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DATE: 15 January 2018

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

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Katy Boughey, Kevin Brooks, Alan Collins, Robert Evans,
Samaris Huntington-Thresher, Terence Nathan and Tony Owen

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
TUESDAY 23 JANUARY 2018 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 23 NOVEMBER 2017**
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- 4 **PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Plaistow and Sundridge	13 - 24	(17/02430/FULL1) - 132 Burnt Ash Lane, Bromley, BR1 5AF
4.2	Hayes and Coney Hall	25 - 32	(17/03586/FULL6) - 39 Gates Green Road, West Wickham BR4 9DE
4.3	Crystal Palace	33 - 50	(17/04076/FULL1) - 19 Anerley Road, Penge, London, SE19 2AS
4.4	Penge and Cator	51 - 64	(17/04806/FULL1) - 161 High Street, Penge, SE20 7QU
4.5	Kelsey and Eden Park Conservation Area	65 - 74	(17/04949/FULL6) - 63 Manor Way, Beckenham, BR3 3LN
4.6	Penge and Cator	75 - 82	(17/04954/FULL1) - 161 High Street, Penge, London, SE20 7QU
4.7	Bromley Town	83 - 94	(17/05620/FULL6) - 2 Heron Court, Bromley, BR2 9LR.

SECTION 3

(Applications recommended for permission, approval or consent)

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4.8	West Wickham	95 - 102	(17/04933/FULL6) - 34 Bolderwood Way, West Wickham, BR4 9PH
4.9	Hayes and Coney Hall	103 - 112	(17/05086/FULL6) - 202 Pickhurst Lane, West Wickham BR4 0HL
4.10	Bickley	113 - 130	(17/05535/FULL1) - 1 Bullers Wood Drive, Chislehurst, BR7 5LS
4.11	Kelsey and Eden Park	131 - 154	(17/05587/RECON) - South Suburban Co Op Society, Balmoral Avenue, Beckenham, BR3 3RD

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No	Ward	Page No.	Application Number and Address
4.12	Copers Cope	155 - 164	(17/05232/FULL1) - 57 Park Road, Beckenham, BR3 1QG
4.13	Plaistow and Sundridge	165 - 172	(17/05270/FULL6) - 2 Willoughby Lane, Bromley BR1 3FZ

5 CONTRAVENTIONS AND OTHER ISSUES

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6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
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PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 23 November 2017

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Katy Boughey, Alan Collins, Robert Evans,
Samaris Huntington-Thresher, Terence Nathan and Tony Owen

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Douglas Auld and Kevin Brooks.

14 DECLARATIONS OF INTEREST

No declarations of interest were reported.

15 CONFIRMATION OF MINUTES OF MEETING HELD ON 28 SEPTEMBER 2017

RESOLVED that the Minutes of the meeting held on 28 September 2017 be confirmed.

16 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

16.1 DARWIN

(17/01895/FULL1) - Warren Farm, Berrys Green Road, Berrys Green, Westerham, Kent, TN16 3AJ
Description of application – Demolition of all existing buildings and erection of seven detached dwellings, with reconfigured access road and dedicated parking spaces.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**16.2
PENGE AND CATOR**

(17/02072/ELUD) - Bronze Works, Kangley Bridge Road, Lower Sydenham, London, SE26 5AY.

Description of application – Use of building as 8 no. flats (Class C3) pursuant to grant of prior approval under reference 13/03598. (LAWFUL DEVELOPMENT CERTIFICATE - EXISTING).

It was reported that Ward Member, Councillor Kevin Brooks, supported the Chief Planner's recommendation. The recommendation was also supported by the Chairman and Councillor Charles Joel.

Members having considered the report, **RESOLVED that a CERTIFICATE FOR AN EXISTING DEVELOPMENT BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**16.3
PENGE AND CATOR**

(17/02314/FULL1) - Adam House 1B Thesiger Road, Penge, London, SE20 7NQ

Description of application – Change of use of existing public house (Class A4) to 3 residential flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern elevation

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 23 October 2017. It was also reported that Ward Member, Councillor Brooks, considered the application to be an overdevelopment. The Chairman and Councillor Robert Evans supported the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with an amendment to Condition 4 to read:-
"4. No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the any elevation(s) of the proposal 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."

**16.4
CHISLEHURST**

(17/02846/FULL1) – Haddon, Beechcroft, Chislehurst, BR7 5DB

CONSERVATION AREA

Description of application - Demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space in the form of a games room, study and bathroom per unit).

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

Ward Member, Councillor Katy Boughey, objected to the application. A previous application, (reference 16/03482/FULL1), had been approved on 12 October 2016 and a further application, (reference 17/00437/FULL1), had been refused on 18 April 2017 in order to prevent overdevelopment in the conservation area. In Councillor Boughey's view the application was an overdevelopment incongruous in the conservation area and street scene. The dormers in the roofslope overlooked neighbouring occupiers affecting their privacy and were incongruous in the street scene.

Councillor Joel had visited the site and objected to the bulk of the proposed development.

The Chief Planner's representative advised Members that the flank dormers had been removed and in his opinion the previous grounds of refusal had been addressed.

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

1. The proposed replacement dwellings by reason of their bulk and design would be harmful to the street scene and the character and appearance of Chislehurst Conservation Area, contrary to policies 7.4 and 7.6 of the London Plan (2015), BE1 and BE11 of the Unitary Development Plan (2006) and Draft Policies 37 and 47 of the Draft Local Plan (2016).
2. The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of Stonywood and The Thicket, Beechcroft thus contrary to Policies 7.6 of the London Plan (2015), Policy BE1 of the Unitary Development Plan (2006) and Draft Policy 37 of the Draft Local Plan (2016).

**16.5
CHISLEHURST
CONSERVATION AREA**

**(17/03727/RECON) - Darul Uloom, Foxbury
Avenue, Chislehurst, BR7 6SD**

Description of application – Variation of condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Oral representations in support of the application were received at the meeting. A late submission from the School and additional information from the agent with regard to student numbers across the years had been received and circulated to Members.

Ward Member, Councillor Boughey referred Condition 1 attached to planning application, reference 16/02702/RECON, which restricted the number of pupils to 225 at any one time and for no more than 25 pupils to be aged over 17 years. She emphasised this condition had been imposed for a reason and, in her view the only change in circumstances since that permission was granted, was an increase in traffic on a Friday for Prayers. She objected to the application and in her view the upper age limit should remain at seventeen years.

Councillor Terence Nathan's view was that the pupils and also the Country benefitted the secondary school education with higher Islamic Studies offered by the School and he supported the application.

Councillor Charles Joel referred to the growth and expansion of many schools in the Borough and the requirement for this School and he also supported the application.

The Chairman acknowledged Councillor Boughey's local knowledge of the area and, she considered there had not been any material change in circumstances, and objected to the application.

The Chief Planner's representative reminded Members that all the pupils boarded and therefore if the upper age limit were to be extended, there would be no additional traffic movements and, if the application were to be refused, there would be no basis for a ground of refusal for 'harm'.

Members having considered the report, objections and representations, **RESOLVED that the APPLICATION be APPROVED** as recommended, subject to the conditions set out in the report of the chief planner and, **SUBJECT TO CONSULTATION WITH THE APPLICANT REGARDING THE IMPOSITION OF A CONDITION TO LIMIT THE MAXIMUM AGE OF PUPILS ATTENDING TO 22 YEARS**, and for the case to be reported back to Plans Sub-Committee 3 on 21st December 2017.

**16.6
KELSEY AND EDEN PARK**

(17/04061/FULL1) - 8 The Close, Beckenham, BR3 4AP.

Description of application – Erection of 3 three bedroom terraced houses with new access and alterations and part demolition and extension to 8 The Close.

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

**16.7
BROMLEY TOWN**

(17/04326/MATAMD) - 14 Highland Road, Bromley BR1 4AD

Description of application - Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats to allow alterations to the approved landscaping details, change in fenestration to the windows of the northern flank elevation, creation of additional window at second floor level of the northern flank elevation, relocation of refuse storage area and relocation of the cycle storage area

Oral representations in objection to the application were received at the meeting. Supplementary information and photographs had been received from the objector and circulated to Members.

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

**16.8
HAYES AND CONEY HALL**

(17/04402/FULL6) - 58 Queensway, West Wickham, BR4 9ER

Description of application – Roof alterations to incorporate side/ rear dormer.

The Chairman and Councillor Robert Evans objected to the application.

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

**16.9
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(17/04504/FULL6) - Rivendell 26 Forest Drive, Keston, BR2 6EF

Description of application – Two storey front extension with habitable accommodation in roof space incorporating two side dormers and rooflight to side roof slope and single storey rear extension.

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 November 2017. An email from the agent had been received and circulated to Members and a comment in support of the application had been received from a local resident.

The Chairman and Councillors Evans, Joel and Samaris Huntington-Thresher all supported the application. It was felt the design was sympathetic with the property and not out of scale. Trees had co-existed with the property for some time and given the generous plot it was felt the scale for possible damage to trees roots could be managed by condition.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED** 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. The additional accommodation shall be used only by members of the household occupying the dwelling Rivendell, 26 Forest Drive, Keston, BR2 6EF and shall not be severed to form a separate self-contained unit.

REASON: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

5. Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any tree shown on the approved plans to be retained shall be submitted to and approved in writing by the Local Planning Authority.

The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work.

REASON: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.”

SECTION 3

(Applications recommended for permission, approval or consent)

**16.10
PENG AND CATOR**

(17/00398/DET) - 213 Kings Hall Road, Beckenham, BR3 1LL.

Description of application – Details of scale, appearance and landscaping of development granted planning permission on appeal (LBB ref. 15/04458/OUT) for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that if permission was granted then Condition 3 would be amended due to documents received on 26 May and 13 October 2017. Additional representations in objection to the application had been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that the APPLICATION be APPROVED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to Condition 3 to read:-

“3. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and listed:

Tree Protection Plan 14013-BT5

13121 P504 Proposed Plans (Plot 1)

13121 P505 Proposed Plans (Plot 2)

13121 P506 Proposed Plans (Plot 3)

13121 C501G Coloured Site Layout

13121 C502G Coloured street elevation

Arboricultural Impact Appraisal and Method Statement
15/9/17

PP03 Planting Plan

LP05 Landscaping

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.”

**16.11
CRAY VALLEY EAST**

(17/02279/FULL3) - Sun Chemical, Cray Avenue, Orpington

Description of application – The redevelopment of an existing 2.38 hectare site for 13,975sqm of B1b (research and laboratory), B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) use, with associated parking, service area and landscape. (Including adjacent plot on corner of Cray Valley Road and Faraday Way - Car Park Cray Valley Road Orpington BR5 2EY).

The Planning Officer reported that part of the site was

designated in Flood Zone 2 and a consultation had been undertaken. Supplementary information and photographs had been received in objection to the application and circulated to Members.

The Chairman read comments from Councillor Russell Mellor in support of the application.

Members having considered the report and objections, **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 Condition 7 and four further conditions to read:-

“7. Prior to the commencement of development above ground floor slab level, details of the sustainability measures as detailed in the approved Energy Strategy Report shall be submitted to and approved by the Local Planning Authority. The details shall include the specification, appearance and location of the proposed Photovoltaic Panels and the air source heat pumps. The measures shall be installed and made fully operational prior to the first occupation of the development, and shall be permanently retained and maintained in working order thereafter.

REASON: To achieve a sustainable development in accordance with London Plan Policies 5.7 to 5.11, the Mayor's SPG and UDP policy BE1

27. 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.

28. Prior to the commencement of development above ground floor slab level, details of proposed boundary enclosures, including details of vehicle access gates and their means of operation, shall be submitted to and approved by the Local Planning Authority. The boundary enclosures and gates shall be erected in accordance with the approved details prior to the first occupation of the development, and shall be permanently retained thereafter.

REASON: In order to comply with Policies BE1 and T18 of the Unitary Development Plan and in the interest of the visual amenities of the area and

conditions of road safety.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) the buildings hereby permitted shall only be used for purposes within Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

REASON: In the interest of the amenities of the area and to safeguard the supply of industrial land in the Borough, in compliance with Policies BE1 and EMP4 of the Unitary Development Plan and Policy 2.17 of the London Plan.

30. No additional floorspace shall be provided within the buildings hereby permitted without the prior written approval of the Local Planning Authority.

REASON: In order to comply with Policies EMP4, T3 and T18 of the Unitary Development Plan, to accord with the terms of the application and prevent overdevelopment of the site or inadequate levels of parking on site.

**16.12
CHISLEHURST**

(17/03002/FULL6) - 5 Greenway, Chislehurst, BR7 6JQ

Description of application – Single storey rear extension.

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

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

**16.13
HAYES AND CONEY HALL**

(17/04144/FULL1) 14 Kechill Gardens, Hayes Bromley, BR2 7NQ

Description of application – Rear basement extension.

Oral representations in support of the application were received at the meeting. Supplementary information and photographs had been received from the applicant and circulated to Members.

Councillor Joel objected to the application as 600-800mm of the proposed structure would be above ground level without ventilation and daylight. He was concerned that the water table may have an adverse effect on the footings and also on surrounding properties.

Councillors Tony Owen and Samaris Huntington-Thresher supported the application.

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

NOTE: Following consultation with both the Chairman and the applicant Condition 25 was amended to read:-

“25. Prior to the occupation of the units hereby approved, details of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented prior to the first use of any machinery or plant on site and permanently maintained thereafter so that audibility satisfies an acoustic standard, not exceeding LFNR 35 Leq,5mins 1900-0700 hours on Mondays to Fridays, LFNR 40 Leq,5mins 0700-1900 hours Mondays to Fridays, and LFNR 35 Leq,5mins for any time period on Saturdays, Sundays and Bank Holidays, measured or calculated at 1m from the nearest façade of the nearest affected noise sensitive premises with all items of plant operating together and at full power, and a 5dBA penalty added for tonal noise content.”

(Councillor Joel requested for his vote for refusal be recorded.)

17 TREE PRESERVATION ORDERS

17.1 CHELSFIELD AND PRATTS BOTTOM

(17/04751/TREE) - Land Adjacent To Little Lillys, Warren Road, Chelsfield Lane, Orpington

Description of application – Remove all trees situated along the boundary fronting Warren Road.

Oral representations in support of a Tree Preservation Order being served and in support of the trees being removed were received at the meeting.

Councillor Samaris Huntington-Thresher objected to the application as the trees were significant and adjoined other hedgerows and the removal would not only affect the character of Chelsfield Village but also the conservation area and she supported a Tree Preservation Order being served.

Plans Sub-Committee No. 1
23 November 2017

Members having considered the report, objections and representations, **RESOLVED to SERVE A TREE PRESERVATION ORDER on 24TH NOVEMBER 2017** relating to **ALL THE TREES SITUATED ALONG THE BOUNDARY FRONTING WARREN ROAD.**

The Meeting ended at 8.56 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 17/02430/FULL1

Ward:
Plaistow And Sundridge

Address : 132 Burnt Ash Lane Bromley BR1 5AF

OS Grid Ref: E: 540516 N: 170909

Applicant : Mr D Anderson

Objections : YES

Description of Development:

Change of use of the ground floor to Class D1(Veterinary surgery) and erection of a first/second floor rear extension to provide enlarged residential flat for veterinary surgeon working at the practice.

Key designations:

Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
Metropolitan Open Land
Smoke Control SCA 7

Proposal

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 1 held on the 28th September 2017, in order for the applicant to consider reducing the size of the extension and to ensure that materials would match the host building.

The applicant has submitted revised plans showing showing the lowering of the ridge height of the extension as well as the introduction of a staggered rear ridgeline. The rear window to the second floor of the west wing has been deleted, leaving a single window at first floor level.

A cover letter submitted with the plans is summarised:

The bulk of the extension has been reduced and the ridge height of the rear extension is now 0.9m below that of the original main roof. In addition the extension roof is referred to as dropping down a further 0.85m over the rear part. Changes in height are now gradual. The proposed materials to be used in the extension are already in evidence in the east wing. It would not be possible to use natural timber cladding because of building regulations regarding fire. It would be impractical to mimic the stone window components of the main part. The proposal provides less residential accommodation to that which previously existed in this

abandoned mixed use property. It should be noted that the LBB expected the gatehouse to be developed into flats and the cover letter suggests that it may have been intended to demolish the adjacent library in order that the entire site could be developed.

The contents of the original report are repeated below, suitably amended.

Proposal

Planning permission is sought for:

- Change of use of the ground floor of the gatehouse to Class D1 veterinary surgery
- First and second floor rear extension to provide reconfigured flat on first and second floors
- Parking area in front of the building.

The proposal comprises the erection of a first/second floor extension in place of the existing west wing catslide roof which would be set under a pitched roof of commensurate height with the main building, with roofs sloping down on either side of the ridgeline. The total depth of the resultant three storey element would be approx. 10.5m measured from the rear eaves of the existing building. The rear extension would incorporate first and second floor flank and rear facing windows. It would align with the existing flank elevations of the building below, as a consequence of which the extension would lie immediately adjacent to the western flank boundary with No. 130 Burnt Ash Lane. No windows are proposed to face the neighbouring property.

The resultant first and second floor would comprise an enlarged and reconfigured residential unit associated with the veterinary practice it is proposed to site within the east and west wings at ground floor level.

The applicant has confirmed in writing that should planning permission be granted they would agree to the use of a condition tying the residential accommodation to the Class D1 use, as well as referring to the previous dilapidation of the building which was formerly owned/maintained by the Council. It is stated that the building was purchased by tender from the Council and that there was a reasonable expectation that the future owners of the building would extend the property at the rear to increase the amount of usable space. It is noted in the Design and Access statement that the Council's expectation prior to the sale was that the building would be converted into two or more flats.

Location and Key Constraints

The host building is an attractive locally listed building which due to its height, setting and materials forms a fairly prominent feature in the street scene. The building straddles the access road leading to Plaistow Cemetery. The entry on the local list describes the building: "Gatehouse to cemetery. Victorian gothic building in ragstone. W R. Mallett. 1892."

The building was formerly used to provide a cemetery office and public lavatories on the ground floor and private accommodation for the Cemetery Superintendent. The site lies on the southern side of Burnt Ash Lane which is a London Distributor Road. The host building is sited set back from the main highway, but forward of the front elevations of the neighbouring residential dwellings at Nos. 124 - 130 Burnt Ash Lane which comprise Victorian terraced houses (with No. 130 lying adjacent to the application site). To the east of the application site is the library.

The host building is U-shaped, with the forward central part straddling the roadway leading to the cemetery and two wings projecting to the south. The front and rear elevations of the building are ornately detailed with arched windows at ground and first floor and a central front projecting gable feature with first floor oriel feature above the cemetery access. At the rear the wings are asymmetric. The western wing comprises a shallow two storey element with a rear facing arched first floor window and a single storey rear projection beyond, which projects approx. 11m beyond the main frontage section to the rear of the site. The west wing incorporates an existing catslide roof which sweeps down to join the two storey gable projection which has a decorative ridge perpendicular to the central element of the building. This two storey projection is one room deep and incorporates an ornate rear facing window. The eastern wing is single storey only.

In terms of its internal layout, the existing building provides an office and public toilets in the east wing at ground floor level and residential accommodation arranged over the ground and first floors of the west wing and central element.

Comments from Local Residents and Groups

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

Objections

- The proposal is an overdevelopment
- The plans inaccurately show the original layout of the ground floor
- The rear bedroom window at the neighbouring dwelling is only 0.90m from a new wall which will be 2 storeys higher than present and over 3m longer
- The extensions will appear as an eyesore from the park area and the neighbouring terrace of houses
- Concern regarding the structural strength of the existing walls to take the load of additional floors
- The driveway beyond the gatehouse is being used as an exercise yard and this does not respect that the land beyond is a cemetery. The neighbouring park should be used instead.
- The use has started without planning permission
- Hilldrop Road is already very busy for parking and is now being used by people attending the surgery

Support

- The siting of the surgery is very convenient and there is ample parking in the locality, with the surgery making this clear
- The use benefits the local community
- The extension would provide accommodation for a vet
- The parking provision is better than the previous surgery and will attract visitors to local shops

Comments from Consultees

Highways (summarised): From a technical highways perspective a swept path analysis/amended parking details were requested and these have been submitted. However it was also requested that the applicant carry out a road safety audit (Stage 1 and Stage 2) and that this would not be capable of being dealt with by way of condition. The applicant has submitted a response to the highways comments and this is detailed in greater depth in the Conclusions section of this report.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

Policy 7.8 - Heritage Assets and Archaeology
Policy 7.6 - Architecture
Policy 7.4 - Local Character

Unitary Development Plan

BE1 Design of New Development
BE10 Locally Listed Buildings
H8 Residential Extensions
C1 Community Facilities
T3 Parking
T18 Road Safety

Emerging Local Plan

Policy 6 Housing Design
Policy 37 General Design of Development
Policy 30 Parking
Policy 32 Road Safety
Policy 39 Locally Listed Buildings
Policy 20 Community Facilities

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

Under reference 16/04359 planning permission was refused for a development which was substantially similar to that currently proposed on the grounds:

1. The proposed extension, by reason of its size and design would be detrimental to the appearance of this building which is included in the Council's list of buildings of local historic or architectural interest and to the visual amenities of the area in general thereby contrary to Policy BE10 and Policy BE1 of the Unitary Development Plan.
2. The proposed extension by reason of its height and depth in proximity to the boundary would have a detrimental impact on the residential amenities that the occupiers of the neighbouring dwelling might reasonably expect to continue to

enjoy, resulting in unacceptable loss of light and outlook and undue visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan.

Considerations

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the appearance and character of the host building and the impact upon the amenities of the occupants of surrounding residential properties. The extent to which adequate parking to service the proposed use would be provided falls to be carefully considered, as do the road safety implications of the proposal as well as the loss of the community facility previously provided within the building.

The applicant has submitted revised plans and a covering letter following the deferral of the application.

Use as a veterinary surgery

It is considered that the use of the premises as proposed would not result in an unacceptable loss of a community facility in view of the existing vacancy of the premises and the relationship between the building and the cemetery which it used to serve. The property formerly provided ancillary residential accommodation for the Cemetery Superintendent, along with an office and toilets associated with the operation and management of the cemetery. It is evident from the sale of the premises and the current lack of occupation that the need for this facility no longer exists. While the cemetery remains open to visitors, it is no longer used for burials and as a consequence the loss of the use of the building in association with the management and maintenance of the cemetery is difficult to resist.

The use of the property as proposed, as a veterinary surgery on the ground floor and residential flat ancillary to the veterinary surgery, would provide a service within the locality and would allow the re-use of the existing building.

Impact on the visual amenities of the area

The proposed extension would be sited at the rear of the building which would limit the extent to which the proposals would be appreciable from the front of the site and from Burnt Ash Lane. However, the building lies adjacent to a large open space and above the vehicular and pedestrian access to the cemetery. The aspect from the rear to the building is open and unobstructed, as a consequence of which the proposed extension would be clearly appreciable from outside the site and from the public realm. The rear elevation of the locally listed building is attractive and distinctive.

The host building is locally listed and it is appropriate to ensure that proposals to extend such buildings are sympathetic to the character, appearance and special character of the buildings. While in principle an extension to the building may be acceptable, it is important to ensure that development relating to locally listed buildings would not be unsympathetic to the appearance and character of the building.

The application as originally submitted included a design and access statement which referred to the attempt made to overcome the previous ground of refusal, stating that the height of the extension has been reduced by 0.2m and the first and second floor reduced in depth by 0.8m. The statement referred to the rear of the building being screened from the adjacent public open space by evergreen trees. The amendments to the application have further reduced the height of the extension while retaining the depth as initially proposed. The ridgeline to the section of the extension adjacent to the host building has been reduced in height relative to the main ridgeline from 0.2m to 0.9m. The ridgeline then steps down towards the rear by a further 0.7m.

