



THE LONDON BOROUGH  
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DATE: 17 July 2018

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

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Katy Boughey, Mark Brock, Kira Gabbert, Simon Jeal, Tony Owen,  
Will Rowlands and Suraj Sharma

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on  
**THURSDAY 26 JULY 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**

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**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](mailto:planning@bromley.gov.uk)**

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**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 **DECLARATIONS OF INTEREST**
- 2 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 31 MAY 2018**  
(Pages 1 - 8)
- 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	Copers Cope Conservation Area	9 - 24	(18/00450/FULL1) - 115A High Street, Beckenham, BR3 1AG
4.2	Cray Valley East	25 - 44	(18/01427/RECON) - Compost Site on Land off Cookham Road, Swanley.
4.3	Bromley Town	45 - 54	(18/01766/FULL6) - 46 Ravensbourne Avenue, Bromley, BR2 0BP
4.4	Shortlands	55 - 62	(18/01936/FULL6) - 43 Tootswood Road, Shortlands, Bromley, BR2 0PB
4.5	Chislehurst	63 - 68	(18/02423/FULL6) - 25 Grove Vale, Chislehurst, BR7 5DS

### SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.6	Plaistow and Sundridge Conservation Area	69 - 88	(18/00028/FULL1) - 61 Plaistow Lane, Bromley, BR1 3TU

4.7	Bickley	89 - 98	(18/00907/FULL6) - Milestone, 46 Chislehurst Road, Chislehurst, BR7 5LD
4.8	Biggin Hill	99 - 112	(18/01271/FULL1) - 70 Sutherland Avenue, Biggin Hill, TN16 3HG
4.9	Crystal Palace	113 - 132	(18/01422/FULL1) – Hawthorns, 10 Lawrie Park Crescent, Sydenham, London SE26 6HD
4.10	Penge and Cator	133 - 146	(18/01566/RECON) - 14 Anerley Station Road, Penge, SE20 8PY
4.11	Petts Wood and Knoll	147 - 154	(18/01871/FULL6) - 30 Priory Avenue, Petts Wood, Orpington, BR5 1JF
4.12	Petts Wood and Knoll Conservation Area	155 - 164	(18/01873/RECON) - 172-174 Petts Wood Road, Petts Wood, Orpington BR5 1LG
4.13	Clock House	165 - 186	(18/01890/FULL1) - County House, 241 Beckenham Road, Beckenham, BR3 4FD.
4.14	Farnborough and Crofton	187 - 194	(18/02153/FULL6) - 36 Rusland Avenue, Orpington, BR6 8AT
4.15	Orpington	195 - 202	(18/02199/FULL6) - 21 Blenheim Road, Orpington, BR6 9BQ
4.16	Petts Wood and Knoll	203 - 210	(18/02289/FULL6) - 131 Petts Wood Road, Petts Wood, Orpington, BR5 1JY
4.17	Bromley Town	211 - 220	(18/02325/FULL6) - 56 Forde Avenue, Bromley, BR1 3EX
4.18	Kelsey and Eden Park	221 - 228	(18/02385/FULL6) - 89 Village Way, Beckenham, BR3 3NJ

#### SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.19	Copers Cope Conservation Area	229 - 236	(18/01757/FULL1) - 218 High Street, Beckenham, BR3 1 EN

## 5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Copers Cope	237 - 244	(DRR18/40) - 2 The Drive, Beckenham, BR2 1EQ
5.2	Cray Valley West	245 - 252	(DRR18/038) - Land adjacent to Tintagel, Cornwall Drive, Orpington.
5.3	Plaistow and Sundridge	251 - 264	(DRR18/03) - Untidy Site - 110 Avondale Road, Bromley

## 6 TREE PRESERVATION ORDERS

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



## PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 31 May 2018

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Katy Boughey, Mark Brock, Kira Gabbert, Simon Jeal,  
Tony Owen, Will Rowlands and Suraj Sharma

### 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All members were present.

### 2 DECLARATIONS OF INTEREST

Councillor Katy Boughey declared that she did not have an interest in Item 4.9.

### 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 22 MARCH 2018

**RESOLVED** that the Minutes of the meeting held on 22 March 2018 be confirmed.

### 4 PLANNING APPLICATIONS

#### SECTION 2

(Applications meriting special consideration)

#### 4.1 CLOCK HOUSE

**(18/00717/FULL1) - 255 Elmers End Road,  
Beckenham, BR3 4EJ.**

Description of application – Demolition of the existing dwellinghouse and the erection of a replacement building to provide 7 flats (2 x studio, 4 one bedroom and 1 two bedroom) together with bin and cycle storage, hard and soft landscaping.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Ian Dunn, in objection to the application were received at the meeting. The Chief Planner's representative reported that on page 13 of the Chief Planner's report, line 19, the words, 'Local Groups' should be deleted and 'West Wickham Residents' Association' should be inserted. Also on page 14,

line 2, the words 'The development is located to the east of Maple Road' should be deleted.

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

### **SECTION 3**

(Applications recommended for permission, approval or consent)

#### **4.2 PETTS WOOD AND KNOLL**

**(18/00107/FULL6) - 18 Ladywood Avenue, Petts Wood, BR5 1QJ.**

Description of application – Demolition of existing conservatory and garage with construction of a single storey rear extension with a part two storey side/rear and front extensions.

An email from the applicant had been received and circulated to Members and an email with an attachment containing the description of the Petts Wood Area of Special Character had been received from Councillor Simon Fawthrop and also circulated to Members.

Ward Member, Councillor Tony Owen, objected to the application and referred to a dismissed appeal that had taken place in February 2018 relating to a similar property in Ladywood Avenue and summarised the Inspector's comments. He read the description of the Petts Wood Area of Special Character and also a further representation from Ward Member, Councillor Fawthrop, in objection to the application that suggested the application be refused contrary to policies BE1, H7, H10 of the Unitary Development Plan and policies 3.4 and 3.5 of the London Plan. Councillor Owen also reported representations from Petts Wood Residents' Association in objection to the application that the proposed development would have an eighty per cent increase in footprint and would impact on Number 16. The application had been deferred without prejudice by Members of Plans Sub-Committee 1 on 22 March 2018 and Councillor Owen referred to the reasons for deferral and was disappointed that the applicant had not done as Members had asked.

Councillor Kira Gabbert had driven past the property and considered the proposed development to be a massive overdevelopment in an Area of Special Residential Character which would have an unbalancing effect on a pair of semi-detached houses.

Councillor Will Rowlands had visited the site and considered the proposed rear extension to be acceptable but objected to the proposed side extension due to its potential impact on neighbouring properties.

Councillor Alexa Michael had also visited the site and agreed with Councillor Rowlands.

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

1. The proposed development would not accord with the general character of the Area of Special Residential Character in respect of two storey development adjacent to the boundary which would constitute a cramped overdevelopment of the site, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies BE1, H8, H10 and H9 of the Unitary Development Plan, Draft Policies 8 and 44 of the Draft Local Plan and Policies 3.4 and 3.5 of the London Plan.

**4.3  
CHELSFIELD AND PRATTS  
BOTTOM**

**(18/00318/FULL6) - 29 Summerhill Close,  
Orpington, BR6 9PX.**

Description of application – Proposed side extension (ground and first floor) and ground floor front porch.

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

**4.4  
BROMLEY TOWN  
CONSERVATION AREA**

**(18/00520/FULL1) - 196-198 High Street, Bromley,  
BR1 1HE.**

Description of application - Reuse and conversion of the existing building to provide restaurant (Use Class A3/A4) at ground floor, office (Use Class B1) at first floor, long-term document storage (Use Class B8) at basement level and 3 no. residential apartments (Use

Class C3) above, plus demolition of existing single-storey and erection of new two storey extension building to rear and retention of existing stable block to provide gym and fitness studio (Use Class D2), with ancillary cycle parking and landscaping.

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

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

#### 4.5 PENGE AND CATOR

#### **(18/00707/RECON) - 213 Kings Hall Road, Beckenham, BR3 1LL.**

Description of application – Erection of 3 dwelling houses in accordance with parameters approved under planning consent ref: 17/00398/DET, with the exception of alterations to the proposed height and roofscape to the three garages, and alteration of the position of the garage associated with plot 1.

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

Ward Member, Councillor Simon Jeal, referred to the history of the site and to Condition 4 on appeal reference APP/G5180/W/16/3149502. Councillor Jeal and the Chairman both objected to the application and were of the opinion that the previous grounds of refusal had been implemented to protect the character of the area and residential amenity.

The Chief Planner's representative advised Members to consider the application as submitted as if it were a new application and to consider if the proposed amendments were acceptable.

Councillor Joel had visited the site on a previous occasion and supported the application. Councillor Katy Boughey sympathised with local residents but in planning terms she supported the application.

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

1. The proposal by reason of its increased height, size and siting is considered harmful to the character and setting of the wider area and detrimental to neighbouring amenity contrary to Policies BE1 and H8 of the Unitary Development Plan, Policy 37 of the Draft Local Plan and Policies 3.4 and 3.5 of the London Plan.

**4.6  
KELSEY AND EDEN PARK  
CONSERVATION AREA**

**(18/01004/FULL6) - 59 Manor Way, Beckenham, BR3 3LN**

Description of application – The erection of an outdoor swimming pool & raised terrace.

Oral representations in objection to the application were received at the meeting. The Chief Planner's representative reported that the case officer had visited the site on two occasions.

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 two further conditions to read:-

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

REASON: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the Unitary Development Plan.

2. Details of a scheme of landscaping which shall include additional tree planting along the boundary with neighbouring properties shall be submitted to and approved in writing prior to the use of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which

within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity. ”

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

#### 4.7 CRAY VALLEY WEST

#### **(18/01104/FULL6) - 7 Sherborne Road, Orpington, BR5 1GX**

Description of application - Creation of basement, roof alterations to include partial hip to gable and rear dormer, demolition of garage and erection of two storey front/side extension, elevational alterations and terrace with steps to rear (amendment to permitted ref 16/03526/FULL6).

