information is shown one side and commercial advertising on the reverse. The digital screen is capable of displaying illuminated moving images and content is supplied via secure remote connection.

The application form advises that JC Decaux was awarded Bromley Council's advertising concession (December 2016) and the proposed installation of the digital asset follows consultation with Bromley Council. JC Decaux advise they understand the Council's duty to reduce visual clutter and preserve existing Conservation Areas. In support of this JC Decaux advise they have significantly reduced the initial number of planned installations within the pedestrianised zone from 11 free standing CIPs to 4. They state that all 4 CIPs will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council.

The submission also advises that JC Decaux had further consultation to ensure that the introduction of the proposed new technology is considerate to the planned improvement works and that none of the proposed locations conflict with any new feature such as replacement benches, planters and/or pavilion canopies and that no entrances to any individual shops will be obscured. It advises that consultation has also taken place to ensure that pedestrian movement channels will be unaffected.

This application is one of four of proposed sign applications.

Consultations

Nearby owners/occupiers were notified of the application and any representations received following the writing of this report will be verbally reported to Members at Committee.

Concerns were raised by elected Ward Members in that the council are in the process of investing in decluttering and improving the public realm in this area with work starting in the next few weeks. Concerns are raised in that this is not an appropriate area for an advertising board and it would be out of keeping with the area.

From a heritage and urban design point of view the panel is considered as visual clutter within the conservation area which would neither preserve nor enhance the area as required by the Act. No public benefit is offered to counter this harm as per NPPF para 134 and therefore recommend that the proposal is resisted.

Advisory Panel for Conservation Areas, (APCA) consider the proposal to constitute unnecessary street clutter to the detriment to the character and appearance of the conservation area.

The Town Centre Planning Team advise the following:

The proposal will not physically conflict with the proposed High Street improvements due to commence in September 2017. However, the objectives of the improvements have always included the removal of street clutter and improving visual and pedestrian permeability. The introduction of this advertisement board will be additional street clutter and visually intrusive to views north and south in the High Street. I therefore consider that the proposal is harmful to the High Street and the proposed improvements and recommend that the application be refused.

Highways Officer - This installation is in a location where currently there is little street furniture.

There are no highway objections to the proposed siting in principle. However there is a need to consult with the Town Centre management team to ensure the proposal does not conflict with any future plans for this area or the route for emergency vehicles.

Please apply the following to any permission

DI 03 - the licencing of the display under the provisions of the Highways Act 1980 - streetworks.enquiries@bromley.gov.uk

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE21 Advertisements, Hoardings and Signs
T18 Road Safety

The Council's adopted SPG guidance is also a consideration.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Draft Local Plan Policy

Policy 37 General Design of Development
Policy 102 Advertisements
Policy 32 Road Safety

London Plan (2016)

Policy 7.4 London Plan

Conclusions

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

BE1 requires a high standard of design for all development proposals and expects that development should not detract from the street scene.

Policy BE11 includes that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy BE21 amongst other matters advises that signs should have regard to the character of the surrounding area and not be likely to create a hazard to road users. That street advertising should be in scale and character with the street scene and area and should not be over prominent or appear as an obtrusive feature.

Policy T18 seeks to ensure that road safety is not compromised.

As noted, the applicants, JC Decaux, were awarded Bromley Council's advertising concession (December 2016). As part of this a number of structures were recently granted consent to the southern part of Bromley High Street. It is noted that these were replacement structures and fall outside of the pedestrianised and conservation area of the High Street.

It is understood that the Bromley Town Centre improvement scheme made a significant multi-million pound investment in the area with further improvements in the pipeline. Part of the improvements sought to actively declutter the street scene and at present there are no advertisement boards in this part of the High Street. It is considered that the introduction of the proposed structure would have a substantial negative impact leading to visual intrusion and clutter within this designated area and which would ultimately detract from and neither preserve nor enhance the character of the conservation area.

Supporting information suggests that the display units will offer the public realm benefit of access to high quality, versatile advertising space to deliver Council messaging at no cost to the Council. A need for such space has not been evidenced and it is not considered that the proposal will offer such public benefit sufficient to counter the harm caused.

In terms of Highways matters a vehicle emergency path will need to be maintained. Specific Highways comments in respect of highway safety will be reported verbally to Committee.

Having had regard to the above it is considered that the proposed display unit will appear as an over-prominent and obtrusive feature and constitutes unnecessary street clutter to

the detriment of the character and appearance of the Bromley Town Centre Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/03241/ADV set out in the sections above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed freestanding internally illuminated digital display unit at this location would be an over-prominent, obtrusive and detrimental feature in the streetscene and detract from the character of the conservation area contrary to Policy BE21 of Bromley's Unitary Development Plan, SPG and Policy 7.4 of the London Plan.**