A further amendment is that in the rear elevation of the building rather than two rear facing windows being provided above each other, lending a three storey appearance, the revised plans provide a single rear facing window.

It is acknowledged that the revised submission further reduces the height of the extension and that that depth of the extension would be less than that which was refused planning permission under reference 16/04359. It falls to be assessed whether these amendments are considered adequate to overcome the previous ground for refusal 1 which related to the impact of the proposal on the host building and the visual amenities of the area. Members will recall that in deferring the determination of the application at the meeting held on 28th September 2017, reference was made to the materials to be used in the extension, to ensure that the materials would match the host building. In respect of this matter, the applicant has advised "all the proposed materials to be used in the extension are already in use in the east wing" but that it would be impractical to mimic the stone windows of the host building so as to allow the provision of metal windows within the extension. If planning permission is granted a condition requiring the submission and approval of materials would be appropriate.

The most recent submission has reduced the height of the extension, and the depth of the extension is less than that which was refused planning permission under reference 16/04359. On balance it is considered that the amendments to the scheme, while modest, result in the visual impact and bulk of the extension being reduced to a satisfactory degree. The staggering of the heights of the rear development, stepping down from the main ridge to the extension ridge, the rear extension ridge and the lower east wing, would provide a satisfactory design response to the separate elements of the rear elevation. The deletion of the second floor rear window also improves the appearance of the extension from the rear, reducing the visual impact and bulk of the extension related to its three storey height.

Impact on the residential amenities of the area

With regards to the impact of the proposal on residential amenity, the concerns expressed regarding the structural integrity of the host building and the increased loading upon existing walls are noted, these are matters that would be dealt with under the Building Regulations.

The neighbouring property at No. 130 incorporates an original two storey rear projection as a result of which the rear facing window nearest to the boundary is inset. The proposed two/three storey extension would be sited immediately adjacent to the boundary and would project by approx. 1.8m beyond the nearest part of the rear elevation of No. 130, taking into account that the existing rear elevation of that property projects significantly to the rear of the host building at present. The submitted design and access statement refers to this depth as being less than the rearward projection of the neighbouring dwelling's two storey projection adjacent to the other boundary.

The application is accompanied by a Daylight, Sunlight and Overshadowing Report which states that the daylight and sunlight to the first floor rear facing window at the neighbouring property would meet the BRE guidance. Members will note that the second reason for refusal of the previous application referred to impact on residential amenity by way of loss of light and outlook and undue visual impact. It falls to consider whether if the findings of the commissioned report in terms of the impact on a first floor window at the neighbouring dwelling are accurate, the amendments to the scheme in terms of the reduction in the rearward projection would overcome the concerns expressed regarding the loss of outlook and the visual impact of the proposed extension.

It is noted that the neighbouring dwelling is a two storey end of terrace dwelling which has at ground floor level a single storey rear extension which wraps around the two storey rear projection at that house. As such the visual impact of the proposed extension would be mitigated in view of the main rear amenity space of the neighbouring dwelling being positioned deeper into the site, and that impact that would exist relates to the outlook from the first floor rear facing window. On balance, in view of the reduction in the depth of the rear extension, the siting of the buildings in relation to each other and the layout of the neighbouring site, it is not considered that the visual impact and loss of outlook resulting from the extension would be so adverse as to warrant the refusal of planning permission on this ground.

Impact on highways/parking

The applicant has submitted a Swept Path Analysis for the proposed parking spaces in front of the building. The parking/access arrangements are substantially similar to those included in the previous application. It is noted that the previous scheme was not refused on highways grounds, and as such it is not considered that the refusal of planning permission on highways grounds would be reasonable in this instance. The applicant has submitted a statement expressing concern at the request to provide a Road Safety Audit prior to the determination of the application and Members are advised that it is not reasonable to require a Road Safety Audit by way of condition. If planning permission is granted then it would be appropriate to impose a planning condition on the permission to ensure that the parking provided on the site is provided in accordance with the submitted details.

Conclusion

Members may consider that the proposal, on balance, has addressed the reasons for deferral as well as ground 1 of the refusal under 16/04359. It is noted that the applicant has provided within this application more information in the form of a Daylight, Sunlight and Overshadowing analysis and on balance, Members may consider that the reduction in the depth of the proposed extension would overcome the second ground of refusal of application 16/04359.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 12.12.2017 19.06.2017 07.07.2017

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 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

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

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

- 4 The occupation of the dwelling shall be limited to a staff member of the veterinary practice hereby granted planning permission.**

Reason: In order that use separate from the host veterinary practice can be considered in the light of the circumstances at the time and to accord with Policies BE1, H7 and T3 of the Unitary Development

- 5** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the extension 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.

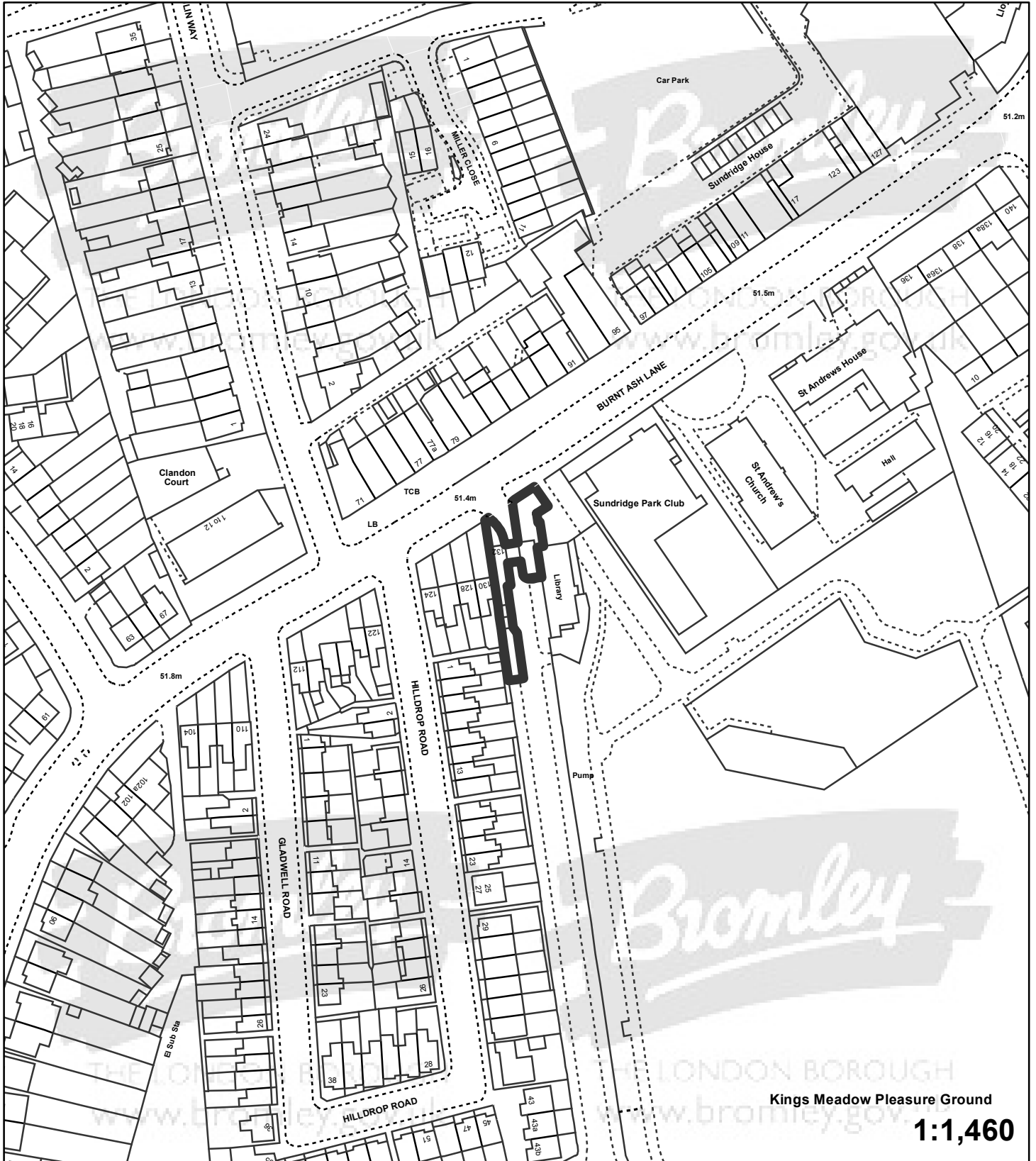
- 6** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

Application:17/02430/FULL1

Address: 132 Burnt Ash Lane Bromley BR1 5AF

Proposal: Change of use of the ground floor to Class D1(Veterinary surgery) and erection of a first/second floor rear extension to provide enlarged residential flat for veterinary surgeon working at the practice.



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

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SECTION '2' – Applications meriting special consideration

Application No : 17/03586/FULL6

Ward:
Hayes And Coney Hall

Address : 39 Gates Green Road West Wickham
BR4 9DE

OS Grid Ref: E: 539917 N: 165022

Applicant : Mr & Mrs Yusuf

Objections : YES

Description of Development:

Construction of rear dormer extension to existing dwelling.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

This application seeks planning permission relating to the rear dormer as built. It seeks to modify and regularise on-site development. The scheme proposes to reduce the height of the existing dormer parapet by 200mm and to over clad the 'as built render' in tile hanging to match the main roof.

Location and Key Constraints

The site is a two storey semi-detached dwelling house located on the north side of Gates Green Road, within a residential area. The properties to the rear of the site are in an elevated position and there is an open aspect between the application site through to the rear of the dwellings in Harvest Bank Road.

Comments from Local Residents and Groups

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

Objections

- The proposed drawings include the air conditioning units which are said to not be part of the application; so these must be removed and the proposed drawings resubmitted. To do otherwise might lead to the claim that all development on the drawings has been considered.

- The existing roof extension has been erected without planning permission. This was a clear attempt to "get round" planning restrictions which had previously lead to over large extensions being refused. The permitted scheme has pushed what is acceptable to the extreme anything beyond this should not be granted planning permission for the same reasons which have been previously used, and which have been upheld by the Secretary of State at appeal.
- a number of built structures have been placed in the front garden which appear to exceed 1m in height and intrude into the general street scene. Will planning permission be sought for these?
- Overdevelopment
- Out of scale

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

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

14/00203 - Roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front, elevational alterations, associated landscaping and patio to rear. REFUSED

The refusal grounds were:

Due to its scale and siting, the extension would appear as an unacceptably dominant structure from the garden of No 37, harmful to existing amenity and contrary to Policies BE1 and H8 of the Unitary Development Plan.

The proposed materials and fenestration design indicated on the submitted drawings would be out of character with and detrimental to the visual amenities of the area thereby contrary to Policies H8 and BE1 of Bromley's Unitary Development Plan.

14/04129 - roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front,, elevational alterations, associated landscaping, patio to rear. APPROVED

15/01102 - revisions to the plans approved under 14/04129 were granted permission.

16/01214 was a retrospective application and proposed revisions to planning permission reference 15/01102/VAR for roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front, elevational alterations, associated landscaping and patio to rear. The revisions included for the provision of a parapet wall to the east flank, the installation of air conditioning units, increased size of rear dormer and variation of materials to those previously advised.

This was refused for the following reasons:

The roof extension by way of the size of the rear dormer and materials used results in an over-dominant addition and has a detrimental impact on the visual proportions of the host property and the character of the area generally thereby contrary to Policies BE1 and H8 of the Unitary Development Plan and London Plan Policy 7.4.

In the absence of any detailed noise assessment the air conditioning units are likely to be detrimental to the amenities that nearby residents might reasonably expect to be able to continue to enjoy by reason of noise thereby contrary to Policy BE1 of the Unitary Development Plan.

This application was also dismissed at appeal with the Inspector finding that '... due to its size and finish it has an incongruous and bulky appearance that is out of keeping with both the host property and the surrounding area...'. Under other matters the Inspector referred to a noise assessment that had been provided (subsequent to the Council's decision) and was satisfied that the matter could be dealt with by way of condition. The Inspector also found that any additional impact from the rear windows was not significant in that case and in respect of the rear canopy, that the additional impact was not unacceptable.

Considerations

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

- Design

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.

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

The works as built include the rear dormer which was not built in accordance with the approved plans. As noted in the planning history the planning inspector found the dormer element as built of '... incongruous and bulky appearance...' and concluded that the development unacceptably harms the character and appearance of the host property and surrounding area. As a response this application has been submitted which proposes to reduce the height by 200mm and over clad the rendered finish with tile hanging to match the main roof.

Photographs are available on file which demonstrates the limited visual impact of the dormer from the front street scene. The rear of the site has an open aspect through to the rear of dwellings in Harvest Bank Road. The proposed height will be lower than that refused under application reference 16/01214 and higher than that which had the benefit of planning permission. It is considered that to reduce the height and to use tile hanging to match the main roof will be sufficient to reduce the visual impact of the dormer to result in development which will sit more comfortably with the host dwelling and surrounding area.

Other Matters

Local concerns are raised in respect of the inclusion of air conditioning units to the plans; a refusal ground was attached to planning application ref 16/01214. A noise assessment was submitted as part of the appeal and as a consequence the Council stated that it no longer wished to pursue that reason for refusal. The appeal decision did note that the matter could be dealt with by condition. This matter therefore is still outstanding and the application specifically states that it relates only to the rear dormer.

Local comments are raised in respect of structures over 1m in height to the front of the site. These are not part of this planning application and it will be for Members to consider the expediency of any planning investigation into this. Given the scale, design and appearance Members may consider that the boundary treatment sits comfortably within the street scene and it would not be expedient to authorise planning enforcement in respect of this matter. Photographs are available on file.

It is also understood that the return elevation to the single storey extension has been left unfinished; verbal representations have been made both by the adjoining occupiers and the applicants. This matter also sits outside of the remit of this specific planning application. Whilst it is understood that the structure is finished to satisfy Building Regulation requirements it is hoped that the two parties at No 39 and No 41 Gates Green Road would come to a satisfactory agreement which allows access for the flank wall to be finished in accordance with the external materials agreed as part of the planning permission. The end of May 2018 may not be an unreasonable time scale for the works to be completed; further consideration can be given as to the expediency of enforcement action if works remain outstanding at that time.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would result in sufficient improvement to the existing unauthorised structure so as to not impact to such detriment on both the host property and character of the area to raise a planning ground of refusal.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Works to amend the existing, unauthorised dormer shall be carried out strictly in accordance with the plans approved under this planning permission, unless previously agreed in writing by or on behalf of the Local Planning Authority, and shall be carried out and completed by 30th September 2018.**

Reason: In order to comply with Policies H8 and BE1 of the adopted Unitary Development Plan, Policies 6 and 37 of the Draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

Application:17/03586/FULL6

Address: 39 Gates Green Road West Wickham BR4 9DE

Proposal: Construction of rear dormer extension to existing dwelling.



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

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SECTION '2' – Applications meriting special consideration

Application No : 17/04076/FULL1

Ward:
Crystal Palace

Address : 19 Anerley Road Penge London SE19
2AS

OS Grid Ref: E: 534087 N: 170436

Applicant : W.J. Birch Properties

Objections : NO

Description of Development:

Demolition of Nos. 19 & 21 Anerley Road and construction of a new build replacement 3 storey building with basement and mansard roof over both properties, rear balconies to ground, first and second floors and roof terrace to mansard to create 9 units (5 x 1-bed and 4 x 2-bed) with associated refuse and cycle stores.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 6

Proposal

Planning permission is sought for the demolition of Nos. 19 & 21 Anerley Road and construction of a new build replacement 3 storey building with basement and mansard roof over both properties, rear balconies to ground, first and second floors and roof terrace to mansard to create 9 units (5 x 1-bed and 4 x 2-bed) with associated refuse and cycle stores.

The new building would measure 11.5m wide and 13.4m deep (2.6m deeper than existing building) and designed to be a continuation of the existing terrace with a height of 11m and the mansard roof projecting a further 2.1m.

Location and Key Constraints

The site is located on the northern side of Anerley Road, which is the main thoroughfare running through Crystal Palace. The site is located south of Brunswick Court, a 1950s housing estate south of Crystal Palace rail station.

The site is comprised of two buildings located adjacent to a vacant plot on the corner of Brunswick Place, No.17 Anerley Road. The site buildings themselves make up the northern most end of the Victorian terraced buildings 19-33 Anerley Road. These are two storeys above ground. Both Nos. 19 and 21 have existing basements.

The buildings along this terrace all have rear extensions at ground floor. Nos 19-21 comprise solely 1 bedroom flats, with each flat taking up an entire floor.

The site is located in close proximity to Crystal Palace Station.

Comments from Local Residents and Groups

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

Comments from Consultees

Drainage Engineer: The applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Please impose a condition regarding details of SUDs if planning permission is granted.

Highways: The site is located within close walking distance of Crystal Palace train station. The property is within a high (5) PTAL rating and the area is well served by local shops.

The development is for 9 units; with no off -street parking spaces. The overall traffic and parking demand would be very similar to existing therefore I raise no objection to the proposal.

Please include conditions regarding cycle parking and construction management plan as part of any approval.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.
- (d)

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 6 – Delivering a wider choice of high quality homes
Chapter 7 – Requiring Good Design

London Plan Policies (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment

- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

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

Unitary Development Plan (2006):

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety

Emerging Local Plan (2016):

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 37 General Design of Development

Supplementary Planning Guidance

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

Planning History

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

95/00490/EUC – Consent was refused for the use of the first and second floors as 2 flats (26.04.1995)

95/01304/FUL – Planning permission was granted retrospectively for the conversion of first and second floors into 2 x 1 bedroom flats (19.07.1995)

95/02631/ADV – Advertisement consent was refused for the installation of externally illuminated advertisement hoarding (03.01.1996)

97/01626/FUL – Planning permission was refused for elevational alterations and change of use of ground floor from retail shop Class A1 to one bedroom flat (18.09.1997)

03/00586/FULL1 – Planning permission was refused for conversion of basement area into 2 studio flats with 1.1 metre high railings and alterations to front elevation at 19 and 21 Anerley Road (04.06.2003)

04/00015/FULL1 – Planning permission was granted for rear porches, elevational alterations, formation of light wells and stairs at front and rear, reduction of rear garden levels and conversion of basement into 2 one bedroom flats at 19 and 21 Anerley Road (01.03.2004)

Considerations

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

- Principle of development
- Design
- Standard of residential accommodation
- Neighbouring amenity
- Highways
- Cycle Parking
- Refuse
- Sustainability
- CIL

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 (2016) 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.

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 currently consists of two, three storey buildings with basements that have been converted into one bed units, given the current use of the site the Council will consider new development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of additional units on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

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 BE1 and 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 H9 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The scheme submitted represents a very similar footprint and siting to the original buildings on site in terms of its width and spatial gaps to boundaries. While not complying with Policy H9 directly, the current building follows the original buildings footprint position, it is considered that the spatial relationship on site to adjacent buildings is acceptable.

The new buildings would take architectural cues from the host terrace together with a modern twist. The new buildings seek to reinstate the existing rhythms and proportions found in the original design, reinterpreting these with a contemporary and precisely expressed execution.

The windows at first and second floor are located to match the existing, these windows are expressed with a stone window surround, which is reduced in width from the original stucco surrounds, but which protrude forward from the facade in order to emphasise their prominence. At ground floor the windows and entrance have been rationalised using traditional shop-front proportions and treatment, reinstating the rhythm of the terrace at this level. The entrance is centrally expressed, with a thick band of stone surround reinstating the traditional treatment of the ground floor in a minimal contemporary manner.

The materials of the front facade are restricted to brick and contrasting stone in order that the building's fabric retains crispness and elegance throughout its life, and pays respect to its context.

The mansard roof extension follows a similar rationale, with a contemporary interpretation of a traditional mansard roof with dormer windows. It is clad in raised seam zinc. The zinc cladding returns round onto the flank wall to the northern 'side' elevation.

In order to meet the space standards set out in the London Plan a rear extension is proposed to extend 4m from the existing main rear elevation. This is significantly less of an extension to No.33 Anerley Road, under application ref: 16/01144/FUL1, where a three storey extension of over 5m has been granted.

The rear elevation is used to reflect the context of its neighbours, with its London roof profile continued across the new build elevation. Steel slat balustrades and fencing are used to create a sense of homogeneity to the rear of the building, whilst also being employed to limit any overlooking of the neighbours.

The fenestration also takes cues from its neighbours with the proportions of the proposed windows and doors onto the balconies and basement courtyard referencing those of the neighbouring buildings.

The rear elevation features balconies and courtyards to provide amenity for each of the units.

Given all of the above it is considered the proposed development would adhere to the objectives set out above in that the development does have proportion, composition and scale that complements the host terrace.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the units range between 46-58 m² for a 1 bed, 64-68m² for a 3 person 2 bed unit and 83m² for a 4 person 2 bed unit. The nationally described space standard requires 39m² for a one bed one person unit up to 61m²

for a three person two bedroom unit and 70 m² for a four person two bedroom unit. On this basis, the floorspace provision for all of the units is considered compliant with the required standards and is considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

Neighbouring amenity

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. This is supported by policy 7.6 of the London Plan.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for each unit overlooking amenity space or overlooking the street.

The balconies at ground to second floor range from 4.8sqm to 9.28sqm which will provide some outdoor amenity space as required by the London Plan but by reducing the depth to only 1.6m will ensure that it will not result in increased noise and disturbance at the elevated level. Whilst the roof terrace would measure approximately 39sqm given its location in relation to neighbouring units it is considered that on balance the terrace would not result in increased noise and disturbance to warrant a refusal solely on this basis.

In terms of privacy, to mitigate any overlooking or perceived overlooking it is suggested to include a condition requiring details of screening.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy T3 of the UDP. London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The site is located within close walking distance of Crystal Palace train station. The property is within a high (5) PTAL rating and the area is well served by local shops.

The development is for 9 units; with no off -street parking spaces. The overall traffic and parking demand would be very similar to existing therefore no objection is raised in this regard.

Cycle parking

London Plan requires two cycle spaces per unit, no details of any lockable storage has been provided only the location to the rear of the building has been outlined, however subject to further details required in a condition no objection is raised in this regard.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage. Further details regarding a containment structure can be conditioned as necessary.

Sustainability

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

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.

CIL

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

Conclusion

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions. It is considered that the tenure of the proposed housing is acceptable and that the development would not be detrimental to the character of the area. 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. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 28.11.2017

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 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

- 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 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.

- 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 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.

- 7** 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.

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

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

- 9** 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 a satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 10** The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The

approved measures shall be implemented before the development is occupied and thereafter retained.

Reason:In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

11 Full details of the privacy screening for the balconies and roof terrace shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted shall be approved and shall be permanently retained thereafter in accordance with these 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.

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 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.

5 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site. 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.