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

The Chairman, and Councillors Gabbert, Jeal, Rowlands, Owen and Joel objected to the application as permission had previously been granted under reference 16/03526/FULL6 and the proposed additional development would be an overdevelopment and detrimental to the neighbour.

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

1. The proposed development would constitute an overdevelopment of the site by reason of its size and siting, out of character with the street scene contrary to Policies BE1 and H8 of the Unitary Development Plan, Draft Policy 37 of the Draft Local Plan and Policies 3.4 and 3.5 of the London Plan.

#### 4.8 BROMLEY TOWN

#### **(18/01288/FULL1) - Crossfit Bromley, Stockwell Close, Bromley, BR1 3UH**

Description of application – Change of use of property formerly used as a gymnasium (Class D2) to a food bank storage/distribution centre (Class B8).

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

**4.9  
CHISLEHURST  
CONSERVATION AREA**

**(18/01451/FULL1) - 46 Camden Park Road,  
Chislehurst, BR7 5HF**

Description of application – Demolition of existing dwelling and erection of a replacement two storey five bedroom house with basement and integral double garage.

Oral representations in support of the application were received at the meeting. Emails in objection to the application had been received from the neighbour on 30<sup>th</sup> and 31<sup>st</sup> May 2018 and circulated to Members. The Chief Planner’s representative confirmed that a letter of objection from the occupier of 44 Camden Park Road had been received during the application process and that two objections to the application had been received from the Chislehurst Society.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with a further condition to read:-

“1. No trees on the site (with specific regard to the three pine trees within the front amenity space) shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.”

REASON: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

**4.10  
BROMLEY COMMON AND  
KESTON**

**(18/01525/FULL6) - 27 Barnet Drive, Bromley, BR2  
8PG**

Description of application – Replace existing conservatory with a single storey rear extension.

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

#### **SECTION 4**

(Applications recommended for refusal or disapproval of details)

##### **4.11 COPERS COPE**

##### **(18/01360/FULL1) - 57 Park Road, Beckenham, BR3 1QG**

Description of application – Demolition of existing dwelling and erection of a part two/part three storey four bedroom detached house.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Russell Mellor, in objection to the application were received at the meeting. Supplementary information had been received from the agent and circulated to Members.

Councillor Mellor considered the application to be too large and overbearing and objected to the application and he asked Members to consider refusal on the grounds set out on page 151 of the Chief Planner's report. Councillors Joel and Boughey also objected to the application being an overdevelopment and detrimental to neighbouring properties.

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

The Meeting ended at 8.49 pm

Chairman



## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/00450/FULL1

**Ward:**  
**Copers Cope**

**Address :** 115A High Street Beckenham BR3 1AG

**OS Grid Ref:** E: 537275 N: 169398

**Applicant :** London Parades

**Objections :** YES

### **Description of Development:**

Reconfiguration of first and second floors, part 3/4 storey rear extension, conversion of loft space, alterations and extensions to the roof, elevational alterations all to form 18 units ( 8 x 1 bed and 10 x 2 bed) (an additional 10 units) together with refuse and cycle stores for 115-133 High Street, Beckenham.

### **Key designations:**

Conservation Area: Beckenham Town Centre  
Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 12

### **Proposal**

Planning permission is sought for the reconfiguration of first and second floors, part 3/4 storey rear extension, conversion of loft space, alterations and extensions to the roof, elevational alterations at 115-133 High Street, Beckenham to form 18 units ( 8 x 1 bed and 10 x 2 bed) (an additional 10 units). Other associated works include the creation of a new bike and bin store in the rear yard of the site. No parking spaces will be provided as part of the development.

The extension would project 2.9m with a further 1m projection of a balcony adjacent to the northern boundary with The George Inn, the extension would have a maximum projection at first and second floors of 7m in the middle of the building. The extensions when measured from ground level would have a maximum height of 11.5m.

The extensions would be finished in facing brickwork to match the host building.

The application was supported by the following documents

- Daylight/Sunlight Report
- Energy Report

## **Location and Key Constraints**

The application site comprises a three storey building located on the east side of High Street, Beckenham. The site currently consists of two commercial units at ground floor and 4x2 bedroom flats at floors 1 and 2. The site is predominately characterised by commercial units at ground floor with examples of residential floorspace above. The site is situated to the south of the High Street (A222) and is classified as a London Distributor Road. The site has a high PTAL rating of 5 with 6a being the most accessible. The site is also located within the Beckenham Town Centre Conservation Area.

## **Comments from Local Residents and Groups**

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

- Proposal will block the light and bring out privacy issues. Our windows face the space where you want to extend 115 High Street upwards.
- The plan is to alter a Tudor-like building, has it been approved, I would believe it would be a listed building.
- Doubling the number of people on a building originally built for a number of flats will have an impact on pollution, noise and will not provide good quality of living for the new inhabitants. It is solely a for-profit develop, maximizing the revenue for the minimum space. Does it agree with Beckenham, to have people living like that?
- If I walk into my living room the view from the window is currently half sky and half roof. The proposed elevation plans will leave me looking at a Roof.
- Concern over construction works in terms of noise and dust pollution and the general nuisance that goes along with building works.
- Serious consideration should be given to the timing of this project as if it were to go ahead over the Summer local residents would not be able to open their windows making for unpleasant living conditions.

## **Comments from Consultees**

### Design out Crime:

Some concerns have been raised given the location of the development; accordingly a 'Secured by Design' condition has been requested if planning permission is granted.

### Drainage Engineer:

No Comment

### Highways:

In highway terms, no parking is proposed. The development is located to the south of High Street, Beckenham. High Street, Beckenham (A222) is a London Distributor Road (LDR). There are Pay & Display within close proximity of the premises; also the site is located within a high PTAL area. Furthermore there is a public car park within walking distance of the site.

I am of the opinion that the development would not have a significant impact on the parking demand and traffic generation within the surrounding road network. However the applicant should offer the first occupiers free membership for two years of the nearest car club, 20hrs free drive time and information to all residents. Furthermore, in order not to put pressure on the existing parking situation, future residents of the development should not be eligible to apply for parking permits.

### APCA:

Object the design in too bulky at high level. Contrary to policies BE1 and BE11 of the UDP.

### Conservation Officer:

Views into the back of the site can be had from within the grounds of the listed George Inn pub and across that site from the north east along the High Street. The extensions at the high level would appear very bulky and unrelieved in a manner that I would feel causes some harm to both the setting of the listed building and the Conservation Area. Therefore I believe the proposal is contrary to BE11 and without sufficient public benefit would fail to overcome para 134 of the NPPF in regards to less than substantial harm.

### Thames Water:

Requested conditions regarding Surface Water Drainage and no piling unless a method statement is approved.

### **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.

#### National Planning Policy Framework (2012):

Chapter 7- Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

#### London Plan (2016):

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 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 7.8 Heritage Assets  
Policy 7.14 Improving Air Quality  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

Unitary Development Plan (2006):

BE1 Design of New Development  
H8 Residential Extensions  
BE7 Railings, Boundary Wall and Other Means of Enclosure  
BE8 Statutory Listed Buildings  
BE11 Conservation Areas  
H1 Housing Supply  
H7 Housing Density and Design  
H8 Residential Conversions  
H9 Side Space  
T1 Transport Demand  
T3 Parking  
T7 Cyclists  
T18 Road Safety

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

Emerging Local Plan (2016):

Draft Policy 1 Housing Supply  
Draft Policy 4 Housing Design  
Draft Policy 3 Backland Development  
Draft Policy 8 Side Space  
Draft Policy 37 General Design of Development  
Draft Policy 30 Parking  
Draft Policy 38 Statutory Listed Buildings  
Draft Policy 41 Conservation Areas

**Planning History**

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

17/01348/FULL1 - Planning permission was granted on 26.05.2017 for the reconfiguration of first and second floors from 4x2 bedroom flats to form 8x1 bedroom flats (4 additional units).

17/05068/FULL1 - Planning permission was granted on 12.01.2018 for the reconfiguration of first and second floors, conversion of loft space to form 12 units (5x1bed and 7x2 bed) (4 additional units), part 3/4 storey rear extension,

alterations and extensions to the roof, elevational alterations together with refuse and cycle stores for 115-133 High Street, Beckenham.

## **Considerations**

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

- Principle
- Design, Impact on the Conservation Area and adjacent Listed Building
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL
- Planning Obligations

### Principle:

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.

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 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.

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.

In terms of 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 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). This site is considered to be in a 'central' setting and has a PTAL rating of 5 giving an indicative density range of 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 650-1100 habitable rooms / 240-435 units per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

As the scheme is mixed-use, the calculation of residential density is based on a site area that is reduced by an amount that is equivalent to the proportion of total floorspace allocated to non-residential uses. This equates to a proposed residential density of approximately 895 habitable room per hectare.

Draft Policy 4 of the Local Plan where development should have regard to the London Plan, balanced against respecting local character. The density matrix is not to be applied mechanistically, and Policy 3.4 and 3.5 of the London Plan, as well as Draft Policy 4 of the Local Plan, require a balance between optimising density with a consideration of the local context and character. It is noted that the existing commercial floorspace is to be retained together with the re-configuration and additional units within the recommended range set out in the London Plan and UDP.

Whilst the density is in line with policy, density levels serves as an indication of the likely impact of development.

As outlined above, the application site is situated in an area of commercial activity, where many of the existing units above ground floor level comprise of residential accommodation, including the host property. As such the internal reconfiguration of the units maybe acceptable however given the restricted site the extensions

proposed need to be fully considered and any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of additional residential units on the land needs to be considered in respect of the impact 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, Impact on the Conservation Area and adjacent Listed Building:

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.

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.

In addition, Policy BE11 of the UDP outlines that new development proposals, will be expected to be of a high standard of design and layout, attractive to look at, complement the scale, form, layout and materials of adjacent buildings and areas and not detract from the character area and the street scene of the Borough's Conservation Areas.

BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and



areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The site lies adjacent to The George Inn, which is a Grade II Listed Building, for proposed development which may affect a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.

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 London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment.

The alterations to the building are at the rear, however due to the location of the site to the rear of Beney Court and adjacent to the Grade II listed George Inn the rear of the site is visible. The alterations proposed which would utilities matching materials to blend in with the host building however the size and scale of the proposed additions are considered not to be sympathetic additions to the host buildings and would be considered a disproportionate addition to the host building resulting in a very limited space surrounding the rear of the site.

As such it is considered that the proposal would be an overdevelopment of the site and have a detrimental impact to the character or appearance of the host building, the Beckenham Town Conservation Area, harm to the setting of the adjacent

Grade II Listed Building and the visual amenities of the locality. Taking this into account, the proposal would therefore not comply with the Policy objectives of the UDP, London and NPPF as set out above.

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 Governments National Housing Standards.

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 37sqm for the 1B/P, 50-53sqm for the 1B/2P and 64-94sqm for the 2B/3P units. The nationally described housing standards state that a 1B/1P should provide 37m<sup>2</sup>(with a shower room 39m<sup>2</sup> with a bathroom), 1B/2P - 50m<sup>2</sup>, 2B/3P - 61 m<sup>2</sup>. The room sizes stated on the submitted plans for the proposed flats would comply with these standards.

In addition, the Mayor's Housing Supplementary Planning Guidance (SPG) (March 2016) provides guidance on the implementation of housing policies in the 2015 London Plan and the 2016 Minor Alterations to the Plan (MALP), replacing the 2012 Housing SPG. The SPG provides guidance on Private Open Space stating a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings.

The submitted plans show 12 balconies these are shown 3 of these have replaced the previous steel staircase. There is no allocated private amenity space for the other units, however, it should be noted that there is no amenity space for the existing units and the application site is constrained by the existing building footprint, given its central location along the High Street and the availability to local open space and parks the layout the proposal is considered acceptable.

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.

Given the sites PTAL level the and close distance to public car parks the proposal is not anticipated to have a significant impact on the parking demand and traffic generation within the surrounding road network. Furthermore, the car free proposal is supported by the London Plan. However, the Council's Highways team outline that in order to not put pressure on the existing parking situation in the surrounding area future residents of the development should not be eligible to apply for parking permits, which will be conditioned as part of the decision. In addition, the Highways team encourage that the developer offer first occupiers free memberships for two years, 20 hours free drive time and information to all residents about car clubs in the surrounding area. Whilst free membership is desirable it is considered that the applicant, by way of condition, joins an existing car club in the locality. In regards to cycle storage a cycle store is proposed which is acceptable.

#### 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 London Plan Policy 7.6.

It is considered that the reconfiguration of first and second floors together with the conversion of loft to create 18 units (10 additional units) would not result in any significant increase in noise and disturbance over and beyond the current situation given the Town Centre location.

Concerns have been raised in representations regarding the overbearing mass and scale of the building and loss of privacy.

The concerns in respect of the scale of the building have been assessed above. In addition to this the quantum of residential units has been significantly increased on site. This results in an increased intensity of outlook to the rear of the property overlooking private garden areas at close proximity from significantly more future occupiers. Currently there are windows facing onto Beney Court; however nine of the new units will be only single aspect and directly face towards the flank of Beney Court.

In terms of loss of light, a daylight/sunlight report has been produced, this shows that the main windows serving Beney Court are north facing and as such there would be limited impact on the windows in terms of loss of daylight and sunlight. However it should be noted that the development as it is north facing included windows in the eastern and western flank elevations and roofslope to provide additional daylight and sunlight to the units. Whilst it is appreciated that the windows to the west are secondary given the orientation and proximity to the proposed development it is considered that on balance the development would

have an impact on the neighbouring properties in terms of loss of light to these units however may not be considered sufficient to warrant a reason for refusal alone.

With regards to loss of privacy, 12 balconies are proposed and these would be facing the boundary with Beney Court and the private amenity space associated with these flats. It is considered that there would be direct overlooking given the relationship with the proposed development and the private amenity space. With regards to the windows there are flank windows in the top floor flat that directly face the development site, these are not high level and therefore may result in direct overlooking and loss of privacy contrary to Policy BE1 of the UDP and 7.6 of the London Plan.

Given the closer proximity of much of the proposed rear elevation to the flank elevation of Beney Court it is considered that the proposal would be detrimental to neighbouring amenity in terms of overshadowing, loss of light, overbearing impact, overlooking and loss of privacy.

With regards the concerns raised in respect of noise, disturbance and pollution during construction a Construction Management Plan Condition has been suggested to mitigate any problems arising from deliveries times associated with the school times and disturbance to nearby residents and the adjacent nursery building. This condition will also cover mitigation methods for dust and other pollutants.

#### 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.

Even though this scheme is a conversion of an existing building and, hence, the requirements are more flexible than for a new-build, the energy report produced shows how the development would strive to achieve a 35% reduction in CO2 emissions.

The report concludes that an average reduction in CO2 emissions of 35.42 % per year across the 18 flats, can be achieved through energy efficiency measures, using improved building fabric, passive measures, increasing the efficiency of the building services and finally installation of a renewable energy source.

Refuse:

A new bin store is proposed as part of the development, also there is space within the rear yard of the site to accommodate refuse and recycling bins. As a result, it is considered that further details can be conditioned if planning permission is forthcoming.

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.

Planning Obligations:

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

The Planning Practice Guidance outlines circumstances where infrastructure contributions through planning obligations for affordable housing should not be sought from developers. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000m<sup>2</sup> (gross internal area).

In this instance, only 10 units are proposed with a floor space of 550m<sup>2</sup>. Therefore affordable housing would not be required from the developer.

With regards to Health and Education contributions have been sought and are set out below:

Health: £2,468.00

Education: £8,415.94

These contributions have been sought and would need to be agreed with the developer if planning permission was granted.

## **Conclusion**

Taking into account the issues discussed above it is considered that the proposed development by reason of its size, scale, height, massing and design represents a visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout of the locality resulting in significant harm to the character and appearance of the area and surrounding development and be harmful to the residential and private amenities of neighbouring property and visual amenities of the area. The development by reason of increased overlooking, overbearing nature, siting and proximity to neighbouring buildings and rear property boundaries would also have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property to the rear and flank boundaries contrary to Policies BE1, B11 and H7 of the UDP and London Plan Policies 7.4, 7.6 and 7.8.

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 14.05.2018 29.03.2018 11.05.2018 03.07.2018**