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

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

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 contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

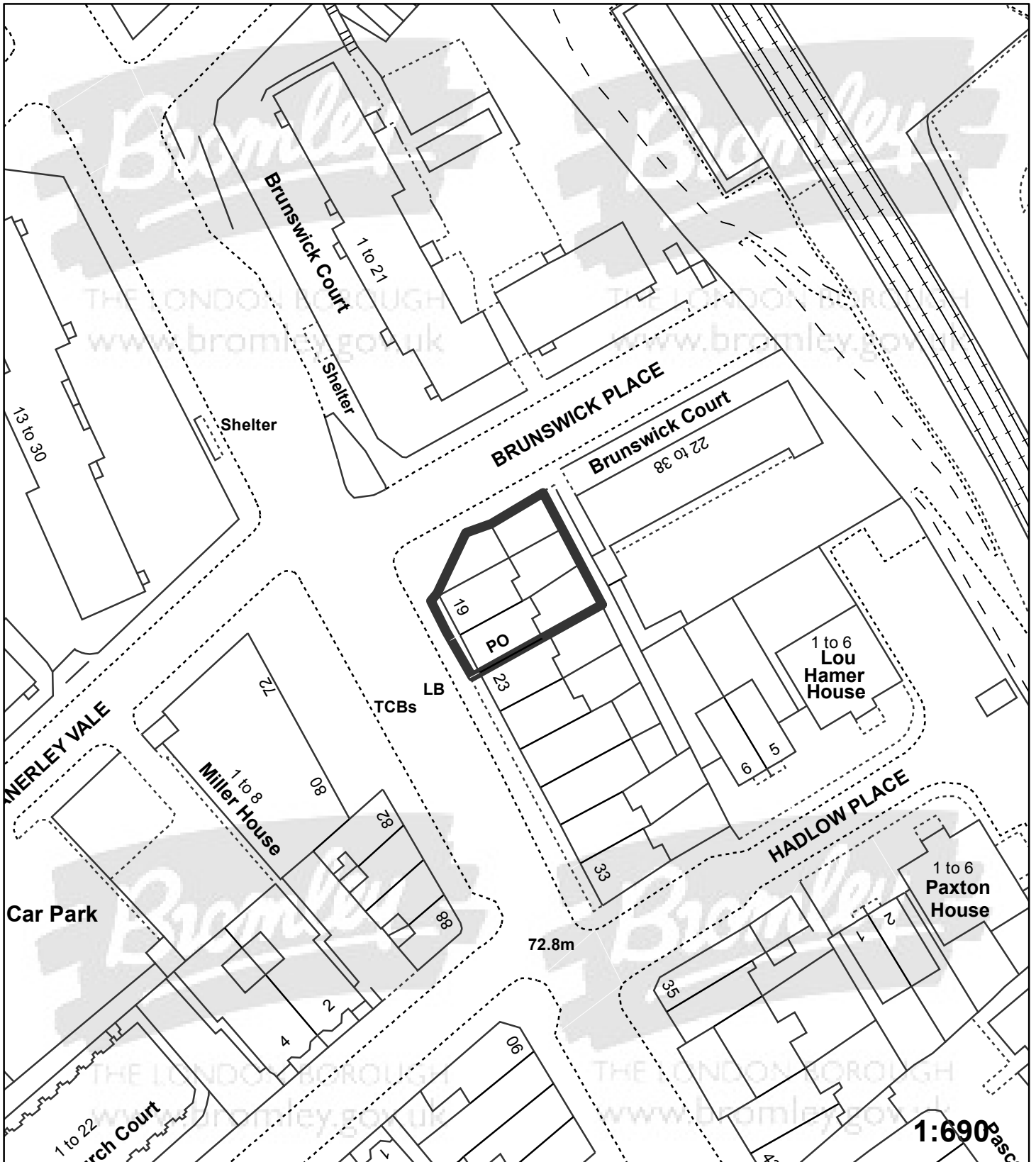
9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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Application:17/04076/FULL1

Address: 19 Anerley Road Penge London SE19 2AS

<BOL>Proposal:</BOL> Demolition of Nos. 19 & 21 Anerley Road and construction of a new build replacement 3 storey building with basement and mansard roof over both properties, rear balconies to ground, first and second floors and roof terrace to mansard to create 9 units (5 x 1-bed and



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

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SECTION '2' – Applications meriting special consideration

Application No : 17/04806/FULL1

Ward:
Penge And Cator

Address : 161 High Street Penge London SE20
7QU

OS Grid Ref: E: 535579 N: 170197

Applicant : Mr Mushie Punjabi

Objections : YES

Description of Development:

Conversion and change of use of the existing ground floor commercial unit and upper floors from A2 Use into A1 Use at ground floor and the provision of 4 residential units on the upper floors (Use Class C3), the extension of the building at second floor & roof level and elevational alterations.

Key designations:

Biggin Hill Safeguarding Birds
Open Space Deficiency
Primary Shopping Frontage
Smoke Control SCA 1

Proposal

Planning permission is sought to convert and change of use of the existing ground floor commercial unit and upper floors from A2 to A1 at ground floor and the provision of 4 residential units on the upper floors (Use Class C3), the extension of the building at second floor & roof level and elevational alterations.

The application should be considered along with planning application ref:- 17/04954/FULL1 which is currently pending consideration for a replacement shopfront on the ground floor of the premises.

The Planning Statement sets out that the building was formerly used as a bank associated with office space above and falls within an A2 use class. A search of the property shows that the bank (Santander) closed on 29th June 2017 and currently lies vacant.

The application proposes to change the use of the ground floor of the premises from a former bank (use class A2) to a retail use (use class A1). Planning permission is also sought to change the vacant office premises on the first and second floors to residential accommodation to form 2 x 1 flats and 2 x 2 bedroom flats. The second floor would see a dormer window extension built and some of the existing rear windows replaced and repositioned. Two new rooflights would be added to the front roofslope of the property.

The application is accompanied by a Planning Statement.

Location and Key Constraints

The application relates to the ground floor of a three storey building located on the north-eastern side of Penge High Street. The building is currently vacant and is neither listed nor within a conservation area

This section of High Street Penge (designated as Primary Shopping Frontage), is characterised by commercial units at ground floor with residential and office development above. High Street Penge is a London Distributor Road and is classed as an area with a high Public Transport Accessibility Level (PTAL) of 5 (on a scale of 1 - 6 where 6 is the highest). The area is well served by local shops.

Comments from Local Residents and Groups

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

Objections

- I am objecting to this not only as a neighbour but as the chair of the Penge Traders Association. The premises in question has been a chemist for over 30 years and the current occupants do not wish this redevelopment to take place. The premises are used as a business and we feel it is extremely unfair and worrying for a landlord to suddenly change the use of a building. If this consent is given the current occupants will not be able to trade as they will not only lose their storage space but more importantly, they will lose part of the ground floor of the shop which is currently used for addicts to collect their drugs/needles etc. I understand accommodation is very important but if this permission is granted, the current traders will have no choice but to move and leave yet another empty shop in Penge High Street. How can this be fair when a business has been trading for so many years, for the landlord to suddenly change the use of the premises and force good retail shops out.
- As the property directly opposite 161, my property and garden will be overlooked and my privacy will be adversely affected. I also have major concerns regarding the use of the back alleyway as storage and main entrance for this build. There is currently significant daily noise and disruption and the increase in daily traffic in and out of the building will also adversely affect my privacy and security. I strongly object to this planning proposal and wish to be kept updated on the matter.

Comments from Consultees

Environmental Health Officer -

I have considered this application and would be unlikely to object to the proposal, however the Applicant should be aware of the following:

- The site is subject to high levels of road traffic noise and therefore a scheme of glazing and ventilation to protect residents would be required.
- The previous use of the site means that there is a risk of contamination of the soil, and therefore even if there is to be no garden space created in the development an assessment of the likely contamination should be carried out.
- No drawings have been submitted so I am unable to comment on the proposed layout, but in general terms the applicant should be mindful of the stacking as well as the availability of natural light and ventilation to habitable rooms

Highways Officer -

The development is located to the north of High Street; High Street, Penge (A234) is a London Distributor Road.

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

A car parking stress survey was undertaken on Wednesday 29th March 2017 and Thursday 30th March 2017, in accordance with the 'Lambeth Methodology'. The survey indicated that there is some on-street parking capacity of around 57 cars within 200m of the site.

Furthermore There are free on street parking bays within close vicinity of the development; however, there are waiting restrictions adjacent to the free parking bays.

No car parking is offered for the development; as the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station. Therefore I raise no objection in principle.

Please include conditions regarding cycle parking and car club.

TfL comments

1. The site of the proposed development is located on the A234 High Street, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

2. It is understood that the proposed development seeks to provide 4 residential units (3 x one bedroom and 1 x two bedroom units) together with a change of use of the ground floor from A2 to A1.
3. TfL welcomes the car-free nature of the proposed development.
4. A minimum of 8 long and 4 short stay cycle spaces should be provided in line with the standards of the draft London Plan. All cycle parking should be located in a secure, accessible and well-lit area.
5. All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. It is critical that any vehicles associated with the development do not obstruct the operation of the adjacent bus stop High Street Green Lane (Stop F).
6. The footway and carriageway on the A232, Croydon Road must not be blocked during the development. Temporary obstructions during the development 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 A232, Croydon Road.
7. Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the SRN and bus network.

Policy context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 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 net self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- 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 7.14 Improving Air Quality
- Policy 7.19 Biodiversity and Access to Nature
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

Mayor's Housing Supplementary Planning Guidance 2016

The National Planning Policy Framework (NPPF) is also a consideration.

Unitary Development Plan

- BE1 Design of New Development
- H8 Residential Extensions
- BE7 Railings, Boundary Wall and Other Means of Enclosure)
- EMP3 Redevelopment of Office Space
- EMP5 Development outside business areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- H12 Conversion of non-residential buildings to residential use
- S1 Primary Frontages
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety

Emerging Local Plan

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 3 Backland Development
- Draft Policy 8 Side Space
- Draft Policy 10 Conversion of non-residential buildings to residential
- Draft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 86 - Office uses outside town centres and office clusters
- Draft Policy 123 - Sustainable Design and Construction

Supplementary Planning Guidance

Supplementary Planning Guidance 1 - General Design Principles

Planning History

Under planning application ref:- 17/04806/FULL1 planning permission is currently pending consideration for conversion and change of use of the existing ground floor commercial unit and upper floors from A2 to A1 at ground floor and the provision of 4 residential units on the upper floors (Use Class C3), the extension of the building at second floor & roof level and elevational alterations.

Under planning application ref:- 05/01563/ADV advertisement consent was granted for externally illuminated fascia and projecting box sign.

Under planning application ref:- 04/00168/ADV advertising consent was granted for internally illuminated fascia and projecting signs.

Under planning application ref:- 89/01921/OTH planning permission was granted for a cash dispensing machine.

Under planning application ref:- 88/03974/ADV planning permission was granted for an internally illuminated cash dispenser and projecting box sign.

Under planning application ref:- 86/00120/ADV advertisement consent was granted for internally illuminated double sided projecting box and fascia sign.

Considerations

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

- Principle of Development
- Design, Siting and Layout
- Standard of Residential Accommodation
- Impact on Neighbouring residential properties
- Highways

Principle of Development

Housing is a priority use for all London boroughs and the Development Plan welcomes the provision of small scale infill development in the areas of stability and managed change 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.

Policy S1 states that in primary retail frontages the Council will only permit changes of use from retail (Class A1) to other uses where the proposal would:

- (i) not harm the retail character of the shopping frontage;
- (ii) generate significant pedestrian visits during shopping hours;
- (iii) complement the shopping function of the town centre;
- (iv) not create a concentration of similar uses; and
- (v) have no adverse impact on residential amenity.

Proposals for a Class A3, A4 or A5 use will also have to comply with Policy S9.

The Council recognises that to ensure these shopping centres remain vibrant, a diversity of uses that complement the retail function is necessary. Non-retail uses within Classes A2, A3, A4 and A5 can generate high levels of pedestrian activity and may be appropriate complementary uses, provided that the retail function of the centre is not undermined. Planning permission is sought for the change of use of the ground floor commercial unit from A2 to A1, the proposed use would allow for visiting members of the public which would ensure the viability and vitality of the town centre as such it is considered the change of use of the ground floor unit in principle would be acceptable.

The change of use of the vacant shop unit from use class A2 to A1 is supported by the Council if it brings back into use a retail unit.

Policy H7 of the UDP sets out criteria to assess whether new housing development 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.

London Plan 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.

Furthermore, Policy 3.5 of the London Plan seeks to ensure that housing developments should be of the highest quality internally, externally and in relation to their context and their wider environment. In addition, development proposal should seek to protect and enhance London's residential environment and attractiveness as a place to live.

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

The accompanying Planning Statement does not make an assessment of the loss of office provision which currently lies empty. The Policy outlines that floors above shops in particular offer an important source of additional housing within the Borough. In this case it is considered that it has not been demonstrated that the quality of four residential units does not outweigh the loss of the office accommodation.

Design, Siting and Layout

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

to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive. Whilst, Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Furthermore, Policy 7.6 of the London Plan states that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

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

The external alterations to the building include an extension within the second floor within the internal courtyard area and rear dormer extension. Replacement and repositioned windows are also proposed in the rear elevation of the premises. Internally the site would be converted to a shop unit at ground floor and four flats (over two floors). The proposed alterations and extensions would be sited to the rear of the host dwelling, well-screened from public vantage points, set into the gradient of the site. As such, the proposal is not considered to have a detrimental impact to the character of the surrounding area.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments and the Department for Communities and Local Government (DCLG) Nationally Described space standards 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.

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

The submitted plans show the following accommodation:

A studio flat should provide a minimum of 39sqm (37sqm if a one person dwelling which has a shower room instead of a bathroom), one bedroom two person single

storey property should provide a minimum of 50sqm of habitable floor space and a two bedroom three person bedroom should provide a minimum of 61sqm. Flat 1 & 4 as stated on the submitted plans for the proposed flats would not comply with the Governments Technical housing standards and London Plan standards:

Flat 1: 36 m2 (First floor) 2p studio

Flat 2: 57 m2 (First floor) 1b 2p

Flat 3: 77m2 (Second & third floor) 2b 3p flat

Flat 4: 32m2 (Second floor) 2p studio

In addition, the Mayor's Housing Supplementary Planning Guidance (SPG) (March 2016) provides guidance on the implementation of housing policies in the 2016 London Plan and the 2016 Minor Alterations to the Plan (MALP), replacing the 2012 Housing SPG. The SPG provides guidance on Private Open Space. The submitted plan do not show an area, which could be used as private amenity space, thus contrary to the Mayor's Housing SPG (2016). However, whilst no private amenity space is contrary to the requirements of the Mayor's Housing SPG, regard must also be had as to the acceptability of any proposed terraces in terms of the impact on the amenities of the neighbouring properties. In this instance, it is acknowledged that the use of balconies or terraces in this location would not be appropriate and would lead to unacceptable opportunities for overlooking and loss of privacy. Standard 36 of the Mayor's Housing SPG does indicate that where site constraints make it impossible to provide private open space, additional internal living space equivalent to the area of private open space requirement may be provided instead.

The Council also considers that the bedroom of Flat 2 does not provide adequate natural daylight/sunlight into the room and the room has no outlook as it is reliant on a roof light which is situated on the roof above.

The proposed quality of accommodation provided by the proposed residential units is considered not to be acceptable because it does not comply with Policy 3.5 of the London Plan and flats 1 & 4 would result in a cramped form of development for future occupiers.

Impact on Neighbouring Residential properties

Policy BE1 seeks to ensure that new development proposals, respect the amenity of occupiers of neighbouring buildings and any future occupiers ensuring that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported by London Plan Policy 7.6.

Two letters of objection have been received relating to the application. The first letter relates to the loss of the Pharmacy. No.161 has never been a pharmacy however there was a recent application at No.165 High Street Penge which does have a pharmacy on the ground floor. This application was similar to that proposed at 161 and was recently allowed at planning committee under planning application ref:- 17/03964/FULL1.

A further objection has been received from a resident living behind the premises who is concerned about their property being overlooked and losing privacy to their garden. Concerns are also raised about the back alleyway being used as storage and main entrance for the development. It is considered that no new windows will be introduced to the rear elevation of the property and that the only increase will come from the rear dormer extension on the second floor. As such it is considered that the rear dormer extension would cause no more overlooking than the existing rear windows to the property.

Highways

The London Plan and UDP policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

No objections are raised from the a Highway perspective in relation to the car free development, when taking into account the sites high PTAL rate (5) and close proximity to train and bus services. As such, the proposal is not considered to have a significant impact on the parking demand and highway safety within the local road network.

Cycle parking

Cycle parking is required to be 1 space per studio/1 bedroom flats and 2 spaces for all other dwellings. The agent has provided details of a location for cycle storage in the rear curtilage. A planning condition can be attached to ensure this is carried out if permission is granted.

Refuse

All new developments should ensure adequate facilities for refuse and recycling. The agent has provided details of a refuse storage area. A planning condition can be attached to ensure that this is carried out.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Summary

Whilst the change of the ground floor unit to A1 retail would be acceptable the quality of residential accommodation proposed on the upper floors is considered cramped and unsuitable for potential occupiers because of the size of two of the units and the lack of a window. Furthermore it has not been adequately demonstrated that the office accommodation is redundant.

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

RECOMMENDATION: APPLICATION BE REFUSED

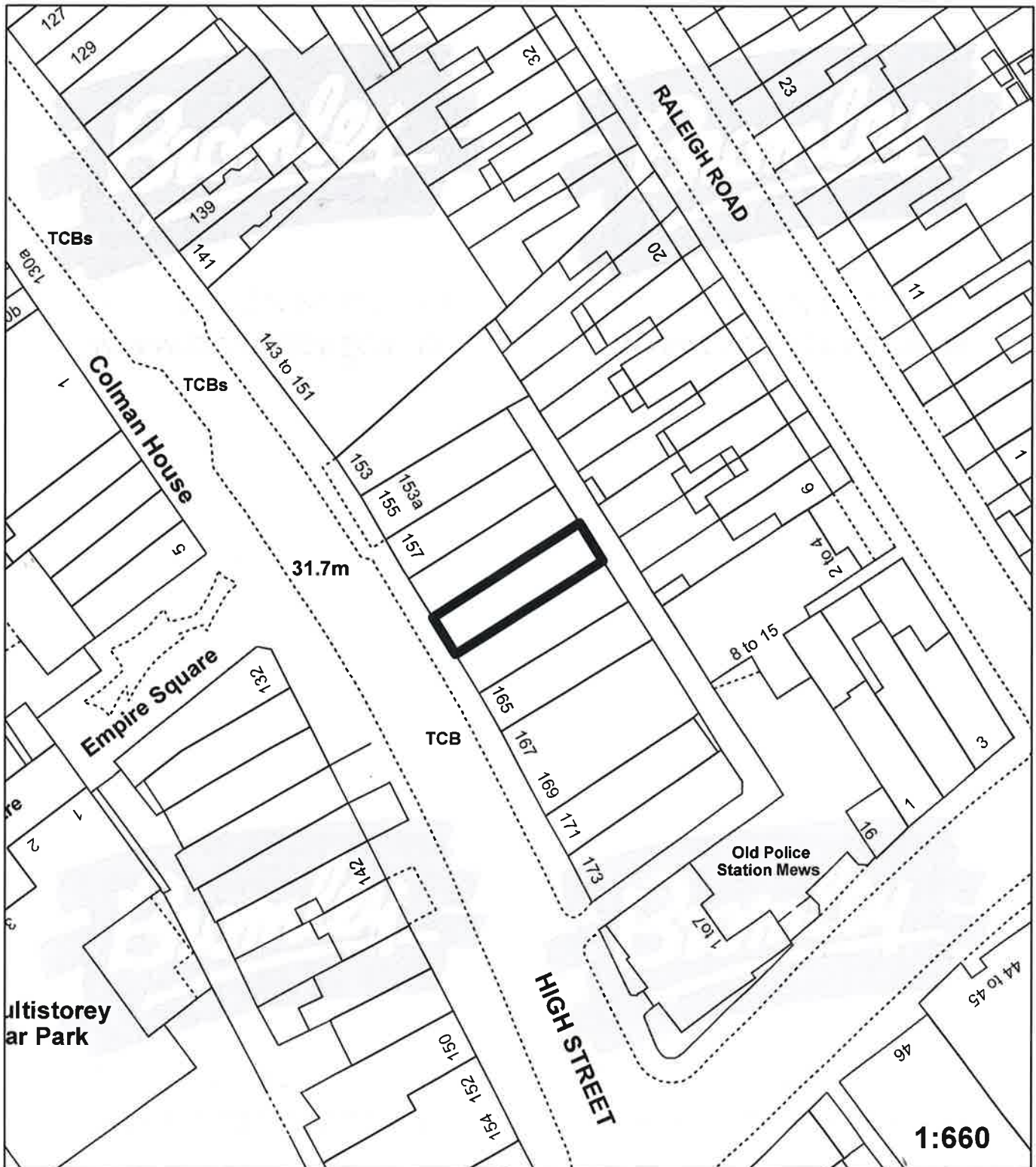
The reasons for refusal are:

- 1. Insufficient information has been provided to satisfactorily demonstrate a lack of demand for office accommodation and that the upper floors are genuinely redundant. Therefore the change to residential accommodation would result in the potential loss of office floorspace contrary to Policy H12 of the UDP and Policy 10 of the Draft UDP which seeks to safeguard office accommodation.**
- 2. Flats 1 & 4 would by reason of their size and siting would constitute a cramped form of development, providing accommodation with an inadequate of residential amenity contrary to Policies BE1, H7 of the Unitary Development Plan, Policies 1, 4 & 10 and 37 of the Draft Local Plan and Policies 7.4 and 3.5 of the London Plan.**
- 3. The bedroom of Flat 2 would have no window afforded to with the only source of light being a rooflight position in the roof of the floor above which would not be acceptable for the occupier resulting in an unacceptable reduction in the amount of light to a habitable room and no outlook contrary to policy BE1 of the UDP, Policies 1,4, 10 & 37 of the Draft Local Plan and Policies 7.4 & 3.5 of the London Plan.**

Application: 17/04 806

Address: 161 High Street Penge London SE20 7QU

Proposal: Replacement of existing shop front glazing with new glazed shopfront with door moved to the centre



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SECTION '2' – Applications meriting special consideration

Application No : 17/04949/FULL6

Ward:
Kelsey And Eden Park

Address : 63 Manor Way Beckenham BR3 3LN

OS Grid Ref: E: 537620 N: 168485

Applicant : Mr & Mrs Middleton

Objections : YES

Description of Development:

Construction of raised rear patio and glass balustrade
PART RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Manor Way Beckenham
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 18
Urban Open Space

Proposal

Retrospective planning permission is sought for a raised patio and glass balustrade to the rear of the property. Following a visit from the Council's Planning Investigation team it was established that the hardstanding of the raised patio area and steps had been partially built out. The glass balustrading is yet to be fitted.

The existing patio has been removed and raised to a height of 1.5m with steps to the northern and eastern boundaries.

Location and Key Constraints

The application site is a two storey detached dwellinghouse located on the eastern side of Manor Way, Beckenham. The property lies within the Manor Way, Conservation Area. The area is characterised by large detached properties with large rear gardens. The properties are highly individual but are unified by their common age of construction (inter war) and a common reference to neo-vernacular design and materials.

Comments from Local Residents and Groups

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

- The proposed platform is much too high and extends much too far into the rear garden.
- The proposed platform is much too dominant and contravenes Policy BE1 and BE11 of the Bromley UDP.
- People using the platform will be 2m from our own patio and will be visible from our patio, our indoor living area and main bedroom window.
- The proposed platform should be about the same height of the original patio that was 0.3m higher than the side passage level, about the same level as our patio level and extend much less from the rear building line of No.63.
- The glass balustrade is totally unsuitable in a conservation area set in Sylvan setting.

Comments from Consultees

APCA: file not inspected

Conservation Officer: no comment

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan. The application falls to be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Unitary Development Plan

- BE1 Design of new development
- BE7 Railings, boundary walls and other means of enclosure
- BE11 Conservation Areas

Draft Local Plan

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Supplementary Planning Guidance Manor Way, Beckenham Conservation Area

Planning History

Under ref: 15/05196/AMD a non-material amendment was allowed for
AMMENDMENT: Front door style & side windows amended. Side door to utility added. Side window to kids / TV room amended. Rear door to utility omitted, Rear window to utility amended, 2 x velux rooflights added to side of garage roof, double doors omitted to rear of garage.

Under ref: 15/05196/FULL6 planning permission was granted for a single storey front and rear extensions, elevational alterations including bay window, canopy and juliet balconies and a double garage.

Under ref: 15/02134 planning permission was refused for a 'Two storey front and part one/two storey side/rear extensions with bi-folding doors and juliet balconies and elevational alterations. The reason for refusal read as follows:-

"The proposed extensions, due to their siting, scale, bulk and design, would give rise to an overly dominant development which would lack subservience to the main dwelling and result in a cramped overdevelopment of the site which neither preserves nor enhances the character or appearance of the Manor Way, Beckenham Conservation Area contrary to Policies H8, H9, BE1 and BE11 of the Unitary Development Plan".

Under ref: 01/00700/FULL1 planning permission was granted for a 'Two storey rear extension and enlargement of front porch'.

Under ref: 85/02296/FUL planning permission was granted for a 'Single storey front extension and two storey side extension'.

Under ref: 81/00898 OUTLINE planning permission was granted for a detached dwelling to the side of no. 63 Manor Way.

Considerations

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

- Design
- Heritage Impact
- Neighbouring amenity

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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality 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. 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 BE7 seek to ensure the retention of railings, walls, plantings and other means of enclosure where they form an important feature of the streetscape and restrict the construction of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area or would adversely impact on local townscape character.

The applicants have partially built a raised patio to the rear of their property which extends flush with the existing bi-folding doors located to the rear of the property. The patio extends for the full width of the rear of the property. The patio will be finished with stone paving slabs. The patio measures 5m in depth and extends to approximately 1.5m in height. The proposed glass balustrading extends to 1m in height and is located on the sides and rear of the patio, which leads down towards a lower level patio and grassed garden area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed raised patio would complement the host property and would not appear out of character with surrounding development or the area generally.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Policy BE11 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.

With regard to the impact to the Conservation Area it is established that the raised patio area is located to the rear of the property and is shielded from the view of neighbouring properties by various methods of screening. Although the neighbour has questioned the appearance and appropriateness of the works in a

Conservation Area it would be difficult to argue that the works fail to preserve its character or appearance under these circumstances, given the light weight nature and modern minimalist design of the patio and balustrading it is considered that on balance the proposal would not impact detrimentally on the character and appearance of the Conservation Area.

The Conservation Officer nor APCA have raised any objections.

Neighbouring amenity

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.

Concerns have been raised over the proposed patio area in terms of its height and depth. The new patio area is of a similar height, however, does project 2.5m beyond the original patio area.

The northern boundary adjacent to No.61 comprises of a mix of brick wall, timber panel fencing as well as mature landscaping which extends to approximately 3m in height and this has been confirmed following a site visit to the property. As such it is considered that the established screening which currently separates the two properties is sufficient to adequately stop any significant overlooking or loss of privacy from occurring.

The southern boundary adjacent to No.63 is also partly screened with fencing and natural screening to prevent overlooking or loss of privacy.

The raised area does result in persons standing on the patio of having an elevated position than was previously the case, however, given the new patio area only projects 2.5m beyond the original patio depth and that screening exists between both boundaries the harm to neighbouring amenity is visibility reduced. Furthermore whilst the patio extends for the full width of the property a gap of 3.5m exists to the northern boundary and 7.5m from the southern boundary which further reduces any visible overlooking into neighbouring gardens.

Given the above it is considered that on balance the proposed raised patio and glass balustrade would not result in any significant loss of privacy.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is 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 and appearance of the Manor Way Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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.**

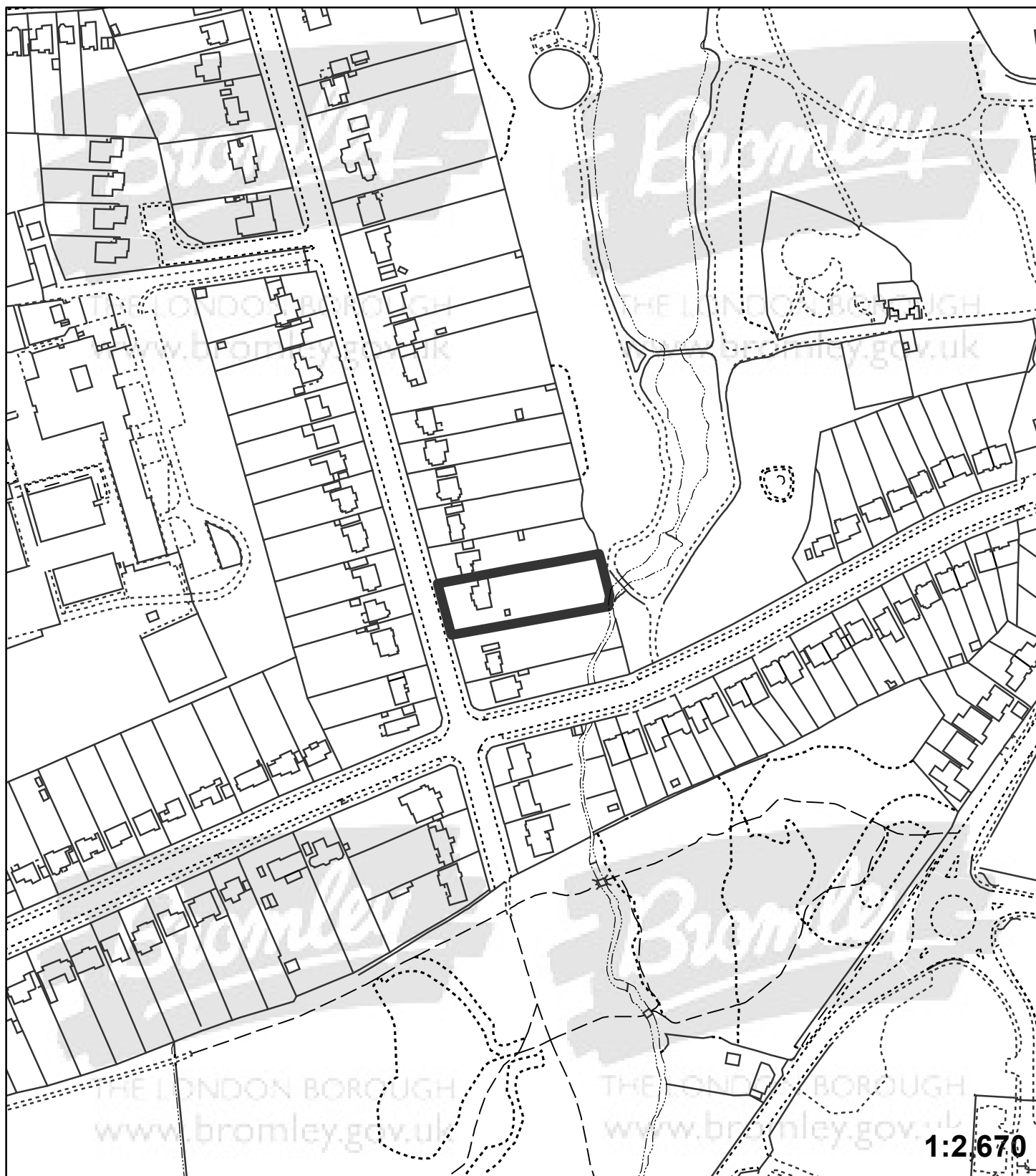
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

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Application:17/04949/FULL6

Address: 63 Manor Way Beckenham BR3 3LN

Proposal: Construction of raised rear patio and glass balustrade
PART RETROSPECTIVE APPLICATION



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

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SECTION '2' – Applications meriting special consideration

Application No : 17/04954/FULL1

Ward:
Penge And Cator

Address : 161 High Street Penge London SE20
7QU

OS Grid Ref: E: 535579 N: 170197

Applicant : Mr Mushie Punjabi

Objections : No

Description of Development:

Replacement of existing shop front glazing with new glazed shopfront with door moved to the centre

Key designations:

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

Proposal

Planning permission is sought for a replacement shopfront with new glazing and external alterations.

The shopfront was previously used as a bank (Santander) but closed in June 2017. The shopfront and offices above are currently empty.

The application should be considered alongside planning application ref:- 17/04806/FULL1 for conversion and change of use of the existing ground floor commercial unit and upper floors from A2 to A1 at ground floor and the provision of 4 residential units on the upper floors (Use Class C3), the extension of the building at second floor & roof level and elevational alterations.

Location and Key Constraints

The application relates to the ground floor of a three storey building located on the north-eastern side of Penge High Street. The building is currently vacant and is neither listed nor within a conservation area

The surrounding area is predominately A1 units and other commercial premises and is designated within Primary Shopping Frontage.

Comments from Local Residents and Groups

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

Comments from Consultees

No comments sought.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

7.4 Local Character

7.6 Architecture

Unitary Development Plan

BE1 Design of New Development
BE19 Shopfronts

Emerging Local Plan

Draft Policy 37 General Design of Development
Draft Policy 101 Shopfronts and Security Shutters

Supplementary Planning Guidance

Supplementary Planning Guidance 1 - General Design Principles

Planning History

Under planning application ref:- 17/04806/FULL1 planning permission is currently pending consideration for conversion and change of use of the existing ground floor commercial unit and upper floors from A2 to A1 at ground floor and the provision of 4 residential units on the upper floors (Use Class C3), the extension of the building at second floor & roof level and elevational alterations.

Under planning application ref:- 05/01563/ADV advertisement consent was granted for externally illuminated fascia and projecting box sign.

Under planning application ref:- 04/00168/ADV advertising consent was granted for internally illuminated fascia and projecting signs.

Under planning application ref:- 89/01921/OTH planning permission was granted for a cash dispensing machine.

Under planning application ref:- 88/03974/ADV planning permission was granted for an internally illuminated cash dispenser and projecting box sign.

Under planning application ref:- 86/00120/ADV advertisement consent was granted for internally illuminated double sided projecting box and fascia sign.

Considerations

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

- Design
- Neighbouring amenity
- CIL

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

Policy BE19 states that when considering applications for shopfronts the Council will require the proposed to be well related to its context (ii) be of a high quality design (iii) period features should be retained where appropriate; (iv) deep or uninterrupted fascia's are avoided; (v) stallrisers are provided; (vi) display windows at first floor level are avoided; and (vii) appropriate provision is made for access by those with mobility impairment.

Paragraph 6.51 of the above policy states that the design of shop fronts has a critical role to play in the creation of attractive and vibrant town centres. They are frequently replaced and altered as tenants change. As the character and appearance of a shopping parade or street is determined by its individual components, it is important that any proposals are viewed in respect of the wider environment as well as the individual unit. It goes on to state that good design can make a positive contribution to urban character. It is vital that designs and materials of shopfronts are sympathetic to the scale and existing features of the

host building and its surroundings. In particular the standardisation of shop design is often at odds with the traditional scale of the buildings. The original character and individual qualities of buildings in shopping centres should be preserved. In conservation areas and historic buildings it is particularly important that materials relate to the period, style and character of the buildings.

The site is located within the central section of Penge High Street which lies in designated Primary Shopping Frontage. The shop is currently vacant but is seeking planning permission to reopen as a retail unit on the ground floor with residential accommodation above.

The new shopfront will replace the existing door entrance, located to the left hand side as viewed from the streetscene and instead be placed in the centre with two large panels of glass either side. The replacement framing of the shop front will be powder-coated aluminium frame with a low stallriser.

The replacement shop front which will replace non original installations, are considered to be in keeping with the proportion, scale and detailing of the entire host building and premises and make a positive contribution to the streetscape. The shopfront would represent an improvement and would bring the premises back into use which is currently lying empty.

Neighbouring amenity

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 new shopfront is not considered to have any impact on neighbouring amenity.

Conclusion

Having had regard to the above, it was considered that the proposal 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 surrounding area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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.

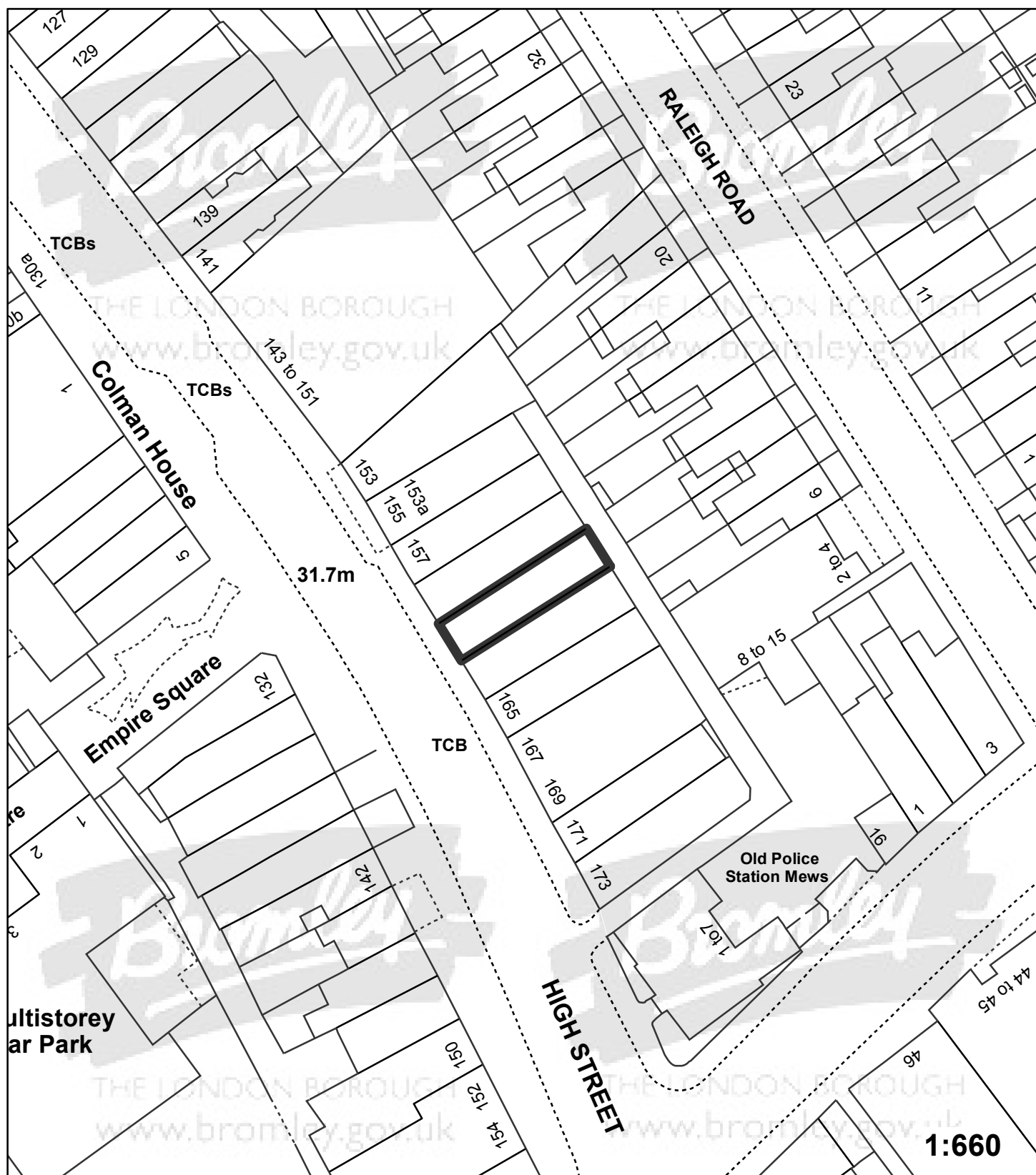
3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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.

Application:17/04954/FULL1

Address: 161 High Street Penge London SE20 7QU

Proposal: Replacement of existing shop front glazing with new glazed shopfront with door moved to the centre



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

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SECTION '2' – Applications meriting special consideration

Application No : 17/05620/FULL6

Ward:
Bromley Town

Address : 2 Heron Court Bromley BR2 9LR

OS Grid Ref: E: 541325 N: 168005

Applicant : Mr Ollie Hannifan

Objections : YES

Description of Development:

Conversion of roof space to form habitable accommodation including rear dormer extension, single storey rear extension and two storey side extension

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 19

Proposal

Planning permission is sought for the erection of a two storey side and single storey rear extension to the host end of terrace dwelling.

The proposed two storey side extension would be set back from the main front elevation by approx. 1m and would include a dual pitched roof with a gable end, with the ridge height of the roof being lower than the main ridge line of the host dwelling. The roof slopes at front and rear of the extension roof would be set at a less acute angle than the host roof.

Windows are proposed at ground and first floor level. At ground floor level large sliding doors are proposed to be provided which would open onto the side gardens. At first floor level the proposed window would be a secondary window to a large bedroom.

The proposed extension would be 4.6m wide and the side space towards the front of the extension would be approx. 9.7m and to the rear and approx. 9m (to account for the tapering width of the site).

At the rear a single storey extension is proposed which would incorporate a mono pitch roof which would have eaves slightly overhanging the flank elevation of the proposed two storey side extension. The extension would be approx. 3.2m deep and would be sited 0.4m from the flank boundary with No. 4. It would incorporate a monopitch roof.

The resultant dwelling would be a three bedroom house, with a bedroom and additional living space provided in the extension and the existing first floor reconfigured to provide one bedroom rather than the 2 as existing, and an additional bedroom provided within the roof space.

The submitted drawings include reference to the roof extension granted a lawful development certificate under reference 17/04152/PLUD. If that LDC development was to be implemented, the resultant dwelling would provide a total of three bedrooms.

Location and Key Constraints

The host site lies on the corner of Heron Court and Bromley Common (A21). Heron Court is a small estate development comprising a mix of terraced dwelling houses lying opposite a three-storey block of residential flats. The flatted block lies parallel with the main road adjacent, while the terraced row lies at a right angle to the A21. The flank elevation of the end (host) dwelling faces the main road.

The site is currently occupied by an end of terrace dwelling with a generous side space separating the flank gable wall of the dwelling from the adjacent A21 main road. The south-western boundary of the site contains a cypress hedge and several mature trees.

The immediately surrounding area is characterised by residential development of a mixed design, scale and appearance. The post-war estate of Heron Court lies between older single residential dwellings fronting Bromley Common. Opposite the site are substantial semi-detached inter-war dwellings. To the south east of the appeal site is a pair of modest semi-detached dwellings, beyond which lie 69 and 71 Bromley Common, a pair of Grade II Listed dwellings dating from the 1850s. The retail store Topps Tiles was recently erected on the site of a vacant public house, The Five Bells, and the front elevation of the new building on that site follows the front building line of the former public house, the listed dwellings and Nos. 63 and 65 Bromley Common.

The existing dwelling incorporates a ground floor music room (formerly the integral garage) with a living room and separate kitchen. At first floor level 2 bedrooms are provided and the Lawful Development Certificate granted under reference 17/04152 proposed an additional bedroom in the roofspace to result in a three bedroom dwelling.

Comments from Local Residents and Groups

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

Objections

- Planning history - previous applications have been refused and the proposal raises very much the same issues albeit with the removal of the hipped roof/dormers.
- Whilst a little smaller than the previous application it would involve an increase in the GIA from 109m² to 226m² the proposal will project markedly beyond the building line, the importance of which was established at appeal
- Would appear incongruous and overdominant as well as disproportionate to the host dwelling
- Parking is limited in the road and residents cannot always park. Extending the property would result in more cars which would result in less on-street parking.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Unitary Development Plan

- H8 Residential extensions
- H9 Side space
- T3 Parking
- T18 Road safety
- BE1 Design of new development
- BE8 Statutory listed buildings

Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 38 Statutory Listed Buildings

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

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

14/02748/FULL1

Erection of an attached two storey dwelling with rear dormer.

REFUSED

Planning permission was refused on the grounds:

"The proposed development would result in the unacceptable sub-division of the existing plot resulting in a cramped overdevelopment of the site and harmful to the appearance of the street scene and detrimental to the visual amenity of the surrounding area, contrary to Policies BE1, H7 and H9 of the Unitary Development Plan."

A subsequent appeal against the refusal of planning permission was DISMISSED.

The appeal Inspector considered that the main issue was the effect of the development on the character and appearance of the surrounding area. The

Inspector found that the small rear dormer proposed to the new dwelling would not harm the character and appearance of the area, taking into account the existing dormer at No. 4. The Inspector found that the proposed dwelling would be of a similar design, scale and proportion to others in the terrace and would retain approx. 8m separation to the side boundary while being broadly in line with Nos. 1-53. However it was noted that the proposed development would project noticeably beyond the building line south east of Heron Court. The development of the side garden at No. 2 would have eroded the spacious character of the area. The Inspector referred to SPG2 which notes that the loss of a substantial part of a side garden is likely to be harmful to the setting of the building. The Inspector assessed that the side garden contributed to the open character retained in longer views from either direction along Bromley Common.

It was also noted that looking south east from the appeal site the front facades of the nearby Grade II listed houses at Nos. 69-71 and the spire of St. Luke's Church are visible beyond the side garden of No. 2. It was considered "the erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

The Inspector considered, notwithstanding these reservations, that the proposal would not have had a detrimental impact on the residential amenities of neighbouring properties and would have preserved the setting of the pair of Grade II listed villas at Nos. 69-71 Bromley Common.

17/02144/FULL6

Conversion of roof space to form habitable accommodation including side dormer extension, single storey rear extension and two storey side extension

REFUSED

Planning permission was refused on the grounds:

"The proposal by reason of its scale, siting and design would have a detrimental impact on the appearance of the host dwelling, the street scene and the visual amenity of the surrounding area contrary to Policies BE1, H8 and H9 of the Unitary Development Plan, Policies 7.4 and 7.6 of the London Plan and the requirements of the National Planning Policy Framework."

17/04152/PLUD

Rear dormer extension. Lawful Development Certificate

GRANTED

Considerations

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

- Resubmission
- Design

- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

This application seeks to overcome the grounds for refusal of application 17/02144/FULL6 which related to the scale, siting and design of the development and the impact of the proposal on the appearance of the host dwelling, the street scene and the visual amenities of the locality.

The principal differences between the current scheme and that previously refused planning permission under reference 17/02144/FULL6 are summarised:

- The width of the extension has been reduced by approx. 0.4m
- The roof design of the proposed extension has been amended, with the gable end currently proposed replacing the previous hipped roof with triangular side dormer
- The dormer currently proposed would be limited to the width of the host dwelling as currently existing, rather than extending over the two storey side extension

In terms of the relationship between the current application and the scheme dismissed at appeal, the current proposal provides approx. 9.2m space to the side boundary with Bromley Common (A21) where the dismissed scheme was noted by the Inspector to provide approx. 8m separation. The current application is also a householder extension application rather than an application for a separate self-contained dwelling. The scheme dismissed at appeal also proposed a replication of the built form of the existing dwelling, including the roof slopes and ridge height.

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.

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

It is noted that the proposed extension to the side has been reduced in width by approx. 0.4m in comparison with the most recent refusal of permission, and approx. 2.2m narrower than the scheme for a separate dwelling dismissed at appeal. However the bulk of the roof has increased through the provision of a gable end. In some respects this design is more satisfactory, in terms of compatibility with the existing roof design and in presenting a 'cleaner' and more streamlined roof design. However the bulk of the extension has increased at roof

level, and the asymmetry of the roof slopes of the proposed extension in relation to the existing roof would be somewhat jarring.