## **RECOMMENDATION: APPLICATION BE REFUSED**

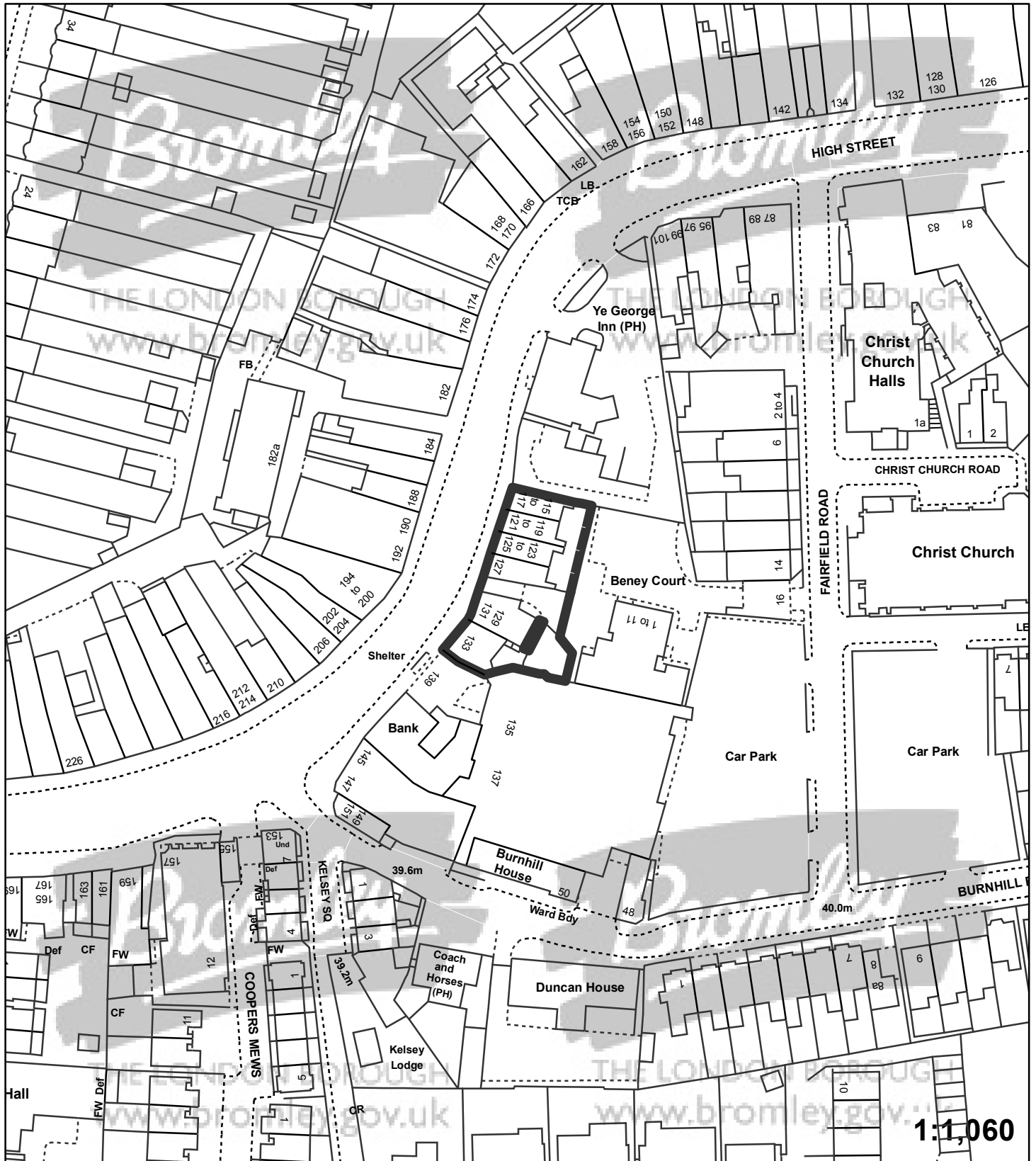
**The reasons for refusal are:**

- 1 The proposed development by reason of its size, scale, height, massing and design represents a visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout of the locality resulting in significant harm to the character and appearance of the Beckenham Town Conservation Area, the setting of the neighbouring Grade II Listed Building and surrounding development and be harmful to the residential and private amenities of neighbouring property and visual amenities of the area contrary to Policies BE1, BE8, BE11 and H7 of the Unitary Development Plan (2006), Policies 4, 37, 38 and 41 of the Draft Local Plan (2016) and Policies 7.4, 7.6 and 7.8 of the London Plan (2016).**
- 2 The proposed development by reason of increased overlooking, overbearing nature, siting and proximity to neighbouring buildings and property boundaries would have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property to the rear and flank boundaries contrary to Policies BE1 and H7 of the Unitary Development Plan (2006), Policies 4 and 37 the Draft Local Plan (2016) and Policy 7.6 of the London Plan (2016).**

**Application:**18/00450/FULL1

**Address:** 115A High Street Beckenham BR3 1AG

**Proposal:** Reconfiguration of first and second floors, part 3/4 storey rear extension, conversion of loft space, alterations and extensions to the roof, elevational alterations all to form 18 units ( 8 x 1 bed and 10 x 2 bed) (an additional 10 units) together with refuse and cycle stores for 115-133 High



"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 :** 18/01427/RECON

**Ward:**  
**Cray Valley East**

**Address :** Compost Site On Land Off Cookham  
Road Swanley

**OS Grid Ref:** E: 549141 N: 169599

**Applicant :** Tamar Organics Ltd

**Objections :** YES

### **Description of Development:**

Variation of condition 1 of application ref 10/03429/VAR to enable the use of the site for the purposes of composting green waste and the reception and transfer of wood waste which shall not exceed 38,500 tonnes per annum with a maximum of 5,000 tonnes per annum of wood waste.

Key designations:

Smoke Control SCA 20

### **Proposal**

Planning permission is sought to vary condition 1 of permission 10/03429/VAR to increase the tonnage throughput of green waste from 28,500 tonnes per annum to 38,500 tonnes per annum. The current permission allows a maximum of 5,000 wood waste to be received per annum and this will not change.

The composting process is carried out through the receipt of green waste which is initially sorted and shredded and then placed in a series of windrows which are turned regularly moving the product from the north-west to the south east part of the site. This process takes 7 weeks and produces graded compost. The finished product is stored in the south east corner of the site and supplied to local agricultural suppliers and a nearby quarry for blending to produce top soils.

The site can accommodate 15 windrows with a combined storage capacity of 7,000 tonnes at any one time. The turnaround time for each windrow is 7 weeks so the overall capacity of the site is 60,666 tonnes per annum. This site limit is limited by the Environment Agency permit.

Vehicle access to the site is from the A20 via Old Maidstone Road and along Cookham Road. This road is only used by this site and Cookham Road Stables. The site has a secondary access but the applicant advises that this is not used on a daily basis but only for emergency purposes.

The applicant advises that the variation of the condition will allow the site to be used more efficiently by utilising latent capacity, specifically a quicker turnaround

time. The proposal does not involve any physical works, nor will it require any additional plant and machinery to be employed. A plan has been submitted showing the apportionment of the site for different activities and shows that the areas used for the processing of products and the final product area will remain the same as existing.

The proposal will result in an increase in vehicle activity for dropping off waste and collection of the end product which is compost. A Transport Statement (TS) has been submitted to establish the extent of additional traffic generation. It should be noted that existing vehicle access arrangements will remain unchanged.

The TS, and other additional supporting documents, are summarised below:

#### Bioaerosol Assessment

This report considers the risk of composting bioaerosols on potential receptors within 250m of composting activities. The receptors are Cookham Road Stables and West View on the B2173.

The site operations for the increase in the tonnage will be the same or similar to the current site operations. It is anticipated that there may be a slight increase in bioaerosols from the stored or shredded area but the proposed operation will be within acceptable levels. The report finds that the predicted long and short term levels of bioaerosols and Aspergillus at the identified receptors will all be below the acceptable levels.

The report recommends that to reduce the bioaerosol risk, the windrows should be turned when the wind is blowing away from the sensitive receptors.

#### Noise Statement

The report advises that planning permission was granted for an anaerobic digester (AD) in 2012 with a capacity of 46,000 tonnes per annum and the noise report submitted to accompany that application found that there would be no increase in ambient noise at night time from the additional operational tonnage. There would be a marginal increase in noise during the daytime due to additional vehicle activity which would not be sufficient to generate complaints in environmental noise terms.

The applicant considers that this is relevant to the current application and goes on to say that existing hours of operation will be unchanged and increased vehicle activity from the proposed use of the site will be less than that proposed by the AD. As such the report concludes that there will be no impact on ambient night time noise levels and it is difficult to see how a material impact on neighbour amenity would result from the proposal.

#### Odour Survey and Assessment

The report carries out a field survey to assess the existing presence, strength, character and extent of odour from the existing operation of the site using a 'sniff test.' The report finds that at the closest sensitive receptor (Cookham Road Stable)

the odour does not currently exceed the assessment level set out in recognised Environment Agency Guidance H4 Odour Management (March 2011).

The increased tonnage will use the same operational process and activities will be in the same position on the site. The report concludes that there may be a slight increase in odour emissions from the shredding and storage areas but this will remain at an acceptable level.

The report advises that the site operator has not received any odour complaints in 2017 or January 2018.

### Transport Statement

This statement sets out the policy requirements in respect of transport and highway impact and identifies the baseline conditions in respect of existing deliveries and collections. It forecasts the expected uplift in vehicle movements and assesses the impact on the highway network. In summary, the report finds that there will be an uplift of 1-2 additional vehicle movements an hour and concludes that this will not have an adverse impact on the highway network.

### Planning Statement

This statement seeks to describe the site and surrounding area and sets out the details of the applicant's case in support of the proposal explaining how it addresses the development plan policy requirements and environmental impact of the proposed increase in throughput.

### **Location**

The application site is located on the south western side of Cookham Road approx 250m to the south of the junction of Cookham Road and Old Maidstone Road. To the north the land rises with fields, the A20, Old Maidstone Road and Joyden's Wood beyond. The land initially falls then rises to the south of the site towards Chapman's Lane, Hockenden Woods and Pauls Cray Hill Park beyond. To the west the land, again, initially falls away towards the Cray Valley Golf Course but rises towards Ruxley Manor Nursery beyond the A20. To the east the land is primarily flat.

Vehicular access to the site is via Cookham Road which leads off Old Maidstone Road and is a single track road. A barrier has been installed across the highway close to the junction with Old Maidstone Road which is closed each evening restricting access to the road. There is no access from Cookham Lane to Hockenden Lane so Cookham Lane is effectively a no through road.

There are residential properties and businesses in the area between the A20 and Old Maidstone Road, known as Upper Ruxley. There is one farm to the east of the site, Burnt House Farm, and Westview Nursery to the north with residential properties further east along Cookham Road and along Hockenden Lane.

The borough boundary with London Borough of Bexley is Old Maidstone Road and with Sevenoaks District Council the boundary is the A20.

A Site of Importance to Nature Conservation is located at Hockenden Sand Pit approximately 500m to the south of the site and the site lies within the Green Belt.

There are public footpaths leading directly north and south from the site. In addition there is a footpath approximately 750m to the west extending from Maidstone Road, across a footbridge over the A20, and through the Cray Valley Golf Course to Sandy Lane.

### **Comments from Local Residents**

Nearby properties were notified and 6 representations objecting to the proposal have been received at the time of writing this report. The comments received are summarised below:

- Constant stream of HGV's using Old Maidstone Road, leading to damage to garden walls and vehicles mounting pavements. The road is narrow and access to the site is very tight. Suggest a one way system in Old Maidstone Road with a slow speed limit. Cameras to catch lorry drivers dumping rubbish from their cabs.
- Vehicles start arriving at 6.15am some mornings creating noise and disturbance. Some vehicles park overnight. Suggest resident parking only from 7pm to 7am.
- Lorries not evenly spaced in terms of arrival times with early morning and afternoon peaks and there is congestion with other business users in Old Maidstone Road - also lot of emissions having an impact on air quality.
- Impact of microbes on health from existing and additional waste. Compost heap is increasing in height and could increase risk of microbes.
- The use should operate in a more rural area.
- Increased noise pollution from more lorries.
- Lorries are a hazard to walkers in Cookham Road.
- Poor pavement provision in Old Maidstone Road so not safe from lorries.
- Don't object providing lorries don't use Hockenden Lane.
- Odour is very unpleasant now and will get worse. Odour levels were measured during the winter but the smell is worst in the summer - need better odour control system.
- More dust and dirt created by the increase in tonnage..
- Litter around the perimeter of the site is unsightly.

### **Comments from Consultees**

- Highways and Transport

"A Transport Statement was included with the application. The current limit is 28,500 tonnes pa with a maximum of 5,000 tonnes of wood waste. The TS gives a breakdown of the deliveries which shows this equates to 11,715 (one-way) trips pa and when spread over 280 working days gives 42 vehicles per day. In terms of taking material away from the site this gives 2 vehicles a day. There are a total of

86 two way vehicle movements or 8 - 9 vehicle movements per hour. The vast majority (89%) are lorries less than 7.5 tonnes with 4 - 5 large HGV's per day.

With the proposed increase in throughput the corresponding numbers of vehicles would be 15,674 trips pa or 56 vehicles per day. Including removing material this would give a total of 116 two way movements per day or 12 - 13 vehicle movements per hour. This would be an extra 4 vehicle movements per hour including an additional 2 - 4 2 HGV movements per day.

The vehicles travel to and from the site via Old Maidstone Road and Maidstone Road. There is about 600 - 700m of the route within LB Bromley and then Maidstone Road lies within LB Bexley. I assume they should be consulted on this application.

I have no information that would contradict the trip generation figures provided. I cannot see any accident record on the route within LB Bromley. Given the level of increase in trips I think it would be difficult to sustain a ground of refusal.

I assume the additional vehicles can be accommodated on the site, I'm not sure if that should be conditioned?"

Further to the query above, the applicant has submitted additional information and plans to show the internal parking area and swept path for HGV's and the Highways Officer raises no objection.

- The Council's Drainage Officer has no comment.
- The Council's Environmental Health Officer advises that he has looked at this application and based on the conclusions of the three Specialists' Reports submitted would have no objections to permission being granted.

He further advises that 'The Applicants state that there have been no complaints yet Environmental Health have received three complaints of smells in the past five years as well as a small number of complaints of noise from delivery lorries as early as 6.00 am.'

- Environment Agency advise they have received a permit variation application. They have no comments on the proposal to increase the tonnage throughput and are reviewing the permit variation application and will raise any concerns through the permit application process.
- Thames Water advise that there will be no impact on Thames Water and they have no comments to make.
- The Greater London Authority advise that, given the scale and nature of the proposals, they conclude that the amendments do not give rise to any new strategic planning issues.

## **Planning Considerations**

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:

ER2 Waste Management Facilities  
EMP6 Development Outside Business Areas - non-conforming uses  
T2 Assessment of Transport Effects  
T3 Parking  
T17 Servicing of Premises  
G1 Green Belts  
BE1 Design of New Developments

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 subject to Examination in December 2017 and the Inspectors report has been received. The Council has commenced consultation on the Draft Local Plan Main Modifications which closes on 10.8.2018.

Current draft Policies relevant to this application include:

Policy 30 Parking  
Policy 31 Relieving Congestion  
Policy 32 Road Safety  
Policy 37 General Design of Development  
Policy 49 Green Belt  
Policy 112 Planning for Sustainable Waste Management  
Policy 113 Waste Management in New Development

Policy 114 New Waste Management Facilities and Extensions and Alterations to Existing Sites  
Policy 119 Noise Pollution  
Policy 120 Air Quality  
Policy 121 Ventilation and Odour Control  
Policy 123 Sustainable design and construction  
Policy 124 Carbon reduction, decentralised energy networks and renewable energy

#### Appendix 10.11 Waste Site Allocations

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

2.7 Outer London: Economy  
5.16 Waste net self-sufficiency  
5.17 Waste capacity  
6.3 Assessing effects of development on transport capacity  
6.13 Parking  
7.4 Local character  
7.14 Air quality  
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
7.16 Green Belt

Sustainable Design and Construction SPG (April 2014)  
Land for Industry and Transport SPG (September 2012)

Please note that the Draft London Plan has been issued for consultation. The policies will be subject to examination and 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)."

#### 3. National Policy

The National Planning Policy Framework 2012 (NPPF) is relevant, particularly paragraph 5 which refers decision makers to the National Waste Management Plan for England.

National Planning Policy for Waste (2014)

## National Planning Practice Guidance (NPPG)

Please note that consultation on revisions to the NPPF has been issued and expires on 10.5.2018. Also a Draft Planning Practice Guidance has been issued.

### Planning History

The site has been the subject of numerous previous relevant applications as follows:

DC/01/03814/AGRIC Hardstanding for composting (Upper Hockenden Farm) Determination in respect of agricultural permitted development rights. Approved 13.12.2001

DC/03/03110/FULL1 Waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer. Approved 21.5.2004

DC/04/04280/VAR Removal of condition 1 of application 03/03110 to enable permanent use of the site for waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer. Approved 21.2.2005

DC/09/03618/FULL1 Composting facility buildings for reception of food and green waste, anaerobic digestion process, digestate maturation process and conversion of methane gas to electricity together with liquid feed tanks, bays/structures to store finished products, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open windrow composting facility). Approved 30.3.2012

DC/10/03429/VAR Variation of condition 14 of application ref. 04/04280/VAR to enable use of the site for reception and transfer of up to 5,000 tonnes of wood waste per annum in association with existing waste composting facility. Approved 18.4.2011.

### Conclusions

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development
- Layout and Siting
- Highways and Traffic Matters ((including Cycle Parking and Refuse)
- Impact on Neighbour Amenity
- Trees and Landscaping
- Other technical matters

#### Principle of Development



The National Planning Policy for Waste (2014) sets out national policy for dealing with waste proposals and the Government ambition to work towards a more sustainable and efficient approach to resource use and management. This document provides the strategic context for this application and encourages development that will help deliver sustainable development and resource efficiency and helps to drive waste management up the waste hierarchy.

The London Plan Policy 5.16 reiterates the policies of the strategic document and encourages boroughs to manage as much of London's waste in London as possible working towards the equivalent of 100% within London in 2026. Targets for collection of recycling/composting waste are also set, with aims to achieve 45% by 2015 and 60% by 2031. The Plan also encourages collaborative working with other boroughs to achieve this and other waste planning goals.

UDP Policy EMP6 seeks to encourage the inclusion of environmental improvements where proposals to extend business activities on sites containing non-conforming business uses that are outside designated business areas. The site lies outside a designated business area.

Policy G1 relates to development in the Green Belt and, in this instance, requires that permission will not be granted for development that is inappropriate unless very special circumstance can be demonstrated that clearly outweigh the harm by reason of inappropriateness.

Draft Local Plan Policy 112 sets out the way forward for the borough and proposes the allocation of the site as a Strategic Waste Site which will safeguard the site for waste use only. The policy also proposes working in collaboration with other south east London boroughs to deliver the London Plan waste apportionment targets. In terms of the weight to be given to the policy, the site allocation has not been challenged by any representors, nor the Greater London Authority, and, given the stage of plan development, it should be given significant weight, in accordance with NPPF guidance.

In the Planning Statement, the applicant makes the case to support increasing the capacity to take green waste at the application site. Reference is made to the collaborative approach supported in the London Plan and Bromley is part of a working group of south-east London boroughs including Bexley, Bromley, Greenwich, Lewisham and Southwark that are working together to meet their apportionment targets. The submission documents for the emerging Local Plan includes the London Borough of Bromley Southeast London Joint Waste Technical Paper (Sept 2016)' which sets of waste projections and apportionment for the borough and reveals that Bromley is a net exporter of all types of waste to other boroughs in the group.

In terms of green waste, the GLA Waste Forecast & Apportionments' Paper identifies that boroughs across the capital export more green waste that they process and this goes against the London Plan and National Planning Policy for Waste proximity principle to deal with London's waste in London. The GLA document also identifies a list of safeguarded waste sites and the Cookham Road

site is the only safeguarded site in the working group area that deals with green waste.

Additional indicators that the applicant puts forward to support the increase in tonnage processed at a well-established existing site include the following:

- Weighbridge data shows additional demand,
- The site is strategically well placed to process waste in Bromley and the surround boroughs in line with the proximity principle,
- Increased throughput will increase south-east London's self sufficiency, and
- Increased use of Cookham Road will reduce transport miles and unregulated facilities, fly tipping and material descending the waste hierarchy.

Turning to UDP Policy EMP6, the applicant sets out significant environmental advantages to diverting organic waste from landfill and creating a final product that reduces the need for fertiliser production and the use of pesticides. In addition there is 'extensive planting and variety of native species that bound the site. The lagoon provides additional habitat for different species. The bund acts as a natural noise barrier and containment of the site, while fencing serves to prevent the escape of debris during high winds. It is also worth bearing in mind the numerous planning conditions already in place that minimise the site's environmental impacts, such as controlling drainage discharge; and how materials are stored. Conditions also help safeguard neighbour amenity, for example relating to hours of opening and the removal of mud from vehicles exiting the site. As such, environmental impacts from this site are minimised, both in terms of biodiversity and amenity.' More recently the applicant has voluntarily planted a new hawthorn hedge adjacent to the weighbridge.

The proposed development will recommend the continued use of conditions to safeguard the amenity of residents. On this basis it is considered that the proposal to extend the capacity of the site will meet the requirements of Policy EMP6.

In terms of Green Belt policy, the use of land for waste purposes is inappropriate by definition. However this is a long established site and the proposal is to increase the tonnage throughput for composting. For the reasons set out above, this can be achieved without affecting the openness of the site or the purpose of including the land in the Green Belt.

On this basis the proposal is acceptable in this location.

In summary, there is clear policy support to retain and make use of any existing green waste site and, as such, it is considered that the proposed increase in use of the site is acceptable in principle.

### Layout and Siting

UDP Policies BE1, and London Plan Policies 7.4 and 7.6 set out specific policy requirements relating to the design of new development, the standard that the development is expected to meet and the impact on the occupants of nearby properties.