The extension would still be clearly visible from public vantage points, to vehicles proceeding along Bromley Common and from the public footway. In assessing the application under 14/02748/FULL1 proposal the Inspector appraised the relationship between the host dwelling and the building line, noting that the proposed dwelling would have projected noticeably beyond the building line south east of Heron Court. The consistency of the building line, with development set well back from the street, was considered to contribute to the character of the area and the impression of openness and space between built development and the busy adjacent road, with the Inspector stating:

"I agree with the Council that, whilst there are some exceptions, most properties fronting this section of Bromley Common are set well back from the road, providing for a spacious character. Moreover, although there are trees and shrubs along the front boundary of the appeal site, given the size of the existing side garden of No. 2, an open character is still retained in longer views from either direction along Bromley Common."

The supporting statement submitted with the application emphasises that the flank elevation of the extension would be set back from the front elevation of the flatted block at Heron Court relative to the adjacent A21. This is noted, but in assessing the previous application and the appeal Inspector's determination, greater weight was placed on the relationship between the development and the building line to the south east. It is considered that it is this building line and built development that the application site most clearly relates to in visual and physical terms, given the proximity of the host site to these buildings and position within the same 'block' between the junctions of Heron Court and Southlands Road with Bromley Common.

The Inspector stated:

"looking south east from the appeal site, the front facades of the nearby Grade II listed Nos 69-71 and the spire of St Luke's Church can be seen beyond the side garden of No. 2. The erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

In the report into the application refused under reference 17/02144/FULL6 it was noted that the proposal would significantly enlarge the host dwelling, with the extensions appearing out of scale with the host dwelling and resulting in the extended dwelling appearing disproportionate in the context of the modest terrace. The appearance of the resultant dwelling was considered to be uncharacteristic of the uniform rhythm of dwellings in the terrace, undermining the appearance of the host dwelling and the street scene.

While direct replication of the existing townscape may not be necessary where a development is sustainable and demonstrates good design, as stated above, it was not considered that the design of the development and its bulk and scale in relation

to the host dwelling was sympathetic to the site and surroundings and would have demonstrated good design.

While narrower than the previous proposal by approx. 0.4m the proposal would nevertheless erode the open character contributed to by the host dwelling's generously wide side garden, and this would be detrimental to the wider visual amenities and character of the area. It is acknowledged that if the measurements of the development and the separation to the front boundary were viewed in isolation the space retained to the boundary may be considered generous, as was the separation proposed in the previous applications. However the development falls to be considered not in isolation but in the context of the specific, individual site and surroundings. Each case is considered on its merits and in relation to the prevailing pattern and distinctiveness of the locality. In the case of this specific application site, the generosity of space retained to the Bromley Common boundary has been found to play an important role in the spaciousness of the area and where proposals would undermine that characteristic and contributory role the impact of the proposed development on visual amenity falls to be carefully considered.

On balance, it is considered that the proposal would undermine the visual amenity and distinctive quality of the street scene. The limited reduction in the width of the extension and the amendments to the roof design are not on balance considered sufficient to overcome the continued concern that in the context of the position of the site and the relationship with the building line to the south east, the proposal would appear jarring, over-prominent and detrimental to the open character of the area and the setting of the host dwelling.

It is considered that the proposed side extension would appear incongruous in the context of the host terrace, appearing as a jarring feature in the context of the quite uniform and consistent design and appearance of the host terrace.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

It considered that the proposed development would not harm the setting of the Listed Buildings, taking into account the determination of the planning Inspector in respect of this issue.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

It is acknowledged that concern has been expressed regarding the impact of this proposal on on-street parking demand. However, the proposed development would result in the host dwelling comprising a three bedroom dwelling (including the roof space room) and the existing dwelling is at present a two bedroom dwelling (with capacity to extend under permitted development to a three bedroom dwelling). The proposal relates to a residential extension rather than the erection of a separate dwellinghouse. It is noted that when planning permission was refused for the separate dwelling, the refusal grounds did not relate to highways matters. It is not therefore considered that the proposal would have an inherently greater impact on existing/future parking demand than the existing/permitted development dwelling.

Neighbouring amenity

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.

Taking account of the relationship between the proposed single storey rear extension and that existing at No. 4 and the separation between the two storey side extension and the rear boundary with No. 63 Bromley Common, it is not considered that the proposal would result in a significant loss of amenity with particular regard to light, outlook, prospect and privacy

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would impact detrimentally on the character of the area

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

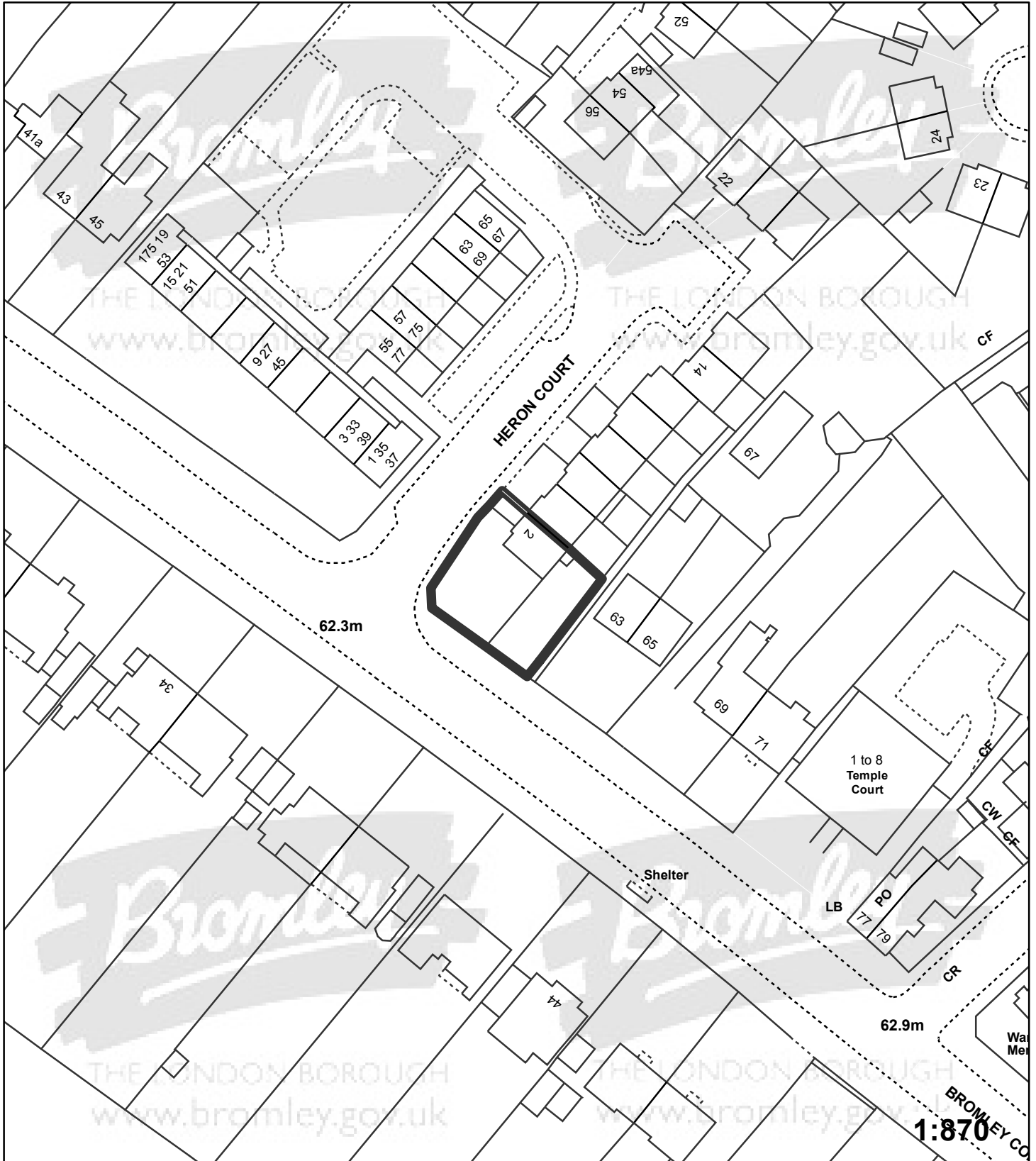
The reasons for refusal are:

- 1 The proposal by reason of its scale, siting and design would have a detrimental impact on the appearance of the host dwelling, the street scene and the visual amenity of the surrounding area contrary to Policies BE1, H8 and H9 of the Unitary Development Plan, Policies 37 and 6 of the Draft Local Plan, Policies 7.4 and 7.6 of the London Plan, Supplementary Planning Guidance and the requirements of the National Planning Policy Framework.**

Application:17/05620/FULL6

Address: 2 Heron Court Bromley BR2 9LR

Proposal: Conversion of roof space to form habitable accommodation including rear dormer extension, single storey rear extension and two storey side extension



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

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

Application No : 17/04933/FULL6

Ward:
West Wickham

Address : 34 Bolderwood Way West Wickham BR4
9PH

OS Grid Ref: E: 537664 N: 165697

Applicant : Mr Andy Costa

Objections : YES

Description of Development:

Single storey rear extension with tiled pitched roof and raised landing and steps.

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
River Centre Line
Smoke Control SCA 51

Proposal

Permission is sought for a single storey rear extension that is 2.7m deep and 6m wide. The proposal also includes a raised landing with steps down.

Location and Key Constraints

The application site is a two storey semi-detached property located on the western side of Bolderwood Way, close to the junction with Cunningham Close.

Comments from Local Residents and Groups

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

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

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.in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character
7.6 Architecture

Unitary Development Plan

H8 Residential extensions
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

- 88/03597/FUL - Two storey side and single storey rear extension - Permitted 26.10.1988

Considerations

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

- Design
- Neighbouring amenity

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.

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

Policy BE1 of the Bromley UDP 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 of the UDP 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. This is reiterated in draft Local Plan Policy 6.

The proposed extension will be 2.7m deep and 6m wide. It will not project beyond the existing single storey rear projection. The topography of the area is such that the garden slopes down away from the dwelling. As such the extension will have an eaves height of 4m and a maximum height of 4.8m. The size and design is considered to be in keeping with the host property with materials indicated to match the existing property.

Having regard to the scale, siting and proposed materials it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development

proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed extension will not project beyond the existing single storey rear projection. As such it will not be visible from the neighbouring property to the north.

The proposed extension will be located along the shared boundary with the adjoining property. It will project 2.7m towards the rear. Due to the change in ground levels, the extension will have an eaves height of 4m and a maximum height of 4.8m when measured from ground level. The raised platform will be approximately 1m high to match the existing platform. From visiting the site it was noted that the adjoining property does not benefit from an extension along this shared boundary however there is a similar raised platform with steps down to the garden. It is therefore considered that the proposed extension will have some impact on the amenities of this adjoining property however, given the modest depth, it is not considered sufficient to warrant refusal.

Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is 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 files 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.

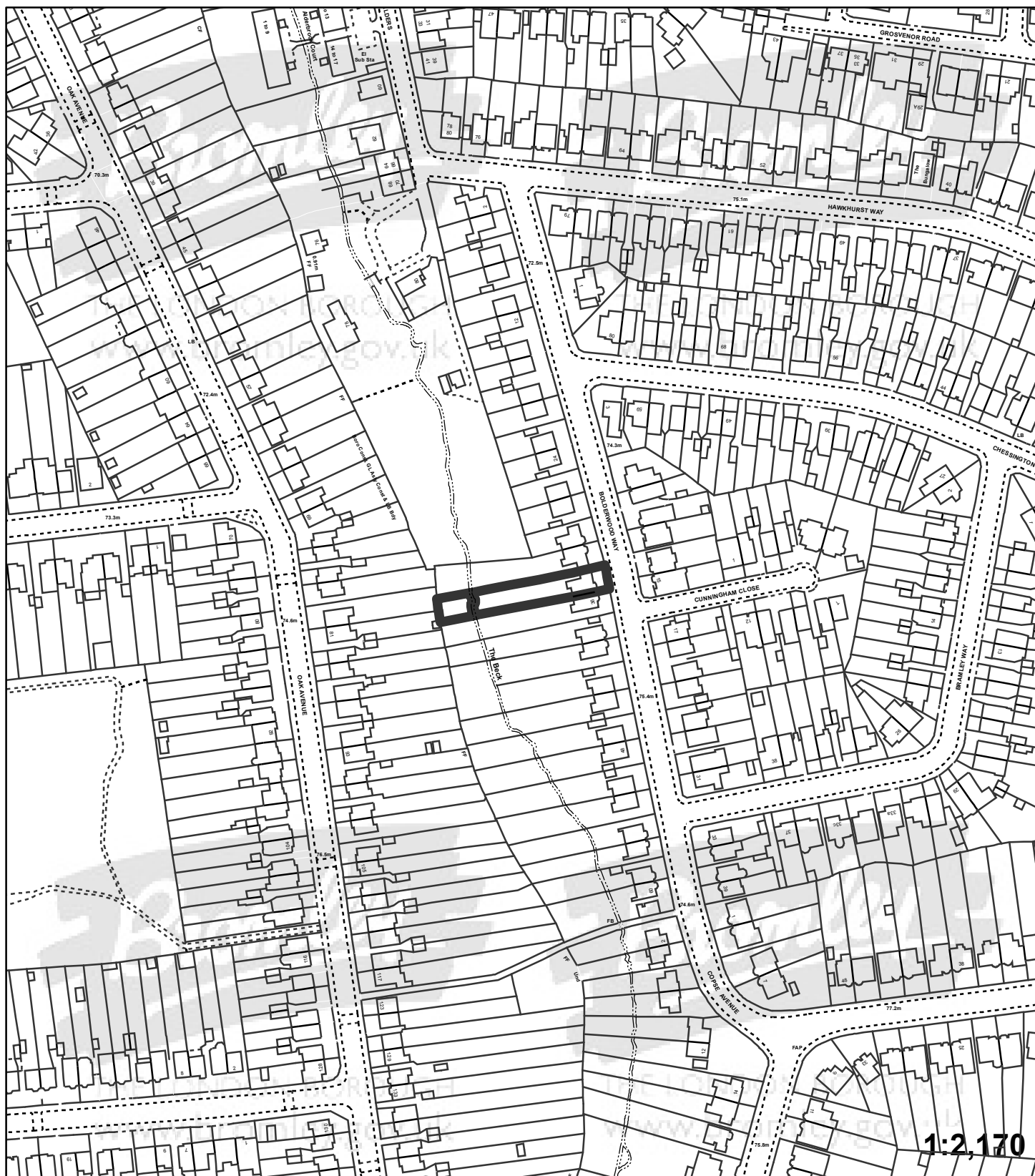
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

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Application:17/04933/FULL6

Address: 34 Bolderwood Way West Wickham BR4 9PH

Proposal: Single storey rear extension with tiled pitched roof and raised landing and steps.



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

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

Application No : 17/05086/FULL6

Ward:
Hayes And Coney Hall

Address : 202 Pickhurst Lane West Wickham BR4
0HL

OS Grid Ref: E: 539487 N: 166953

Applicant : Mr Tony Marsh

Objections : YES

Description of Development:

First floor front extension and roof alterations to include enlargement of roof, raising of the ridge height and rear dormer to provide habitable accommodation in the roof.

Key designations:

Biggin Hill Safeguarding Birds
Smoke Control SCA 2

Proposal

The application seeks consent for the construction of a first floor front extension and roof alterations to include enlargement of roof, raising of the ridge height and rear dormer to provide habitable accommodation. The application is a resubmission of DC/15/05405/FULL6 which was for a similar development.

The proposed extension would include a 6.5m deep staggered first floor front extension. This would incorporate a hipped roof to the front bay and a cat-slide roof design. The overall height of the roof would be raised by approximately 4m-2.5m to the top of the apex. A dormer is proposed on the rear roof slope, one window and three roof lights are proposed within the south elevation and two roof lights are proposed within the north elevation.

Location and Key Constraints

The application site is located to the eastern edge of Pickhurst Lane and comprises a two storey detached dwelling with a single storey front element featuring a single garage and the main entrance. Off-street parking is provided. The adjoining properties are two storey detached dwellings with predominately hipped roof designs.

Comments from Local Residents and Groups

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

Objections

- Neighbour wishes comments made in respect of previous applications to be taken into account. These included concerns regarding overlooking, loss of privacy, loss of light and the development being out of character.

Concerns have also been raised regarding the Party Wall Act, foundations and footings. However, these are not material planning considerations and fall beyond the scope of this assessment as they are covered by separate legislative regimes.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

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.in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

Under ref: 05/03732 planning permission was refused on 14th December 2005 for a part one/part two storey side, rear and second floor extension with a rear dormer on the grounds that:

"The proposed development, by reason of its size and bulk, would be seriously out of character and scale with the surrounding area and would have a detrimental impact on neighbouring amenities and the street scene, contrary to Policies E.1 and H.3 of the adopted Unitary Development Plan and Policies BE1 and H8 of the second deposit draft Unitary Development Plan (September 2002)."

Under ref: 06/02222 planning permission was granted on 9th August 2006 for part one/part two storey side and rear extensions.

Under ref: 10/00153 planning permission was granted 29th March 2010 for a single storey front extension.

Under ref: 14/02463/FULL6, an application for a first floor front extension, increase in roof height and amended roof design to create new accommodation in second storey incorporating elevational alterations was refused on 25th March 2015 for the following reason;

1. "The proposed development, by reason of its scale, bulk and design would be out of character and scale with neighbouring properties and the surrounding area, resulting in an incongruous addition to the streetscene and would have a detrimental impact on the amenities, daylight and outlook of neighbouring properties, contrary to Policies BE1 and H8 of the Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 1: General Design Principles and Supplementary Planning Guidance 2: Residential Design Guidance and the National Planning Policy Framework."

This application was subsequently dismissed at appeal on 12th August 2015 with the Appeal Inspector concluding that the scheme would have an unacceptable appearance in the area due to the bulky appearance and failure to respect the local streetscene.

Most recently, under ref: 15/05405/FULL6, a further application was made for a first floor front extension and roof alterations to include enlargement of roof, raising of the ridge height and rear dormer to provide habitable accommodation in the roof. This was refused on the 15th February 2016 for the following reasons;

1. "The proposed development, by reason of its scale, bulk and design would be out of character and scale with neighbouring properties and the surrounding area, resulting in an incongruous addition to the streetscene, contrary to Policies BE1 and H8 of the Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 1: General Design Principles and Supplementary Planning Guidance 2: Residential Design Guidance and the National Planning Policy Framework."

Considerations

The main issues to be considered in respect of this application are the design of the proposal in relation to the dwelling and streetscene in general and any impact on neighbouring residential amenity. Consideration should also be given to the previous reasons for refusal.

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.

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

The current proposal is a resubmission of two refused planning applications, including refs: 14/02463/FULL6 and 15/05405/FULL6.

The Inspector of the most recent appeal (15/05405) made the following observations 'The appeal concerns a detached dwelling which is somewhat unusually low so that the principle of raising its height is not objectionable. The design of dwellings in the locality does vary with some large gable fronted semi-detached dwellings on the opposite side of the street, for example. However, in the vicinity of the host dwelling and on the same side of the street there is a particularly strong sense of regularity deriving from the fairly consistent presence of hipped roofs at the front. It is these properties which would provide the context and streetscene within which the extended dwelling would most readily be seen. The immediately adjacent dwelling at no. 200 does have gables at the front but is

particularly unusual on this side of the road and should not therefore be used as a precedent."

The northern elevation of the host dwelling is more exposed to the streetscene due to its forward position in relation to Number 204. The neighbouring property to the south, at number 200, has a similar front building line to the host dwelling.

The current proposal is similar to the refused appeals in that it continues to propose a first floor front projection of considerable depth and an overall increase in the height of the roof. However, as acknowledged within these appeals, the application property is somewhat of an anomaly within the street due to its low scale and the raising of the ridge is not objectionable in this context. The applicant has now also provided a streetscene elevation - a point raised by the previous inspector - which demonstrates that the height of the apex would be comparable to neighbouring properties. The overall increase in height is approximately 4m above the existing flat elements and 2.5m above the existing ridge.

The previous dismissed cases included full width/height front gables, which lacked articulation and were generally considered bulky in terms of mass and scale. The Inspector of the most recent appeal made the following observations 'The proposed full width front gable would be an unacceptably bulky and overly dominant feature. This would be the case despite the grey hanging tiles and the bay windows, which would provide some variation but not significantly mitigate the mass of the front elevation, as the hipped ends at other properties do. The gable would be an incongruous presence, out of keeping with the predominant frontage roof form on this side of the street and unduly disrupting its rhythm."

In this case, the applicant has sought to address previous concerns by breaking up the massing of the extensions by staggering the front projection with the use of a cat-slide roof towards the more exposed northern flank and the inclusion of a gable end with pitched roof. This design and narrowing of the front gable is now more comparable with wider examples and the use of a pitched roof to the side and gable end, together with the cat-slide on the front elevation would break up the mass of the extensions and would appear significantly less bulky than the refused schemes. The external finish would be tile hung, similar in design to other properties within the immediate vicinity, however the specific type of tile has not been indicated and a condition could be imposed to ensure the submission of this detail.

A modest dormer is proposed within the rear elevation. This is considered to be acceptable in scale and would not dominate the roof slope. No objections were raised to dormers previously proposed within the rear roof slope.

Given the above, it is considered that the proposed alterations have satisfactorily addressed previous objections. The revised design as suitably reduced the overall bulk and massing of the scheme and would no longer appear unacceptably incongruous within the streetscene. It therefore complies with policies BE1 and H8 of the UDP and 37 of the Draft Local Plan.

Neighbouring amenity

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 Inspector of the 2014 appeal observed that 'No 200 has two flank windows that face No 202, a kitchen roof light, set into a mono pitched roof, and a first floor bathroom window. While I do not doubt that there would be some loss of light received via the aforementioned windows, I am not persuaded that that loss would be so severe as to be harmful to the living conditions of No 200. I say that having regard to the fact that the bathroom window does not serve a habitable room or provide borrowed light to a habitable room². Given the nature of these adjoining windows, I find any loss of outlook would be limited'.

These views in relation to neighbouring amenity were subsequently upheld by the Inspector of the 2015 appeal.

Windows are proposed within the north and south facing elevations, however these would serve non-habitable rooms and can therefore be conditioned to be obscured glazed and non-opening.

The abovementioned schemes were bulkier in appearance and also included windows within the side elevations and a rear dormer. Therefore, in light of these appeal decisions, and given the differences in the proposed scheme to that of the previously refused schemes, the proposal is considered to be acceptable in terms of neighbouring residential amenities.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it has overcome previous objections, would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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 the materials to be used for the external surfaces of the extensions hereby approved 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

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the north and south elevations 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.**

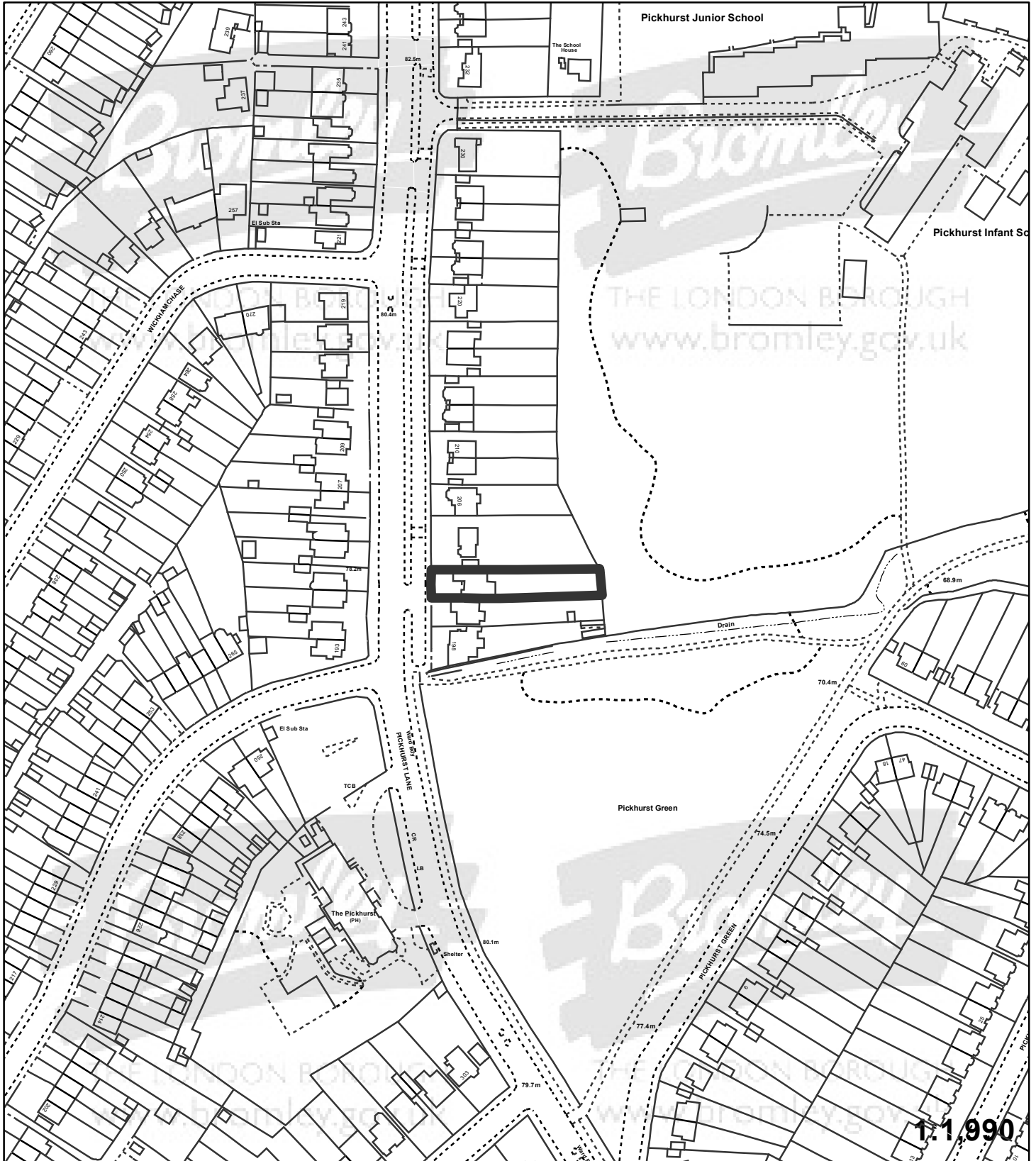
Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

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Application:17/05086/FULL6

Address: 202 Pickhurst Lane West Wickham BR4 0HL

Proposal: First floor front extension and roof alterations to include enlargement of roof, raising of the ridge height and rear dormer to provide habitable accommodation in the roof.



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

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

Application No : 17/05535/FULL1

Ward:
Bickley

Address : 1 Bullers Wood Drive Chislehurst BR7
5LS

OS Grid Ref: E: 542556 N: 170123

Applicant : Mr Simon Catling

Objections : YES

Description of Development:

Demolition of No. 1, Bullers Wood Drive and Wootton, Bullers Wood Drive and erection of 2 pairs of semi-detached houses providing 4 no. 4/5 bedroom properties with integrated garages and associated car parking.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 10

Proposal

Demolition of existing dwellings at Wootton and 1 Bullers Wood Drive and to erect two pairs of semi-detached dwellings. The dwellings will be 4/5 bedroom, with accommodation in the roof space. The overall height of the dwellings will be 8.9m, with a fully pitched roof design. Each house will have a width of 6.5m and a length of 13.4m.

Each dwelling will be provided with vehicle access and car parking to the front of the buildings. Integral garages are also proposed for each house.

Location and Key Constraints

The site comprises two detached dwellings sited on generously sized plots. The wider area is characterised by similar detached residential development. The site and wider area has no particular planning constraints, although a small part of the rear garden of No.1 falling within Flood Zone 2.

Comments from Residents and Local Groups

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

Objections:

- Detrimental impact on the character of the area.
- Impact on residential amenity and overlooking/loss of privacy
- Excessive height, bulk and density of development on the site
- Inadequate car parking provision and additional congestion in the area
- Impact on structural stability of surrounding properties
- Impact on trees/hedging at the site
- Unsuitable materials that do not complement the area
- Excessive number of houses on the site - exceeding recent planning history
- Lack of accessibility for people with restricted mobility
- Impact on nature conservation
- Potential additional flood risk
- Additional noise and disturbance from the proposed use
- Development may form part of a larger scheme including properties on Yester Road and this should be considered collectively

Comments from Consultees

Highways - The previous applications were for the demolition of Wootton and this one now includes the adjacent property, 1 Bullers Wood Drive. Each existing property has an in & out drive. Bullers Wood Drive has mixed status and part of the site has a frontage to the adopted highway but mostly to the unadopted highway. If changes are need to the access from the adopted highway the applicant will need to contact Highways. Any works in the unadopted section of the road should be agreed with the Bullers Wood Drive Trustees who act as the Street Managers. Each proposed property has a garage (5m x 3m) and other parking spaces on the frontage. The proposed buildings are set back further from the road than the existing and the proposed drives would be about 9m deep and just over 5m wide, except for the southernmost house which has a larger drive. A depth of 9m will accommodate 2 small or medium cars in tandem although probably only one larger vehicle. The parking areas would therefore accommodate between 2 - 4 cars. Standard conditions and informatives are recommended.

Environmental Health (Pollution): no objections raised subject to a standard condition and informatives.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density & Design
- H9 Side Space

T3 Parking
T18 Road Safety

Emerging Local Plan

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 37 - General Design of Development
Draft Policy 73 - Development and Trees

Supplementary Planning Guidance

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

The Mayor's Housing Supplementary Planning Guidance (March 2016)

DCLG Technical Housing Standards (March 2015)

Planning History

Planning permission was refused under ref. 16/03427 for demolition of existing dwelling at Wootton and erection of 2 x detached 4 bedroom dwellings with associated car parking at front. The refusal grounds were as follows:

'The development would constitute a cramped form of development that would be seriously out of character with the surrounding pattern of development and would result in a retrograde lowering of the spatial standards to which the area is currently developed, contrary to Policies BE1 and H7 of the adopted Unitary Development Plan.'

Planning permission was granted under ref. 15/04612 for demolition of existing dwelling and erection of 2 semi-detached two storey dwellings with associated garages. (Amendments to permission allowed on appeal under ref: 13/01790.)

Planning permission was refused under ref. 13/01790 for demolition of existing dwelling and erection of 2 semi-detached two storey dwellings with associated garages. The refusal grounds were as follows:

'The development would constitute a cramped form of development that would be seriously out of character with the surrounding pattern of development and would result in a retrograde lowering of the spatial standards to which the area is

currently developed, contrary to Policies BE1 and H7 of the adopted Unitary Development Plan.'

The application was subsequently allowed on appeal. The Inspector states:

'The proposal would comprise a pair of two storey semi-detached dwellings with accommodation within the roof slope. The design of the dwellings, with one entrance to the front elevation and one to the side, aims to give the appearance of a single dwelling when viewed from the street. Their massing, building footprint and design would broadly reflect that of a previous permission to extend the existing dwelling (ref DC/07/01788/FULL6), while the ridge height would be slightly lower.

The parties dispute whether semi-detached properties are characteristic of the surrounding area. Whilst the appeal plot is relatively narrow at the road frontage, properties in the vicinity tend to cover most of the plot width, with only narrow gaps remaining to the sides of each dwelling. This means that the appearance of the dwellings would be broadly compatible with the prevailing character of the area. Moreover, at the time of my site visit there were two vehicles parked within the front curtilage adjacent to each access. This layout would be retained if the appeal were allowed, as the two existing vehicle accesses would remain, and would ensure that the existing character of the area is maintained.

Concerns were raised by neighbours that the dwelling would be a three storey property and would dominate the street scene, but the second floor accommodation would be contained within the roof slope with three modest rear dormers, and thus would appear as a two storey dwelling from the street. The ridge height would be slightly higher than No 1 Bullers Wood Drive and slightly lower than No 1 Bruton Close and would not therefore be overly dominant when viewed from the surrounding area.'

Planning permission was refused under ref. 06/04175 for partial demolition of bungalow and existing garages and erection of 1 three bedroom detached two storey house with car parking area. The refusal grounds were as follows:

'The proposed dwelling, by reason of its size, design and close proximity to the side boundaries, would result in a cramped form of development, out of character with the surrounding pattern of development, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

By reason of its size, height and close proximity to the southern boundary of the site, the development would have a seriously detrimental impact on the amenities of the occupiers of No. 1 Bruton Close through loss of outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.'

Planning permission was refused under ref. 06/00534 for demolition of existing building and erection of 2 two storey four bedroom detached houses with integral garages. The refusal grounds were as follows:

'The proposed dwellings, by reason of their size, design and close proximity to the side boundaries, would result in a cramped form of development, out of character

with the surrounding pattern of development and thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002).

By reason of its size, design and close proximity to the southern boundary of the site, the development would have a seriously detrimental impact on the amenities of the occupiers of No.1 Bruton Close through loss of outlook, thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002).'

The application was subsequently dismissed at appeal. The Inspector stating that the provision of two houses on the site would appear squeezed relative to the wider plots prevalent in the area. The Inspector also stated that the development would have a harmful impact on the amenities of No. 1 Bruton Close.

Planning permission was refused under ref. 05/04023 for demolition of existing bungalow and garages and erection of 2 two storey four bedroom detached houses with integral garages. The refusal grounds were as follows:

'By reason of size, design and proximity to the southern boundary of the site, the development will have an unacceptable impact on the amenities of the residents of 1 Bruton Close and as such would be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (Sept 2002).

The development would result in a cramped form of development that would be seriously out of character with the surrounding pattern of development and as such would be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (Sept 2002).'

Considerations

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- CIL

Principle

The principle of the demolition of the existing dwelling at Wootton and its replacement with a pair of semi-detached properties has been established by way of appeal allowed under ref.13/01790 and a further permission under ref. 15/04612. The proposal seeks to apply the principle to two existing dwellings at Wootton and No. 1. In light of the planning history, it is considered that the principle of the development would be acceptable subject to an assessment of the impact on the wider character of the area, the impact on neighbouring amenities and other material considerations.

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

Under ref. 13/01790, the Inspector regarded the properties in the vicinity tend to cover most of the plot width, with only narrow gaps remaining to the sides of each dwelling. This means that the appearance of the dwellings would be broadly compatible with the prevailing character of the area. The Inspector also concluded that the roof heights would be comparable to the surrounding dwellings and therefore roof accommodation was not objected to.

The proposal seeks permission to extend the principle of semi-detached dwellings to a wider double plot, erecting 2 pairs in sequence. In light of the established position and the similarities in height and bulk, it is considered that the design and layout of the development would not impact detrimentally on the character of the area, subject to suitable materials and finishes.

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 2 and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-80 dwellings per hectare. The proposed development would have a density of 22 dwellings per hectare. The proposed residential density would therefore be lower than the recommended threshold, however this should not be applied mechanistically and should take into account the prevailing character of an area. In this case it is considered that the spacious layout and form of residential development in the surrounding area would justify a density shortfall in order to preserve this established character.

Standard of Residential Accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 Technical housing standards - nationally described housing standard (2015).

The Technical Housing Standards published by the Department for Communities and Local Government requires a Gross Internal Area of 134m² for a five bedroom eight person dwelling over three levels. The proposed dwellings will each have a GIA of over 300m² and therefore would meet the minimum recommended London Housing SPG unit standards guidance. Individual double bedrooms should have a minimum GIA of 11.5 square metres and single bedrooms a minimum GIA of 7.5

square metres. The submitted plans indicate compliance with the floor area and room width guidelines. Each dwelling will have at least one double bedroom with a minimum width of 2.75m and single bedrooms will have a width of 2.15m. The general layout of the four houses is considered to be acceptable.

The houses have been provided with private gardens, car parking spaces and vehicular access via Bullers Wood Drive. The standard of accommodation provided is acceptable for future occupants.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

The proposed access and parking arrangements at the site are considered to be acceptable to serve the proposed development without causing detrimental impact to the local highway network or conditions of general highway safety, subject to appropriate conditions and informatives as outlined in the Consultee responses above.

Neighbouring Amenity

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

The proposed dwelling closest to No. 1 Bruton Close will be sited 6.3m from the side boundary and will be sited on lower ground than No. 1 Bruton Close. This relationship is considered to be similar to the two storey siting of the previously permitted pair of dwellings at Wootton and it is considered that the development would not result in a significantly harmful impact on the amenities of this neighbouring house. To the opposite flank, the two storey dwellings will be sited at the end of the gardens of Nos. 22-26 Yester Road, providing a separation of over 20m. This relationship is considered to be typical of a suburban area and acceptable on balance.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies

advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

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.

CIL

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

Conclusion

Having had regard to the above it is considered that the proposed development 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. The proposal would provide an acceptable standard of accommodation for future occupants and would not impact harmfully in regards to highways safety.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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 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.

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

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

- 5** 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.

- 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** 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 implementation of the surface water drainage proposals and to accord with Policy 4A.14 of the London Plan.

- 8** 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.

- 9** An acoustic assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The assessment shall determine the worst-case day time and night time ambient and background noise levels affecting this location and predict the internal noise levels in the proposed residential dwellings. A scheme of mitigation as necessary in light of the results of the assessment (covering facade, glazing and ventilation specifications to achieve suitable internal noise levels in line with guidance in BS8233:2014) shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development and once approved shall be installed fully in accordance with the approved scheme and permanently maintained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to ensure the satisfactory standard of accommodation for future occupants.

- 10** No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

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

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

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

- 12** Prior to 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.

- 13** 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** 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

- 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.

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.

- 3 The applicant is advised that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. The applicant should, therefore, also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Bullers Wood Drive is laid out. Any works in the unadopted section of the road should be agreed with the Bullers Wood Drive Trustees who act as the Street Managers.

- 4 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.

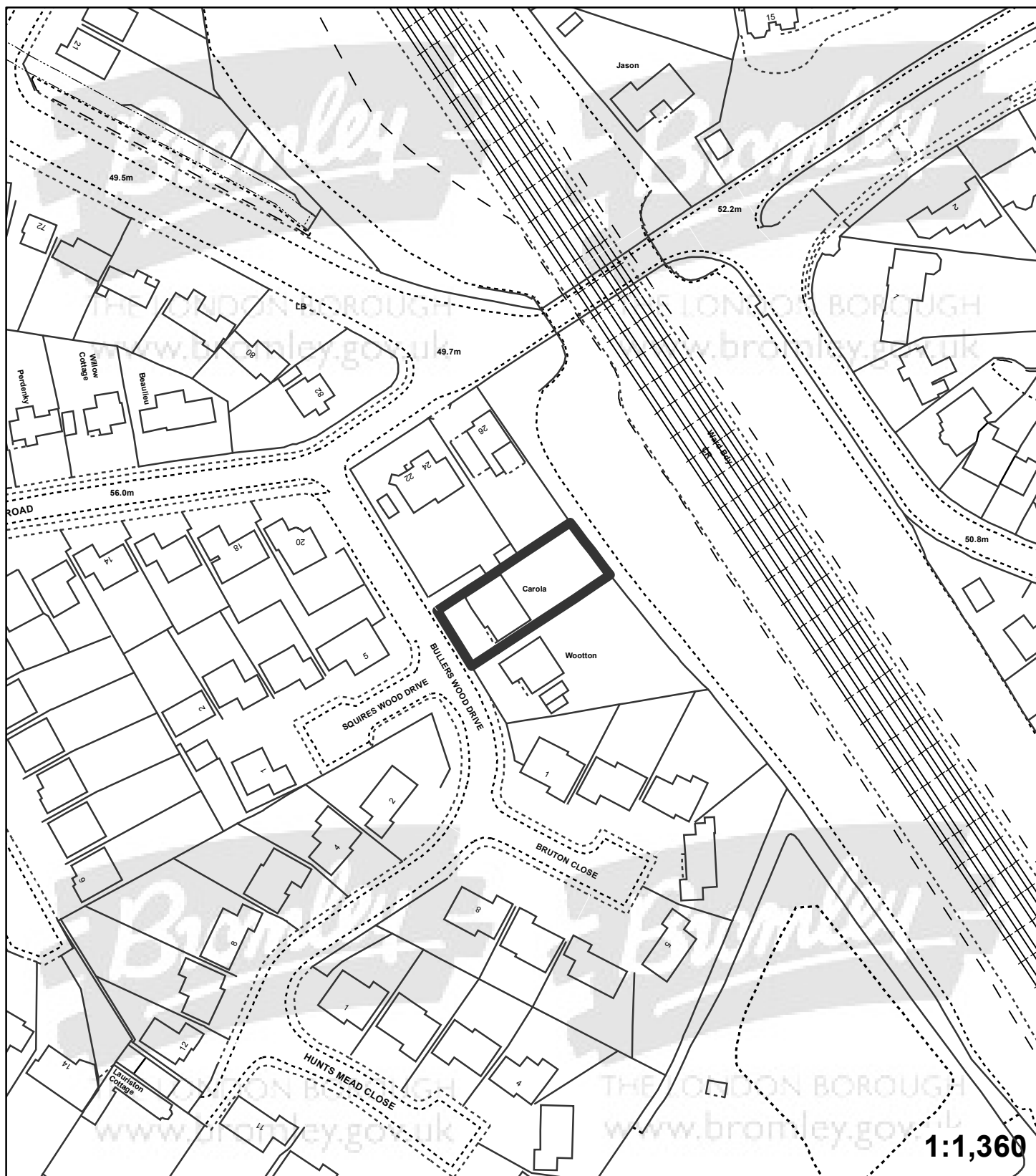
- 5 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.

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Application:17/05535/FULL1

Address: 1 Bullers Wood Drive Chislehurst BR7 5LS

Proposal: Demolition of No. 1, Bullers Wood Drive and Wootton, Bullers Wood Drive and erection of 2 pairs of semi-detached houses providing 4 no. 4/5 bedroom properties with integrated garages and associated car parking.



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

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

Application No : 17/05587/RECON

Ward:
Kelsey And Eden Park

Address : South Suburban Co Op Society
Balmoral Avenue Beckenham BR3 3RD

OS Grid Ref: E: 536356 N: 168111

Applicant : Mr James Beeston

Objections : YES

Description of Development:

Variation of condition 2 and 30 pursuant to planning permission ref 16/03145/OUT for the erection of 2 buildings of two to three storeys comprising 13,508 square metres (Gross External Area) of Class D1 floorspace to provide an 8 form entry plus 6th form school (up to 1,680 pupils) and sports hall, 17,200 square metres for playing fields, 2,190 square metres Multi Use Games Area with community use and associated development including car parking spaces, cycle parking spaces, floodlighting, new pedestrian and vehicular accesses, servicing and storage to carry out felling, pollarding and pruning of additional tree along the western boundary.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 15
Urban Open Space

Proposal

On June 14th 2017, outline planning permission was granted (under reference 16/03145/OUT) for the erection of 2 buildings of two to three storeys comprising 13,508 square metres (Gross External Area) of Class D1 floorspace to provide an 8 form entry plus 6th form school (up to 1,680 pupils) and sports hall, 17,200 square metres for playing fields, 2,190 square metres Multi Use Games Area with community use and associated development including car parking spaces, cycle parking spaces, floodlighting, new pedestrian and vehicular accesses, servicing and storage. The application approved the details for access, layout and scale.

The current application is made under Section 73 of the Town and Country Planning Act and seeks to vary conditions 2 and 30 for the scheme approved on June 14th 2017 under reference 16/03145/OUT to carry out felling, pollarding and pruning of additional trees along the western boundary.

The applicant has provided the following statement in support of the proposal:

“As part of this submission, we are seeking a Section 73 (Minor Material Amendment) to the consented Arboricultural Impact Assessment and Tree Protection Plan. In detail, Bowmer & Kirkland are seeking to remove four additional non-TPO trees to the southwest boundary of the site, whilst also seeking to prune and pollard a number of other trees in order to fulfil the sports pitch layout that was granted at Outline stage. Indeed, the reason for this application relates to the need to remove the topsoil surrounding the trees in order to lay down the new sports pitches and also include suitable run-off areas to meet stringent Sport England standards.

It is noted from the Hayden’s Report accompanying this application that on removing the existing topsoil and setting up of the sports pitches that four trees, namely T004, T006, T021 and T022, will suffer significant incursion into the root protection zone in so much that the roots of the trees would be compromised and exposed during ground preparation works. Therefore, whilst it is regrettable, it is deemed necessary to fell these trees in order to bring forward the proposals for a new secondary conforming to the layout in the Outline consent.

In addition, four trees will require pruning (T012, T020, T025 and T027), whilst a further four trees will require pollarding (T008, T011, T013, T023) in order to realise the consented layout of the sports pitches. With the latter, it will also be required to monitor these trees after works have been completed to ensure their wellbeing moving forward.

Again, it is unfortunate that these trees cannot be retained. To compensate, our Client is willing to offset their loss by planting new trees in this area to ensure no overall botanical loss for the site and also protect residential amenity by continuing to offer screening to neighbouring dwellings.”

Location and Key Constraints

The application site is located on the south-eastern side of Balmoral Avenue and comprises around 4.6ha of open land which was formerly used by the South Suburban Co-Operative Group as a sports ground with sports pitches. A bowling green was also laid out on the site. The site is adjoined by the Beckenham Rugby Club to the north east and the David Lloyd Leisure Centre to the east, both of which are also designated Urban Open Space. The site is immediately adjoined by residential development to the north-west and west in Balmoral Avenue, Mountbatten Gardens and Upper Elmers End Road. To the south is an elevated railway line with residential properties beyond in Lloyds Way.

Balmoral Avenue is mainly residential in character and the site lies at the western end of the road closest to Upper Elmers End Road. Part of the western edge of the site falls within Flood Zones 2 and 3. The site is designated Urban Open Space (UOS).

There is a woodland or group Tree Preservation Order protecting trees within the southern railway embankment that adjoins the southern boundary of the site.

The site is not within a conservation area or within any designated areas of interest for nature conservation and there are no statutory listed or locally listed buildings in the vicinity of the site.

The site is within an area rated as having a public transport accessibility level (PTAL) of 3 at the front gate (on a scale of 1 to 6 where 6 is the most accessible).