In this case the applicant advises that the proposal does not involve any physical works, nor will it require any additional plant and machinery to be employed. A plan has been submitted showing the apportionment of the site for different activities and shows that the areas used for the processing of products and the final product area will remain the same as existing.

As such, it is considered that the additional waste will not have an impact on layout and siting on the site. The impact on nearby properties is discussed below.

#### Highways and Traffic Matters (including Cycle Parking and Refuse)

In policy terms, the relevant UDP policies are T2 (transport effects), T3 (parking) and T18 (road safety). The London Plan policy 6.3 requires assessment of the impact of development on the transport capacity to ensure that the projected level of traffic generation will not have an adverse impact on the surrounding road network and policy 6.13 seeks to ensure sufficient space for parking and servicing of business premises.

In terms of the impact on the highway network, the submitted Transport Statement (TS) first identifies the existing vehicle movements to and from the site to deal with permitted imports of 28,505 tons of green and wood waste and exports of the resultant compost. In total there are approximately 43 vehicles per day; approximately 4-5 vehicles per hour.

The forecast vehicle movements for importing 38,500 tonnes of green waste and exporting the resultant compost is a total of 58 vehicles per day; 6-7 vehicle per hour.

This represents an average of 1-2 additional vehicles per hour over a 9 hour working day (this being the permitted hours of operation for the site).

The report shows that the majority of vehicle movements (89%) are less than 7.5 tonnes with 4-5 HGV's per day. Vehicles travel to the site via Old Maidstone Road which lies within the London Borough of Bexley.

The TS also refers to the 2012 planning application for an anaerobic digester on this site taking in 46,000 tonnes per annum, which forecast an additional 8 vehicle movements per day or 1 per hour. The Council approved this increase in activity.

Onsite car parking is provided for all staff and the applicant has submitted additional information and plans to show that the reception and collection area is sufficient to allow tipping by multiple vehicles and ample manoeuvring space and parking space for waiting vehicles. The swept path shows that HGV's have sufficient space to turn within the site for tipping and collection purposes.

The applicant advises that they have received complaints from residents that drivers have been parking in Old Maidstone Road awaiting the opening of the site in the morning. This is endorsed by objections received as a result of consultation on this application. The applicant responds by advising that the site rules have

been changed to prevent this and all users advised of the changes and these measures appear to have been effective to date.

The Council's Highways Officer raises no objection to the proposed increase in vehicle activity as a result of the increase tonnage and is satisfied with the additional information relating to internal parking and turning capacity on the site.

### Impact on Neighbour Amenity

The relevant UDP policy relating to the impact of development on the amenity of the residents of adjoining residential properties is Policy BE1: Design of New Development. In this instance it is necessary to assess the impact of the increased tonnage of waste proposed in terms of odour, bioaerosols and noise and disturbance from vehicle movements on the amenity of occupants of adjoining residential properties.

- Odour and Bioaerosols

This report considers the risk of composting bioaerosols on potential receptors within 250m of composting activities. The receptors are Cookham Road Stables and West View on the B2173.

It is known that the composting process will produce odour and bioaerosols as part of the decomposition process. Two reports have been submitted to consider the impact of increased tonnage being processed on the site in terms of odour and bioaerosols and their analysis and conclusions are summarised above.

In terms of odour, the benchmark of the existing odour impact is established by a field test and EA approved methodology to provide an hourly average odour concentration over a year, taking account of environmental and climatic factors. This shows that the odour concentration of the site based on the existing tonnage falls below recognised acceptable concentrations.

In terms of the impact of the increased tonnage, the factors used to assess the impact are the same as the existing;

- Throughput operations on the site are unchanged from the existing
- no change in the type of activities involved in shredding, compost turning, loading and unloading or composting phase management
- no change to the location of activities on the site

On this basis it is expected that there may be a slight increase of odour emissions from the stored waste at the shredding and storage areas. The short term odour emissions from the increased throughput operations will remain at an acceptable level.

The report advises that the site has a policy of considering the climatic factors prior to turning the compost and if weather conditions are unfavourable turning may be suspended until the next suitable day.

Residents have made representations about the odour that emanates from the site but much of this relates to the existing use and the submitted report finds that this situation will not be made significantly worse by the additional tonnage.

The applicant advises that no odour complaints have been received in 2017 and in January 2018.

The Council's Environmental Health Officer advises there have been 3 complaints regarding odour in the last 5 years. He has assessed the submitted report and raises no objection to the proposal on odour grounds.

In addition the Environment Agency does not raise any objections to the increased tonnage

In terms of bioaerosols emissions, the submitted specialist report establishes the emissions from the existing composting activities using EA recognised modelling to assess the impact on air quality. The predicted long and short term concentrations for the existing tonnage are all below the acceptable levels of 1000 bacteria.

The site operations for the increase in the tonnage will be the same or similar to the current site operations as described in the Odour section above. It is anticipated that there may be a slight increase in bioaerosols from the stored waste at shredding and storage areas, However the predicted long and short term levels of bioaerosols and Aspergillus at the identified receptors will be below the acceptable levels.

The report recommends that to reduce the bioaerosol risk, the windrows should be turned when the wind is blowing away from the sensitive receptors

The Council's Environmental Health Officer advises there have been 3 complaints regarding odour in the last 5 years. He has assessed the submitted report and raises no objection to the proposal on odour grounds.

In addition the Environment Agency does not raise any objections to the increased tonnage

On this basis it is considered that the increased tonnage in terms of odour and bioaerosol emission falls within recognised acceptable levels and the impact on sensitive receptors is likely to be minimal.

- Noise and disturbance from vehicle movements

The applicant has submitted a Transport Statement and a Noise Statement to consider the impact of additional vehicles.

Based on the current baseline operation of the site, the TS identifies that the proposed increase in tonnage is likely to increase vehicle movements from an average 4-5 vehicles an hour to 6-7 vehicles an hour over a working day of 7am - 6pm which will be controlled by conditions.

The Noise Statement notes that the site does not operate before 7am and after 6pm so there will be no effect on ambient noise levels at night. In 2012 permission was granted for an anaerobic digester that proposed 8 additional vehicle movements per hour during the daytime and the Noise Statement considers that the proposed average vehicle activity would be less than this.

The residents most likely to be affected by increased activity from additional noise activity are residents in Old Maidstone Road. The applicant advises that they have not received any complaints in terms of noise from vehicles visiting the site and objections received to this proposal do not raise issues relating to noise. .

The Council's Environmental Health Officer has no objection to the proposal on noise grounds.

On this basis the applicant considers that the proposed additional activity relating to the proposed development would not have a material impact on sensitive receptors.

### Trees and Landscaping

Policies NE7 (Trees and Development) of the Unitary Development Plan provides policy guidance for the consideration of the impact of development on trees and requires new development to take particular account of existing trees on the site which, in the interests of visual amenity and wildlife habitat, are considered desirable to retain.

The applicant advises that there will be no loss of trees as a result of the development. In addition further information about the environmental benefits of the proposed development has been submitted. A site visit reveals that there a line of new hawthorn trees have been planted on the top of the bund along the NW boundary.

### **Conclusion**

The report sets out the policy context for dealing with green waste within London and the South-East London Boroughs group. The increase in capacity will significantly add to the volume of green waste that can be dealt within the defined 'group' area which supports the proximity principle promoted in the London Plan.

The proposal will not conflict with the purpose of Green Belt designation of the site or the openness of the Green belt in this specific location.

The operational impact of the development has been assessed and it is found that the activities to accommodate additional delivery and collection and processing of the composting material will not be excessive and will not have a significant impact on local sensitive receptors.

As such, it is considered that the proposed development is acceptable and permission is recommended subject to relevant conditions.

### **Other Technical Matters**

- Drainage and Sustainable Urban Drainage Systems

The site lies within Flood Zone 1. The applicant submitted a Flood Risk Assessment and a Strategic Drainage Report with the original submission. The Council's Drainage Officer, the Environment Agency and Thames Water have no comments on the proposal.

- Mayoral and Borough Community Infrastructure Levy  
The development will be liable for the payment of the Mayoral CIL.

The Council does not have its own CIL but consultation of the boroughs proposed CIL Preliminary Draft Charging Schedule was undertaken in March 2018.

Background papers referred to during the production of this report comprise all correspondence on file ref: 18/01427/RECON, excluding exempt information.

**RECOMMENDATION: APPROVAL**

**subject to the following conditions:**

- 1 **The site shall be used for the purposes of composting green waste and the reception and transfer of wood waste and for no other purposes. The overall throughput of material shall not exceed 38,500 tonnes per annum with a maximum of 5,000 tonnes per annum of wood waste.**

**Reason: In the interests of the locality and to comply with the terms of the application.**

- 2 **The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved**

**Plans**

- 5534-003-T-001 Swept Path Analysis Refuse Vehicle Access and Egress**
- 5534-003-T-002 P1 Swept Path Analysis Refuse Vehicle Access and Egress**
- 5534-003-T-003 Swept Path Analysis Arctic bulk Vehicle**

**Documents**

- Transport Statement by vectos dated March 2018**
- Letter from CL Planning dated 13.6.2018**
- Email from CLPlanning dated 5.7.2018**

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

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

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

- 4 There shall be no discharge of contaminated drainage into groundwater or surface water whether direct or via soakaways.**

**Reason: To comply with the requirements of the Environment Agency.**

- 5 Any contaminated drainage resulting from the composting process shall be collected by a sealed drainage system, the preferred option being (i) public foul sewerage system with the permission of the relevant Water Undertaker; (ii) Sealed tank or cesspool for disposal off-site to a licensed facility; (iii) Controlled re-circulation into the compost.**