Comments from Local Residents and Groups

Nearby properties were notified and at the time of writing 9 representations had been received from local residents in objection to the application. These comments are summarised as follows:

Objections

- Loss of trees at the rear of properties in Upper Elmers End Road (UEER) will lead to loss of privacy and loss of outlook and increased noise
- Trees are natural barrier to local properties and prevent footpaths etc. entering neighbouring properties
- TPO has been refused despite a TPO for similar trees at the rear of nos. 129-153 UEER.
- Object to the felling of the mature lime trees number 6 (T006) and number 4 (T004) on the western edge of the site - the top left corner of the plans near Upper Elmers End Road – to accommodate the proposed development.
- Trees should not be lost to provide pitches - the size of the pitches should be altered.
- Impact on biodiversity especially birds.
- Loss of trees will increase flooding to rear gardens of properties in UEER and who will compensate residents when this happens. No information about drainage of the pitches in this part of the site.
- Loss of trees would have an adverse impact on air quality.
- Need reassurance that the drainage will be effective in preventing flooding to rear gardens.
- Application for secondary school in this location is misplaced
- Traffic impacts
- Balmoral Avenue already congested
- Traffic congestion on all surrounding roads from this school and others in the area.
- Impact of additional traffic on safety in Upper Elmers End Road (UEER).
- Impact of additional pupils on public transport.
- Lack of mitigation for increased traffic levels; reduce speed limit to 20mph, zebra crossing or traffic lights for crossing UEER, allow dropped kerbs in UEER to free up roadside parking for pupil drop off and pick up.
- Impact of on-street parking.
- Pollution from additional traffic.
- Additional traffic from community use will have an adverse impact on residents.

- Cycling will not be encouraged with heavy levels of vehicle traffic making the roads dangerous for cyclists.
- Wide catchment area will mean few pupils will walk to school.
- Travel Plan could not be viewed online for original application.
- Concern regarding floodlighting and light pollution

Comments from Consultees

Tree Officer: The proposed alterations to the sports pitches will require the loss of trees to allow implementation of the football pitches. The lime trees situated along the western boundary are a cohesive feature and form useful screening to and from the application site. Trees on the neighbouring site are already subject to Tree Preservation Order (TPO) 2053. The protected trees on the neighbouring site were protected in 2005. The subject lime trees within the application site were assessed with regard to the making of a TPO at the beginning of last year. No TPO was merited, primarily on the basis that no substantiated threat level had been calculated. A second request has been received by a neighbour who would be directly affected by the loss of trees on the western perimeter.

Considering the amended proposals, a re-assessment has taken place. A new TPO is still not merited on the basis that the loss of the trees is avoidable. It is understood that a planning condition currently protects the lime trees as part of the recent planning permission. No objections are made with regard to the felling of U category trees (poor quality trees). This would allow a number of the proposed trees to be removed. It should be insisted that these trees are replaced in mitigation and to ensure the line of trees remains a continuation. The removal of trees with a useful retention span is opposed. Efforts should be made to ensure mature trees are retained. Mitigation to address the loss of these trees would need to involve specimen tree planting of the same species (lime), which would be managed as pollards in the long term.

The outline amendment would not be opposed, however, the retention of the above referenced trees is sought and revised plans are requested. This would include details of replacement tree planting and non-invasive installation measures. At this stage it is unclear what level of ground disturbance will occur to enable the preparation of the football pitches. Once this has been received to a satisfactory standard and reviewed, the condition can be discharged.

The proposed pollarding to a height of 7m is not considered unreasonable. Considering the long term usage of the application site and the boundary positioning of the trees, pollarding as a long term management solution is justified. Pollarding mature trees is never advisable, but lime are tolerant of harsh pruning and will respond to such works. Replacement trees should be introduced to pollarding at an earlier stage to prevent unnecessary harm in the trees maturity.

The previous scheme had already incorporated the subject trees and was conditionally permitted. The current scheme is unacceptable based on the above mentioned points. I am therefore unable to recommend consent.

Planning Policy

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

1. The application falls to be determined in accordance with the following Unitary Development Plan policies:

BE1 Design of New Development
G8 Urban Open Space
L6 Playing Fields
C1 Community Facilities
C7 Educational and Pre-School Facilities
C8 Dual Community Use of Educational Facilities
NE3 Nature conservation and Development
NE5 Protected Species
NE7 Development and Trees
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T7 Cyclists
T17 Servicing of Premises
T18 Road Safety
IMP1 Planning Obligations

Bromley's Submission 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 as set out in the NPPF paragraph 216 which states:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

The Plan was the subject of an Examination in December 2017 and the written response of the Inspector is awaited.

Current draft Policies relevant to this application include:

- Policy 21 Opportunities for Community Facilities
- Policy 27 Education
- Policy 28 Educational Facilities
- Policy 29 Education Site Allocations
- Policy 31 Relieving Congestion
- Policy 32 Road Safety
- Policy 33 Access to services for all
- Policy 34 Highway Infrastructure Provision
- Policy 37 General Design of Development
- Policy 40 Other Non-Designated Heritage Assets
- Policy 42 Development adjacent to Conservation Areas
- Policy 55 Urban Open Space
- Policy 58 Outdoor Sport, Recreation and Play
- Policy 70 Wildlife Features
- Policy 72 Protected Species
- Policy 73 Development and Trees
- Policy 75 Hedgerows and Developments
- Policy 113 Waste Management in New Development
- Policy 115 Reducing flood Risk
- Policy 116 Sustainable Urban Drainage Systems
- Policy 118 Contaminated Land
- Policy 119 Noise Pollution
- Policy 120 Air Quality
- Policy 121 Ventilation and Odour Control
- Policy 122 Light Pollution
- Policy 123 Sustainable design and construction
- Policy 124 Carbon reduction, decentralised energy networks and renewable energy
- Policy 125 Delivery and implementation of the Local Plan

Full details of the Council's Local Development Scheme is available on the website.

In strategic terms the most relevant London Plan 2015 policies include:

- 2.6 Outer London: vision and strategy
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education Facilities
- 5.0 Overheating and cooling
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.6 Decentralised energy in development proposals
- 5.8 Innovative energy technologies
- 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
7.2 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
7.13 Safety, security and resilience to emergency
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.18 Protecting Open Space and Addressing Deficiency
7.21 Trees and woodlands
8.1 Implementation
8.2 Planning obligations

National Policy

The National Planning Policy Framework 2012 (NPPF) and the National Planning Practice Guidance (NPPG) are also relevant.

Planning History

The following applications are of most recent relevance to this application:

16/03145/OUT: Erection of 2 buildings of two to three storeys comprising 13,508 square metres (Gross External Area) of Class D1 floorspace to provide an 8 form entry plus 6th form school (up to 1,680 pupils) and sports hall, 17,200 square metres for playing fields, 2,190 square metres Multi Use Games Area with community use and associated development including car parking spaces, cycle parking spaces, floodlighting, new pedestrian and vehicular accesses, servicing and storage. Approved on 14.6.2017

16/03145/CONDIT: Details submitted in relation to planning permission ref. 16/03145/OUT Condition 10 - Archaeological Evaluation (Part A only). Approved 14.12.17.

The following current applications are also of relevance:

17/03857/DET: Details of appearance and landscaping pursuant to the above. Pending consideration.

16/03145/AMD: AMENDMENT: Proposed amendment to flood risk and drainage strategies. Pending consideration.

16/03145/CONDT1: Details submitted in relation to planning permission ref. 16/03145/OUT. Pending consideration.

- Condition 3 - Layout of the Access Roads, Pedestrian Access and Turning Area
- Condition 6 - Surface Water Drainage Scheme
- Condition 7 - Secured by Design
- Condition 8 - External Materials
- Condition 9 - Fencing/Barriers on the Southern Boundary
- Condition 11 - Air Quality Assessment
- Condition 12 - Demolition and Construction Noise and Dust Management Plan
- Condition 13 - Construction Management Plan
- Condition 14 - Site Wide Energy Assessment
- Condition 15 - Slab Levels
- Condition 16 - Contaminated Land Assessment
- Condition 17 - Assessment of Playing Field Ground Conditions
- Condition 20 - Flood Risk Assessment
- Condition 21 - Measures to Implement Extended Habitat Report and Bat Survey Report
- Condition 25 - Electric Vehicle Charging Points
- Condition 30 - Tree Survey and Tree Protection Plan

Conclusions

The Tree Report for the original application shows that there are 92 trees on the site and 4 hedgerows. Of these 92 trees, 22 trees and 3 hedgerows are shown for removal. All of the trees were identified as category C or U trees and designated for removal for reasons of safety, irrespective of future development. Condition 30 requires the development to be carried out in accordance with the approved Tree Report by Treecraft.

Under the reserved matters submission made pursuant to the outline permission which is currently pending consideration, the applicant submitted a new, updated Arboricultural Impact Assessment by Haydens to take account of changes resulting from a design review of the original Outline scheme. The principle change to the scheme proposes the repositioning of the Under 13/14 pitch to a position closer to the western boundary. The pitch is located to the rear of Nos 155 - 175 Upper Elmers End Road. In addition the Under 11/12 pitch would be relocated closer to the western boundary. This pitch is located to the rear of Nos 183-197 Upper Elmers End Road.

Taking the Under 13/14 pitch first, the trees that would be affected by the repositioned pitch are identified as Nos 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

The original approved Tree Report, the original Haydens report submitted under 17/03857/DET and the Haydens Rev B report submitted with application 17/05587/MATAMD show the following trees to be removed due to their poor condition: Nos. 5, 7, 9 and 10.

The original Haydens report went on to recommend the felling or pollarding of trees Nos. 4, 6, 8, 11 and 13 to accommodate the revised position of the football pitch and the submitted plan shows the removal of these trees. The plans show the retention of tree 12 and raising the crown by 3m and linear root pruning.

Following objections from the residents of properties, and to accompany the minor material amendment application a revised Haydens Report (Rev B) has been submitted. This continues to show the felling of tree Nos.5, 7, 9 and 11 for safety reasons but shows the felling of tree 4 and 6 only to permit the development. This is due to the considerable incursion of the works to lay the new pitch into the rooting environment which will significantly compromise the future retention of the tree.

For trees 8, 11 and 13, the incursion of works in the root protection area is less severe so the trees are recommended for retention but with linear root pruning and pollarding to a height not exceeding 6m and raising the crown to 3m to remove basal stem growth. There will also need to be cyclical maintenance every 4/5 years. For tree 12 the original recommendation to raise the crown to 3m and linear root pruning remains.

Turning to the Under 11/12 pitch, the trees that would be affected by the repositioned pitch are Nos. 20, 21, 22, 23, 25, 26 and 27 (tree 24 identified has been felled prior to the original application). The original Tree report with the Outline application shows all these trees to be retained. The original Haydens report submitted under 17/03857/DET showed the removal of trees 21 and 22 to permit development and the felling or pollarding of tree 23 and raising the crown of trees 25, 26 and 27 to 3m and linear root pruning. The submitted plan showed the removal of trees 21, 22 and 23.

Following objections from residents, the revised Haydens report Rev B continues to show the removal of trees 21 and 22. This is due to the considerable incursion of the works to lay the new pitch into the rooting environment which will significantly compromise the future retention of the tree. For tree 23, the incursion of works in the root protection area is less severe so the trees are recommended for retention but with linear root pruning and pollarding to a height not exceeding 6m and raising the crown to 3m to remove basal stem growth. There will also need to be cyclical maintenance every 4/5 years. For tree 20 the original recommendation to raise the crown to 3m and linear root pruning remains.

In summary, the proposal is to remove 4 trees along the western boundary to permit development (Nos 4, 6, 21 and 22), to reduce the height and raise the crown of 4 trees (Nos. 8, 11,13 and 23) and to raise the crown of 4 further trees to 3m (Nos 12, 20, 25 and 27). It should be noted that there are 5 other Category C2 or U trees that will be lost on the southern and south eastern boundary to permit development.

The Council's Tree Officer has objected to the loss of the trees with a useful retention span, and advised that efforts should be made to ensure mature trees are retained. In addition, objections have been received from local residents in respect

of the loss of trees in terms of loss of privacy, loss of the natural barrier between the school site and the adjacent houses, alternative locations for the pitch, impact on local ecology, loss of protection against local flooding, safety of pupils where the pitch is so close to the fence and unwillingness of the Council to TPO threatened trees despite residents request.

With regard to loss of privacy, it is accepted that the site will be more visible from the upper floors of the houses in Upper Elmers End Road. However the Planting Plan submitted with the reserved matters application shows replacement planting of semi mature lime trees to replace the 2 trees that need to be felled to make way for the development. Since then the applicant has submitted a revised planting plan to show the planting of 8 semi-mature trees to replace felled trees Nos 4, 5, 6, 7, 9 and 11 and trees 21 and 22.

In addition a 2.4m acoustic fence will be provided along the length of this boundary which will prevent overlooking to the rear of these properties at ground floor level. Finally the rear elevation of houses will overlook the games area and there is significant separation to the main building so overlooking from windows in the school building will not be significant.

The Council has asked the applicant to investigate amendments to the pitches to allow the retention of the trees and the applicant has advised that the removal of the trees is required to achieve the pitch standards required by Sport England including suitable run-off areas.

In terms of the impact on flooding from the removal of the trees, the Council's Tree Officer advises that it would take a high number of trees in a greater density to influence the water retention of the soil. The proposed tree removals would not have a noticeable impact on soil conditions.

In terms of the safety of pupils there are fences around the pitches elsewhere on the site so this juxtaposition is not to be any more unsafe than other locations on the site.

In terms of the visual impact of the removal of the trees, it is important to note that the proposal amounts to the loss of 4 trees to permit development. The remaining trees that will be removed from the western boundary were identified for removal in the approved Outline application.

With regard to ecological impact, the outline application considered under ref. 16/03145 was accompanied by an Extended Phase 1 Survey and a Bat Survey Report. The site was considered to be of moderate value for foraging bats but of negligible bat roost potential as none of the trees on site contained any possible roosting features. The Bat Survey indicated that the site is used regularly by a low to moderate number of common species of bat, with bats recorded as commuting and foraging along the boundary trees during the activity survey. The report recommended that sensitive lighting and landscaping is incorporated into the planned development to mitigate the impact on bats and these recommendations will be carried forward in this case, including the replacement of the trees that are proposed to be removed to ensure the maintenance of the tree belt alongside the

western boundary. In respect of the impact on birds, the Phase 1 Survey recommended that tree works be carried out outside of the bird nesting season and subject to this requirement being adhered to it is not considered that the additional tree works proposed under this application would result in harm to nesting birds.

In conclusion, the loss of any trees on the site to permit development is regrettable. The principle of the redevelopment of the site to provide a new secondary school with associated sports pitches has been accepted. However, in order to meet the requirements of Sport England with particular regard to the size of pitches and the run off areas required, the applicant considers it to be necessary to fell these trees in order to bring forward the proposals for a new school as detailed in the outline consent.

The line of trees along the western boundary forms a visual barrier between the relevant residents in Upper Elmers End Road and the school site and the outline scheme did not require the removal of any of these trees to allow the development to proceed. For the reasons given above there is now a requirement to remove 4 trees along this boundary to allow development to proceed.

The impact of the removal of these trees will be most felt by local residents adjoining the site alongside the western boundary and the applicant has offered to mitigate against the impact by replacing the trees to be lost for development and the trees to be lost for safety reasons along this boundary with semi-mature trees, a total of 8 trees, in accordance with UDP Policy NE7. Whilst it is anticipated that the replacement tree planting will take time to establish, in the long term it is expected that the line of trees along the western boundary will be maintained which will continue to provide screening and visual amenity to the affected residential properties.

Having regard to the above, it is considered that the loss of the 4 trees to permit the development of the sports pitches is acceptable, on balance.

As this application relates to an amendment to the outline planning permission which was granted under ref. 16/03145/OUT subject to a legal agreement, any grant of planning permission pursuant to this application will require a legal agreement to carry forward the obligations from the original planning permission.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

1. (i) Details relating to the

- (a) landscaping, and**
- (b) appearance**

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 from 14th June 2017.

(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

2. The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans and documents, as follows:

Plans:

Site Location Plan MAC-00-ZZ-DR - A 100 Rev P1
Existing Site Sections MAC-00-ZZ-DR
A-400 Rev P1 received 01.07.2016
Proposed Site Plan MAC-00-ZZ-DR- A-110 Rev P3 received 12.01.2017
Proposed Site Sections MAC-00-ZZ-DR-A-401 Rev P1 received 01.07.2016
General Development Areas Plan wwa_1609_LL_103 Rev P00
Illustrative Masterplan wwa_1609_LL_101 Rev P06 received 11.01.2017
Landscape Sections wwa_1609_LSe_401 Rev P03 received 11.01.2017
Topographical Survey & Underground Services Trace L7194/T/1-3 Rev 1
Sheet 1 of 3 received 05.07.2016
Topographical Survey & Underground Services Survey L7194/T/2-3 Rev 1
Sheet 2 of 3 received 05.07.2016
Topographical Survey & Underground Services Survey L7194/T/3-3 Rev 1
Sheet 3 of 3 received 05.07.2016
Underground Drainage Layout MAC-XXXX-DR-P-003 Rev P2 received
09.12.2016

Documents:

Extended Phase 1 Habitat Survey by Innovation Group dated June 2016
Bat Activity Surveys RT-MME-122399 by Middlemarch Environmental dated
October 2016
Badger Inspection at Eden Park E2602161154 by Innovation Group dated
7th April 2016
Tree Survey, Arboricultural Impact Assessment, Arboricultural Method
Statement & Tree Protection Plan by Haydens, Rev. B, dated 31.10.17
Flood Risk Assessment by Resilience and Flood Risk Version 2.0 dated 8th
November 2016
Statement of Community Involvement by RONIN Marketing Ltd dated June
2016
BREEAM Pre Assessment by Southfacing dated June 2016
Noise Assessment by Cole Jarman dated June 2016
Landscape and Visual Impact Assessment WWA_1609_Doc_601_P03 by
Wynne-Williams Associates Ltd dated 11.01.2017
Designers Response to Stage 1 Road Safety Audit by Sanderson
Associates (Consulting Engineers) Ltd dated June 2016

Transport Assessment by Sanderson Associates (Consulting Engineers) Ltd dated June 2016, Letter and Technical Note dated November 28th 2016 from Sanderson Consulting and Letter dated December 21st 2016 from Sanderson Consulting.

Design and Access Statement by Mace dated June 2016

Planning Statement by JLL by September 2016 Archaeological Desk-Based Assessment by AOC Archaeology Group dated December 2015

Beckenham Academy, Permanent Site (Eden Park): Air Quality Assessment by gem Air Quality Ltd dated January 2016

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with Policy BE1 of the Bromley Unitary Development Plan.

- 3. Details of the layout of the access roads, pedestrian access and turning area at its junctions with Balmoral Avenue, including a Road Safety Audit, 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 1 metre in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained. All recommendations of the Road Safety Audit must be fully adhered to**

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

- 4. Before any part of the development hereby permitted is first occupied that part of a sight line of 4.2m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junction with Balmoral Avenue and with the exception of trees selected by the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.**

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

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

Reason: In order to comply with Policy T7 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.

- 6. 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.

7. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet specific needs of the application site and the development. Details of those measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development above ground level hereby permitted and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan

8. Details and sample boards of all external materials to be used for the development, including roof cladding, wall facing materials and cladding, windows and door frames, window glass, decorative features, rainwater goods and any parts of the site not covered by buildings, including roads, pathways, communal areas, parking areas, pitches, MUGA where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Such details shall include permeable materials throughout, measures to minimise surface water flooding. The development shall be carried out in accordance with the approved details.

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

9. (i) Details of fencing/barriers on the southern boundary, adjoining the railway, shall be submitted to and approved by the Local Planning Authority, in consultation with Network Rail, prior to the commencement of any part of the development. The approved fencing shall be erected prior to commencement of any part of the development and permanently maintained thereafter.

(ii) Notwithstanding the content of the report entitled Noise Assessment by Cole Jarman dated June 2016 and for all other external boundaries, details of fencing/barriers, including the specification and appearance of the acoustic fencing, shall be submitted to and approved by the Local Planning Authority prior to the first use of any of the facilities on any part of the site. The approved fencing shall be erected prior to commencement of any part of the development and permanently maintained thereafter.

iii) for all other areas and on any internal part of the site, including (but not exclusively) around pitches and to separate pedestrian and vehicle traffic, details of fencing/barriers/gates shall be submitted to and approved prior to the first use of any of the facilities on any part of the site. The approved

fencing shall be erected prior to commencement of any part of the development and permanently maintained thereafter

Reason: In the interests of the visual appearance of the site and the amenities of the occupants of nearby residential properties and to accord with Policy BE1 of the Unitary Development Plan.

10. **A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in respect of any anticipated geotechnical site investigation, in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.**
- B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological evaluation in accordance with a Written Scheme of Investigation.**
- C) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.**
- D) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological mitigation in accordance with a Written Scheme of Investigation.**
- E) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Parts (A and C), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.**

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

11. **Prior to commencement of construction on the site, the applicant will carry out an assessment of the effect on local air quality as a result of the heating system provided as part of the proposed development. The objective of the assessment will be to demonstrate that the design of the heating system is such that emissions of nitrogen dioxide shall not have a significant detrimental impact on existing air quality. The applicant will agree the scope of and approach to the Air Quality Assessment with the Head of Planning, in consultation with the Council's Environmental Health Officer. The development shall not be carried out otherwise than in accordance with the approved plan or any approved amendments thereto as may be 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 amenities of adjacent properties and the wider area.

- 12. No development shall commence on site, including demolition until such time as a Demolition and Construction Noise and Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details and to the agreed timescale throughout the period of the works.**

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

- 13. Prior to the commencement of the development, including demolition and removal of site material, 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, measures to secure provisions of on-site delivery, off-loading, turning and parking of construction and operatives vehicles and the hours of operation, location of wheelwash facility 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 Policies T5, T6, T7, T15, T16 and T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 14. Before any work on site is commenced a site wide energy assessment and strategy for reducing carbon emissions shall be submitted and approved by the Local Planning Authority. The results of the strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 35% above the TER level required by the Building Regulations 2013. The development shall aim to achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final design, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.**

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2015.

- 15. 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.

16. 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.

17. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(iii) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure the provision of quality playing fields.

- 18. Details of all aspects of the external lighting, including technical details, impact on nearby residential properties and mitigation measures, shall be submitted to and approved by the LPA prior to the commencement of development and the development shall be carried out in accordance with the approved scheme and permanently retained thereafter**

Reason: To protect the amenity of occupants of nearby residential properties in accordance with Policy BE1 of the Unitary Development Plan

- 19. With the exception of the details of the acoustic boundary fencing, the recommendations of the Cole Jarman report (Report 15/0467/R2 June 2016) shall be implemented in full prior to the use commencing and permanently maintained thereafter.**

Reason: In the interest of protecting neighbouring residential amenity in line with policy BE1 of the Unitary Development Plan.

- 20. The development permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) titled 'Eden Park Secondary School, Balmoral Avenue, Beckenham Flood Risk Assessment, Version 2.0' dated 8 November 2016 and the following mitigation measures detailed within the FRA: Finished floor levels will be site no lower than 37.66m AOD or 150mm above the existing ground level, whichever is greater.**

Reason: To accord with Policy 5.12 of the London Plan and to reduce the risk of flooding to the proposed development and future occupants.

- 21. Details of measures to implement the recommendations of the Phase 1 Extended Habitat Report and the Bat Survey Report shall be submitted to and approved by the local planning authority and implemented prior to the first use of the development. The development shall be carried out in accordance with the approved details and permanently retained thereafter.**

Reason: To comply with Policy NE3 of the Unitary Development Plan in order to safeguard and improve the provision for biodiversity on the site.

- 22. No part of the approved use of the site shall commence until a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority, and**

a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the outdoor sports pitches; MUGA and sports hall and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to consider the impact on amenity of local residents, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

23. Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority. The content to be included in the Car Park Management Plan shall be agreed with the Local Planning Authority prior to submission of the draft Plan.

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.

24. Before commencement of the use of the land or building hereby permitted car parking spaces and internal turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and all spaces shall be 4.8m by 2.4m with a 6m rear clearance for each space with the exception of disabled spaces. No permitted 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 indicated or in such a position as to preclude vehicular access to the said land.

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.

25. Details of electric vehicle charging points in accordance with the requirements of the London Plan shall be submitted and approved by the Local Planning Authority and implemented prior to the first use of the development and shall be permanently retained thereafter.

Reason: To minimise the effect of the development on local air quality in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan.

26. The Sports Hall shall be erected in accordance with the footprint of the building shown on plan 110 Rev P3, in consultation with Sport England, and fitted out in accordance with the Sport England's Technical Design Guidance Notes: Developing the Right Sports Hall.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

- 27. The Multi Use Games Area hereby permitted shall not be constructed other than substantially in accordance with Sport England's Technical Design Guidance Notes: Artificial Surfaces for Outdoor Sport (Updated guidance for 2013).**

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

- 28. The community use of the Sports Hall, dance studio and the Multi Use Games Area only shall not commence**

- before 18.00 and the site shall be cleared of all users no later than 21.30pm on weekdays and

- before 09.00 and the site shall be cleared of all users no later than 16.30 on Saturdays and Sundays.

There shall be no community use of the football pitch, the training pitches and summer sports layout without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby residential properties and the highway network to accord with the provision of Policy BE1 and T18 of the Unitary Development Plan.

- 29. The floodlighting for the Multi Use Games Area hereby approved shall not operate after 21.00 on weekdays or 16.00 on Saturday or Sunday. The floodlighting for the football pitch shall not operate after 18.30 on weekdays and shall only be available for Eden Park High School related activities.**

Reason: In the interests of the amenities of the occupants of nearby residential properties and to accord with the provision of Policy BE 1 of the Unitary Development Plan.

- 30. The development shall be implemented in accordance with the Tree Survey and Tree Protection Plan approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.**

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.

- 31. None of the trees shown for retention shall be removed, felled, lopped or topped within a period of five years from the date of this permission without the prior approval of the Local Planning Authority. Any trees or plants which within a period of five years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced within 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.

- 32. 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 or extensions shall be constructed within the school site hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order to prevent intensification of the site and to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenity and public safety.

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 in Part2, 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 this site and/or take action to recover the debt.

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

2 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.

3 We would recommend floor resilience measures to be incorporated within the development to minimise the impact of flooding to the development. The EA fully support the inclusion of flood resilience techniques. Information on flood resilience can be found on the following link http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

4 The EA would recommend that occupant register with the Environment Agency's flood warning service, Floodline, so that they may prepare themselves in case of a flood event. This can be done by calling 0345 988 1188 to register.

5 Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development

related activity occurs.

6 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. Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the forming/modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

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

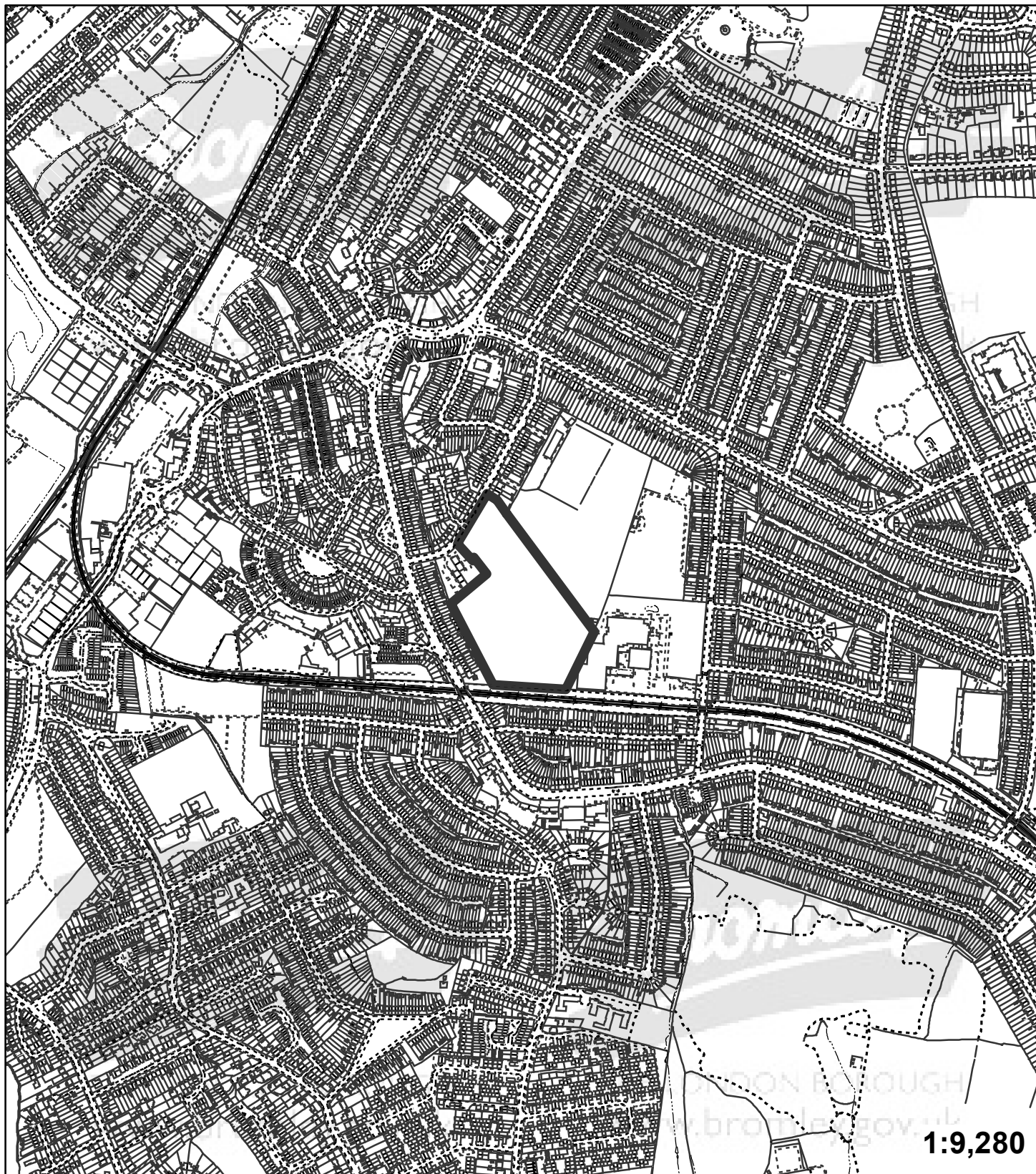
8 Thames Water recommends that all petrol/oil interceptor be fitted to all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses. Thames Water aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Water pipes. The developer shall take account of this minimum pressure aim the design of the proposed development.

9 There is a Thames Water 8" cast iron distribution main crossing the development site directly adjacent to Balmoral Avenue. The main must be located and protected during construction. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on 0800 009 3921 for further information.

Application:17/05587/RECON

Address: South Suburban Co Op Society Balmoral Avenue Beckenham
BR3 3RD

Proposal: Variation of condition 2 and 30 pursuant to planning permission ref 16/03145/OUT for the erection of 2 buildings of two to three storeys comprising 13,508 square metres (Gross External Area) of Class D1 floorspace to provide an 8 form entry plus 6th form school (up to 1,680



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

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/05232/FULL1

Ward:
Copers Cope

Address : 57 Park Road Beckenham BR3 1QG

OS Grid Ref: E: 537160 N: 170170

Applicant : Mr C J Jack and Ms S A Sfakianos

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of a part two/part three storey four bedroom detached house.

Key designations:

Smoke Control SCA 12

Proposal

The proposal is for the demolition of the existing house and erection of a replacement part two/part three storey detached four bedroom house. The proposed house will have a modern design with a flat roof and two storey projecting section at the rear. The existing vehicle access and parking arrangements at the front of the house will be retained.

The proposed dwelling will have a footprint of 17.7m in length and 10.4m in width. The roof will be flat with a total height of 10.1m (existing house height is 8.3m).

Location and Key Constraints

The site is located on the southern side of Park Road and currently comprises of a two storey detached residential house. The wider area is characterised by a mix of similar residential development and flatted development, including Harvest Court immediately to the west.

Comments from Residents and Local Groups

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

Objections:

- Loss of light and overshadowing
- Loss of privacy and overlooking
- Excessive, oppressive and overbearing form of development
- Excessive bulk, massing and rear projection beyond the rear walls of neighbouring properties
- Precedent set for other similar development in the area and future severance into flats
- Out of character with the surrounding area
- Increase in modern design will impact on the traditional character of the area
- Impact on protected trees at the site
- Excessive car parking at the front of the site would be harmful to local character
- Noise and general disturbance

Comments from Consultees

Highways: Park Road is subject to both at any time and part time waiting restrictions with shared use parking bays. The PTAL rating for the site is 3 (moderate) where car ownership could be expected to be associated with occupiers of the property. The proposal is for a 4/5 bed dwelling. The Council's parking standard is for a minimum of 1.0 space. The existing drive would be enlarged to create at least 2 off-street parking spaces. Cycle parking would be provided. There are no objections from the highway point of view.

Environmental Health (Pollution): no objections raised.

Drainage: no objections raised subject to standard conditions.

Arboricultural Officer: No comments made

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- NE7 Development and Trees

Emerging Local Plan

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 8 - Side Space

Draft Policy 30 - Parking
Draft Policy 32 - Highways Safety
Draft Policy 37 - General Design of Development
Draft Policy 73 - Development and Trees
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 123 - Sustainable Design and Construction

Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

Planning History

There is no recent and relevant planning history at the site.

Considerations

The main issues relating to the proposal are:

- the effect that it would have on the character of the area
- the impact that it would have on the amenities of the occupants of surrounding residential properties
- the impact on highway safety
- the standard of accommodation provided for future occupants

Design and Impact on the Character of the Area

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.

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. Policy H7 requires the design of new

residential development to be of a high quality and to recognise as well as complement the qualities of the surrounding areas.

The proposal seeks to replace the existing dwelling with a three storey modern dwelling with flat roof. The dwelling will have a part three storey appearance, however the architectural design has been articulated in order for the bulk to increase from east to west in order to create a gradual increase in height from No. 55 to Harvest Court, with the upper floor set away from the lower building at No. 55.

The proposed replacement dwelling will not project significantly in front of the established building line and therefore will not appear intrusively within the street scene, however the dwelling will project significantly to the rear of both neighbouring buildings. At ground floor level the proposed rear projection will be 10.7m to the rear of No. 55 and 5.8m to the rear of Harvest Court. The ground floor element will have a flat roof of 4.0m in height. The overall massing of the building at first and second floor levels would not break the building line at the rear significantly however the ground floor massing, footprint and rear projection would overdevelop the site and compromise the character of the area by breaking the established rear building line significantly and eroding the existing garden area at the rear of the site.

It is considered that the proposed replacement building would be unacceptable for these reasons and would have a detrimental impact on the character of the area. The proposal is therefore considered to contravene Policies BE1 and H7 of the Unitary Development Plan and Policies 4 and 37 of the Draft Local Plan.

Impact on Neighbouring Residential Amenities

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

The proposed dwelling will include a single storey section that will project 10.7m to the rear of No. 55 and 5.8m to the rear of Harvest Court. The buildings on this side of Park Road are well separated from one another. However, the proposal would extend significantly to the rear of the neighbouring residential properties to an extent that would create a harmful and oppressive visual impact when viewed from rear windows of both neighbouring properties and would also compromise lighting, particularly to Harvest Court to the north west. These factors results in a relationship that is considered to be unacceptable.

At upper floor levels, the first floor rear section of the house will be set in from both flank boundaries and it is considered that this aspect of the design would not impact harmfully on the amenities of either neighbouring residential buildings. The proposed first floor balcony is not considered to create a significant degree of overlooking or loss of privacy due to its size and location. The flanks of the balcony

will have a privacy screen installed and this can be conditioned accordingly to prevent views to the sides into neighbouring houses and gardens.

On balance it is considered that the proposal would impact detrimentally on the amenities of neighbouring occupiers and is considered to contravene Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan.

Parking and Highway Safety

Park Road is subject to both at any time and part time waiting restrictions with shared use parking bays. The PTAL rating for the site is 3 (moderate) where car ownership could be expected to be associated with occupiers of the property. The proposal is for a 4/5 bed dwelling. The Council's parking standard is for a minimum of 1.0 space. The existing drive would be enlarged to create at least 2 off-street parking spaces. Cycle parking would be provided. There are no objections from the highway point of view.

Sustainability

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

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.

CIL

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

Conclusion

Having had regard to the above it was considered that the proposal 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.

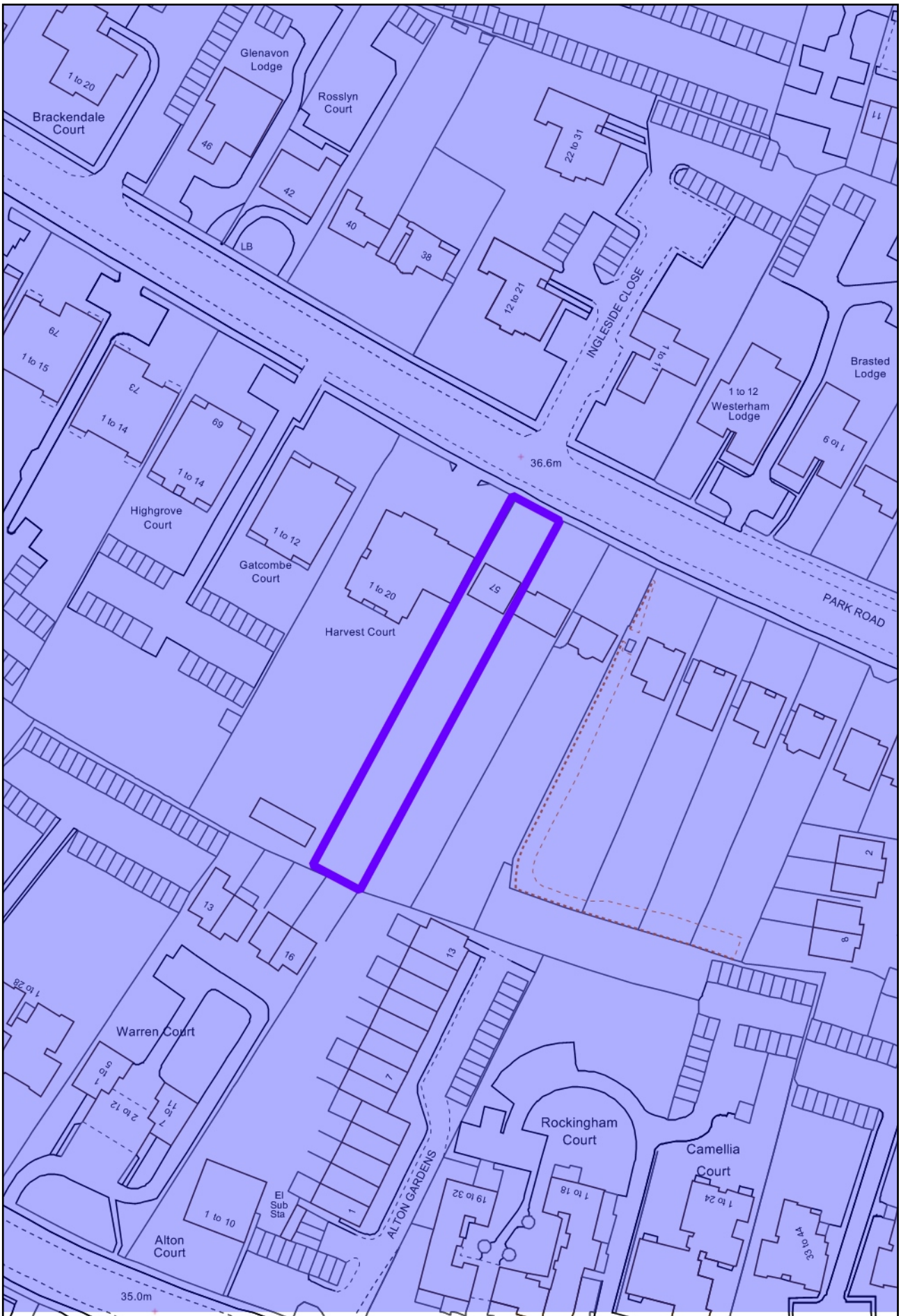
Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: REFUSAL

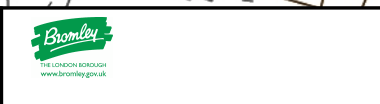
Grounds of refusal as follows:

- 1 The proposed development, by reason of its excessive footprint, massing and projection beyond the established rear building line, would result in an overdevelopment of the site and a detrimental impact on the character and appearance of this part of Park Road, contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 6 and 37 of the Draft Local Plan.**
- 2 The proposed development, by reason of its siting and excessive scale and massing, would result in a detrimental impact on the amenities of neighbouring residential properties by way of harmful visual impact and loss of light, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 6 and 37 of the Draft Local Plan.**

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/05270/FULL6

Ward:
Plaistow And Sundridge

Address : 2 Willoughby Lane Bromley BR1 3FZ

OS Grid Ref: E: 540915 N: 170217

Applicant : Mr Paul Murphy

Objections : YES

Description of Development:

Formation of new vehicular access on to Plaistow Lane

Key designations:

Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
Metropolitan Open Land
Open Space Deficiency
Smoke Control SCA 7
Smoke Control SCA 10

Proposal

The application proposes the formation of a new access point with crossover onto Plaistow Lane.

Location and Key Constraints

The application site (Gate House) is located at the entrance to the Sundridge Park estate at the Junction of Willoughby Lane and Plaistow Lane. Plaistow Lane is classified as a London Distributor Road. The wider estate is set within Metropolitan Open Land (MOL), which extends to include the Gate House site. It is also within the designated Grade II Sundridge Park Historic Park and Garden, which also includes the two Golf Courses. The Gate House is located within the setting of the Grade I Mansion House. It is considered that the Gate House is listed by being within the curtilage of Sundridge Mansion.

Comments from Local Residents and Groups

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

Objections

- The new drive is on the apex of a bend

- Location may result in an accident
- Conflict with other vehicles and pedestrians
- Crossing Willoughby Lane is already an uncomfortable experience as you need to take in 4 directions of traffic.
- Support the development of the Gatehouse but bollards are needed on either side of Willoughby Lane at Plaistow Lane.
- Concerns around safety

Comments from Consultees

Highways: As per policy T11 of UDP 2006 an access on a local distributor is normally permitted where there is no suitable alternative.

The applicant already has an access from Willoughby Lane so a new vehicular access from Plaistow Lane which is a local distributor cannot be permitted.

Conservation Officer No objections.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan

Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.17 Metropolitan Open Lane

Unitary Development Plan

BE1 Design of New Development
BE8 Statutory Listed Buildings
BE15 Historic Parks and Gardens
NE7 Development and Trees
T3 Parking
T11 New Accesses
T18 Road Safety

Emerging Local Plan

Policy 34 Highway Infrastructure Provision
Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings.
Policy 45 Historic Parks and Gardens
Policy 50 Metropolitan Open Land

Planning History

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

06/01103/FULL6 -Formation of vehicular access. Permission 24.05.2006

08/02131/FULL1 Replacement piers, walls and railings. Permission 16.02.2009

08/02134/LBC Replacement piers, walls and railings LISTED BUILDING
CONSENT 16.02.2009

14/04249/FULL1 Demolition of existing Gate House and erection of a two storey 2 bedroom dwelling with detached garage, gates and Pillars to Willoughby Lane and alterations to vehicular and pedestrian access. Refused 29.05.2015

14/04252/LBC Demolition of existing Gate House and erection of a two storey 2 bedroom dwelling with detached garage, gates and Pillars to Willoughby Lane and alterations to vehicular and pedestrian access. LISTED BUILDING CONSENT.
Refused 29.05.2015

15/03561/FULL1 Partial demolition and single storey extension to gate house and erection of garage and related works. Permission 10.12.2015

15/03688/LBC Demolition of the existing Gate House and erection of a two storey 2-bedroom dwelling with detached garage, entrance piers to Willoughby Lane, and alterations to vehicular and pedestrian access (Listed Building Consent). Refused 10.12.2015

15/03927/LBC Partial demolition and single storey extension to gate house and erection of garage and related works (Listed Building Consent) 10.12.2015

15/03928/FULL1 Demolition of the existing Gate House and erection of a two storey 2-bedroom dwelling with detached garage, entrance piers to Willoughby Lane, and alterations to vehicular and pedestrian access. Refused 10.12.2015

16/04940/FULL6 Detached double garage with storage above. Refused 21.12.2016

16/04968/LBC Listed building consent for removal of a chimney at first floor level. Consent 19.12.2016

Considerations

The main issues to be considered in respect of this application are the principle of development together with the highway impact and any harm to the Listed Building or MOL.

Principle

Policy T11 of the London Borough of Bromley Unitary Development Plan (Adopted July 2006) (UDP) relates to the creation of new accesses.

This policy states that when considering proposals for the creation of a new access, the Council will, subject to road safety requirements, apply the following principles:

- (i) Strategic routes: no direct access will normally be permitted;
- (ii) London Distributor Roads: limited access will be permitted only where there is no alternative;
- (iii) Local distributor roads: access will normally be permitted where there is no suitable alternative;
- (iv) Local access roads: will be permitted, subject to road safety requirements.

Paragraph 5.42 of Policy T11 states that the above principles are intended to ensure that the creation of new accesses will not create a road safety hazard or interfere with the free flow of traffic on roads where the needs of through traffic should take precedence. Any proposal must comply with the Council's Highway Design Criteria for New Development, with regard to sightline criteria and pedestrian visibility.

The policy applies where planning permission is required for formation of an access, that is, when the access will be on to a classified road. UDP Policy T18 advises that as appropriate the potential impact on road safety should be considered to ensure that road safety is not adversely affected.

It is noted that a new access was allowed in a similar location under ref: 06/01103/FULL6, however this was decided prior to the UDP being adopted.

The new access would be onto Plaistow Lane, which is a busy London Distributor Road. The access point would be situated on a bend within the road, which includes fast moving traffic in a northern and southerly direction. It is also within close proximity to Willoughby Lane and Edward Road to the north. The site already benefits from an existing access point which is onto Willoughby Lane and objections have been raised by the Council's highways officer.

As per policy T11 of the UDP limited access is permitted on London Distribution Route only where there is no alternative. However, in this case there is already an access from the north side of the site via Willoughby Lane. The location of the proposal would be within a bend on a busy and fast moving road, which is close to the entrance of Willoughby Lane and Edward Road to the north may constitute a danger to road users. The Council's highways officer has objected to the proposal. Accordingly, the proposed development would therefore be prejudicial to the free flow of traffic and safety within the highway. This would be contrary to UDP Policies T11 and T18 as they seek to avoid road safety hazards or interference with the free flow of traffic on roads.

From a conservation perspective the location, modest scale and nature of the proposed access and associated hardstanding would not interfere or harm the Statutory Listed Building, its setting or the special historical interest of the Registered Garden and MOL.

Conclusion

The proposed development would be prejudicial to the free flow of traffic and safety within the highway. This would be contrary to UDP Policies T11 and T18 as they seek to avoid road safety hazards or interference with the free flow of traffic on roads.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed access onto a London Distributor Road would result in a conflict with vehicular and pedestrian traffic, resulting in a road safety hazard contrary to Policies T11 and T18 of the UDP (2006).**

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Application:17/05270/FULL6

Address: 2 Willoughby Lane Bromley BR1 3FZ

Proposal: Formation of new vehicular access on to Plaistow Lane



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

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