**Reason: To comply with the requirements of the Environment Agency and Policy 5.21 of the London Plan.**

- 6 The composting facility shall not accept green or wood waste other than between the hours of 0700 hrs to 1800 hrs Monday to Friday, 0800 hrs to 1300 hrs on Saturday and shall not accept green or wood waste on Sundays, Public Holidays and Bank Holidays.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of the locality and to comply with the terms of the permission.**

- 7 Waste shall not be shredded within the site other than between the hours of 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1200 hrs on Saturday. Waste shall not be shredded or moved within the site on any Sunday, Public Holiday or Bank Holidays. Windrows shall only be turned within these hours.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of the locality and to comply with the terms of the permission.**

- 8 Any oil, lubricant and other potential pollutants shall be handled on the site in a manner as to prevent pollution of any watercourse, aquifer or soil. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both waste and oil. The pipes shall vent downwards into the bund.**

**Reason: To prevent pollution of any watercourse aquifer or soil.**

- 9 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 of the Unitary Development Plan.**



**10 The use of reversing alarms on any mobile plant used on the site shall be restricted to modular or silent types.**

**Reason: In the interests of the amenities of the locality.**

**11 In order to minimise the raising of the dust the following steps shall be taken:**

**(a) All roadways and operational areas within the site shall be laid out and maintained in good condition. They shall be damped down as necessary using a water bowser or other suitable plant.**

**(b) All windrows shall be maintained in a moist condition by spraying with water as necessary and in particular before windrow turning or screening of the composted material.**

**(c) All other operations, including the construction, movement and maintenance of screening and soil storage mounds shall be carried out only when the prevailing conditions are such that dust will not be carried beyond the boundaries of the site.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 of the Unitary Development Plan. .**

**12 No waste or other materials shall be burnt at the site.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 of the Unitary Development Plan.**

**13 Composting shall be carried out in accordance with best practice in order to prevent the creation of unpleasant odours. In particular windrows shall be turned at an appropriate frequency to avoid anaerobic conditions from developing within the waste.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 of the Unitary Development Plan. .**

**14 The best practicable measures shall be adopted to prevent waste or litter being blown outside the boundaries of the site.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 of the Unitary Development Plan.**

**15 No loaded lorries shall enter or leave the site unless the loads are sheeted, netted or otherwise adequately secured.**

**Reason: In the interests of the amenities of the locality and to comply with Policy BE1 and T18 of the Unitary Development Plan.**

**16 There shall be no direct retailing of compost from this site and the site shall not be used by the general public either for purchasing compost, deliveries or collections.**

**Reason: To comply with the terms of the permission.**

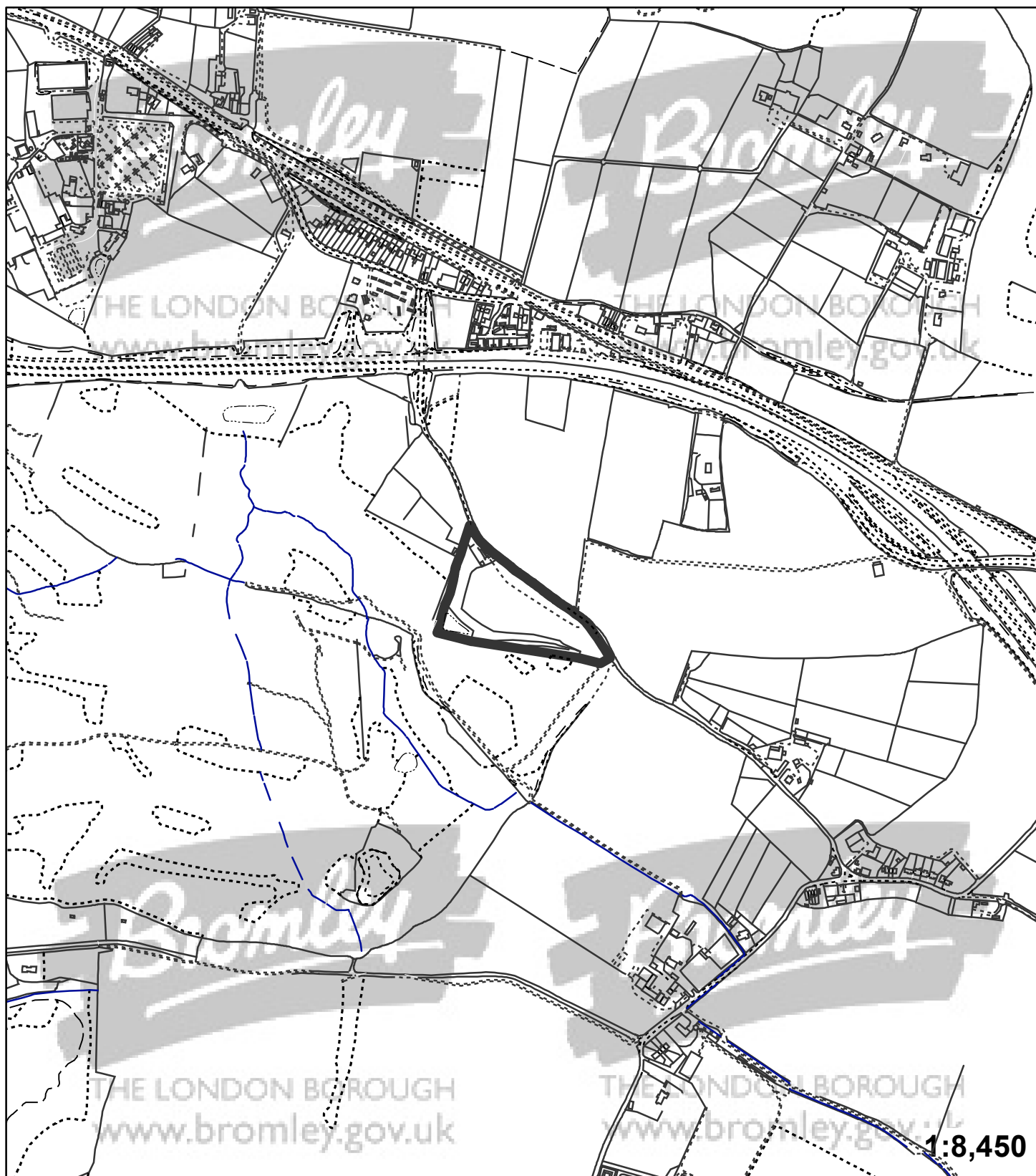
**17 There shall be no more than 1 shredder on site at any one time**

**Reason: To comply with the terms of the permission and Policy BE1 of the Unitary Development Plan and in the interest of the amenity of the locality**

**Application:**18/01427/RECON

**Address:** Compost Site On Land Off Cookham Road Swanley

**Proposal:** Variation of condition 1 of application ref 10/03429/VAR to enable the use of the site for the purposes of composting green waste and the reception and transfer of wood waste which shall not exceed 38,500 tonnes per annum with a maximum of 5,000 tonnes per annum of wood



"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 :** 18/01766/FULL6

**Ward:**  
**Bromley Town**

**Address :** 46 Ravensbourne Avenue Bromley BR2  
0BP

**OS Grid Ref:** E: 539220 N: 169608

**Applicant :** Mr & Mrs McCrossen

**Objections :** YES

### **Description of Development:**

Erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue (Amendment to previous application 16/04706/FULL6).

Key designations:

Biggin Hill Safeguarding Area  
Flood Zone 2  
Green Chain  
London City Airport Safeguarding  
Metropolitan Open Land  
Open Space Deficiency  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 3

### **Proposal**

The application currently before the Council is to regularise changes that have occurred during the building process of the originally approved application because of variations in ground levels and because of stipulations required by the Environment Agency.

Under planning application reference: 16/04706/FULL6 planning permission was granted on 09.01.2017 for the erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue.

Owing to changes in ground levels at the site the swimming pool building has been built higher than the approved plans. Planning permission is sought to agree the changes in height; to the swimming pool and garage as well as erect a 2m high fence and landscaping along the side boundary of the site.

Location

The application site is a detached dwellinghouse located to the west of Shortlands Golf Club and the River Ravensbourne. The existing house lies in Flood zone 2 and part of the garden & garage in Flood Zone 3.

## **Consultation**

### Shortlands Residents Association

- These already form a considerable visual obstruction. I will separately request consideration of the dimensions of the extensions already built. So far as the current application is concerned a key issue appears to be the need to raise the levels of the buildings so that they are at the same height as the current main building.
- The combination of both now create a considerable visual barrier to neighbours on Ravensbourne Avenue and detrimental to their amenity. See plan D50 Feb 2018.
- There is a further amendment to the previous approval now to include a 2m high fence along the boundary with neighbours gardens and in addition planting behind the fence. See plans D52 and D53A. The 2m fence is planned to be on the raised ground level, not the existing level, and is therefore likely to cause more of a visual obstruction than anticipated. There is also an issue about what kind of planting with the risk of trees growing too tall where there was no previous obstruction.
- It is not clear that the proposal takes into account ownership of the existing fences on the boundary so is this intended to be a new fence behind the existing fences? At present I cannot see how this will work.
- As I read the plans the proposal for the new fence and planting will affect several neighbours. If you consider the overall new development of this site then, save for a few metres between the extended garage and the front door of the main house, there is now a continuous run of buildings of about 65m. In those circumstances I submit that there should be no increase in the height any building.

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

- The size of the construction already completed for the swimming pool/gymnasium is far larger than the one imagined.
- Object to the new plans. Concern regards siting and external appearance of the development, which also impacts on privacy and outlook, noise pollution
- The site is being overdeveloped as once designated for 'horticultural use' now assumes numerous buildings. So likely not what the council agreed to and had in mind when approving.
- The original plans have been altered to suit the new ground level which has been raised to satisfy the technical spec. of the swimming pool- which appears was not considered and planned well originally. Now the build from the South elevation is 3.35m high where the original was only 2.7m.

- The ground has been banked up against the southern perimeter fence which will encourage degradation of the panels which may lead to ground movement and collapse into the garden of 58 and 60.
- The proposal of planting trees to conceal the taller wall and roofline could cause damage to the fence as the trees develop and also given the existing attitude of the developers, I am concerned the trees will not be maintained and will still not create the intended outlook.
- The second floor windows on the West elevation now overlook several gardens which raises concerns over privacy.

### **Consultee comments**

Highways comments - no objection.

Environment Agency comments - The requirements are within the Householder and Minor Extensions form which although is EA branded is a form that is issued by the LPA and assessed to determine if the applicants follows it. It's used in place of a full FRA for development that is deemed low risk. FYI the current form is now changed by your policy team to only one option to make it simpler for your team to assess. We wouldn't have any concerns over the raising over the swimming pool and garage as it appears they received consent via our permitting team.

Environmental Health - 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.

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

- BE1 Design of New Development
- ER12 Controlling Development in Flood Risk Areas
- G6 Land Adjoining Metropolitan Open land
- H8 Residential Extensions
- T3 Parking

SPG1: General Design Principles

SPG2: Residential Design Guidance

Draft Policies

- 6 - Residential Extensions
- 37 - General Design of Development
- 115 - Reducing flood risk

London Plan (2016)

- 7.4 Local character
- 7.6 Architecture
- 7.17 Metropolitan Open Land
- 5.12 Flood Risk Management

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

## **Planning History**

Under planning application reference: 16/04706/FULL6 planning permission was granted for erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue. 09.01.2017

Under planning application reference: 16/00367/FULL6 planning permission was granted for a two storey extension of existing property at front and rear and demolition of existing conservatory and replacement with new conservatory and gym at rear. Demolition of existing garage/carport & replacement with new garage/office. 13.05.2016

The current dwelling was originally approved on the site on 15.04.69 with subsequent applications and designs being considered through to 1971. The Planning History below relates to the rear garden section of the property.



Under planning application reference: 09/01517/OUT planning permission was refused for one detached bungalow at rear of 46 Ravensbourne Avenue.

Under planning application reference: 08/03818/OUT planning permission was refused for one detached dwelling at rear of 46 Ravensbourne Avenue with access drive and associated garages and parking.

## **Planning Considerations**

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

### Current situation

Under planning application reference 16/04706/FULL6 & 16/00367/FULL6 planning permission was granted for various extensions to the existing property which included the erection of a swimming pool and new garage/office. The site is currently under construction with the house being extended and the swimming pool building partially built. Following complaints from neighbours the site was visited by the Council's Enforcement Officers and the house and swimming pool were measured against the approved drawings. It was concluded that the height of the house had been built in conformity with the approved drawings but that the swimming pool building had not. The swimming pool building was found to measure higher than the approved height of 2.7m. The existing garage has yet to be demolished.

### Swimming pool

The proposed swimming pool has been partially built. The approved plans showed a height of 2.7m for the full depth of the swimming pool. Officers have been out on site and measured the height of the swimming pool building which measures between 2.7-3.4m owing to the sloping nature of the site. The drawings currently before the Council show that the rear most part of the garden slopes away and is not consistent with the highest point immediately to the house. As the swimming pool lies adjacent to the River Ravensbourne the Environment Agency permit team required the swimming pool and the garage to be built no lower than existing ground levels. To take account of this coupled with the changing ground levels the builders have built the swimming pool building higher than the Council approved; 3.4m. The Environment Agency have raised no objections to the slight increase in height.

### The new office/garage

The new office/garage has yet to be built but like the swimming pool the height of the garage is going to be increased (by 0.4m) from 3.6m to 4m to take account of EA stipulations including flooding. The Environment Agency have raised no objections to the increase in height.

### Boundary Fencing/Landscaping

To mitigate against the increase in height of the swimming pool building the applicants are proposing to erect a 2m high fence with boundary screening along the flank boundary of the site to screen the visual impact of the swimming pool building from the neighbours located at 56-66 Ravensbourne Avenue.

The swimming pool building is visible from the rear gardens of neighbouring gardens located in Ravensbourne Avenue. To mitigate the visual impact of the development the applicants are proposing a 2m high fence to run the full width of the flank elevation and to plant a number of trees within the boundary of the site. The swimming pool building is to be rendered white and will be partially seen above the fence line of the new 2m high timber fence along the southern boundary. A landscaping condition can be attached to any grant of planning permission to ensure that the landscaping proposed adequately ensures that neighbours views towards the swimming pool building can be screened to reduce the visual impact of the development.

### Impact to neighbouring amenity

Several letters of objection has been received for the reasons set out above in the consultation section above. The main objections relate to the height of the swimming pool which can be viewed from the rear gardens of No. 56-66 Ravensbourne Avenue, located 35m away and the issue this will have from a privacy and overlooking perspective.

The swimming pool building has been built higher than the approved plans and is therefore more visible from neighbouring gardens that back onto the development. A landscaping condition can be agreed to ensure that the landscaping proposed adequately meets the Council's requirements that neighbours views down their gardens can be shielded from the increase in height of the swimming pool building.

The increases in height to the swimming pool building and the new office/garage are considered on balance to represent a small increase to take account of Environment Agency regulations. The 2m high fence and boundary screening will mitigate against some of the visual impact of the development. On balance, taking into account the small increases in height to the approved swimming pool building and the garage to take account of stipulations by the Environment Agency and a correct plan showing the change in ground levels is considered sufficient to allow the changes to be regularised. Neighbouring houses are located approximately 35m away and the 0.7m increase in the swimming pool building is not considered to significant affect neighbours visual enjoyment of their gardens to warrant the refusal of the application.

Having had regard to the above it was considered that the development in the manner proposed is acceptable and that it would not result in a significant loss of amenity to local residents.

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than 9th January 2020**

**Reason: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore any boundary treatments shall be retained in perpetuity.**

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

- 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.**

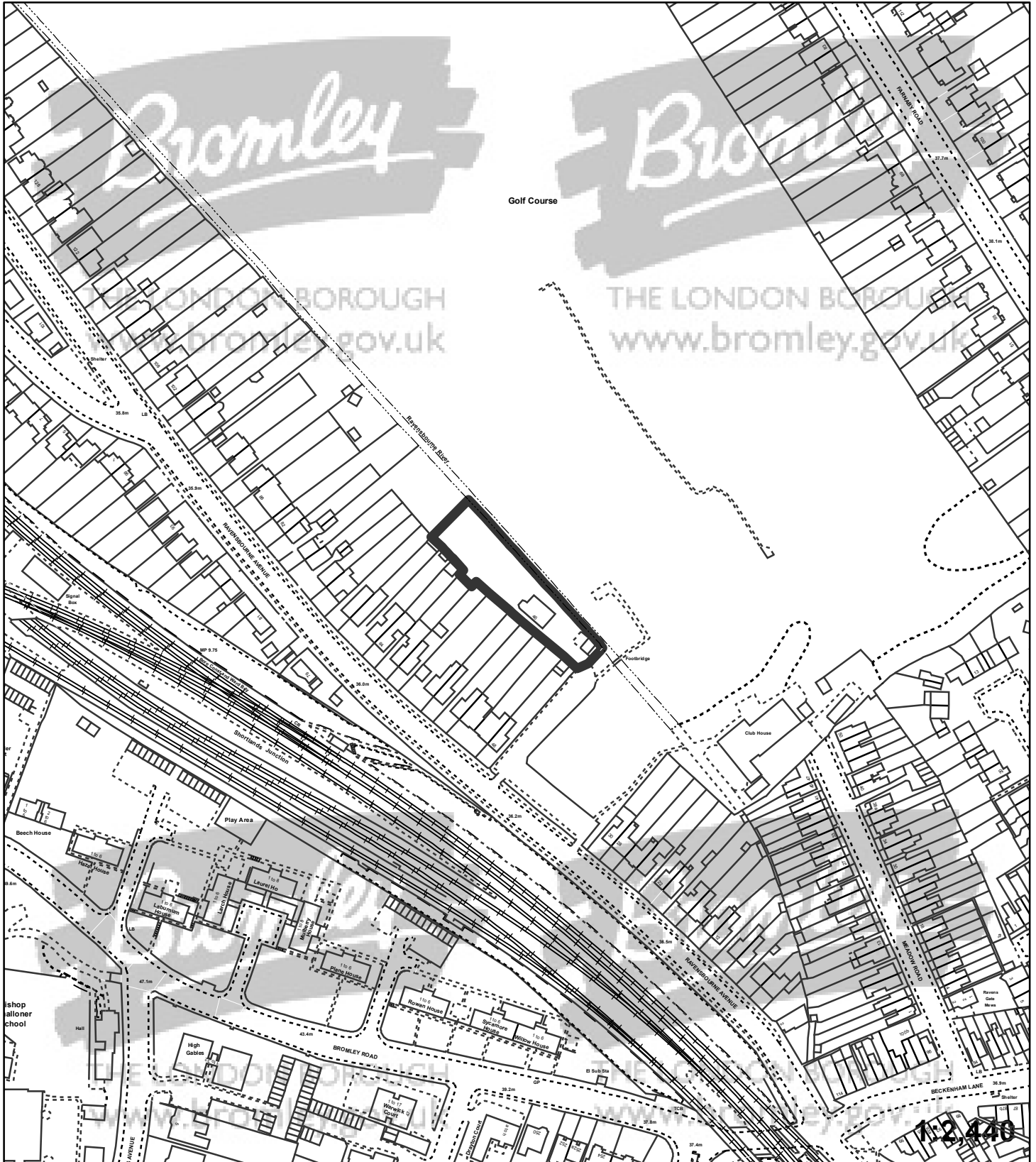
**Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.**

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**Application:**18/01766/FULL6

**Address:** 46 Ravensbourne Avenue Bromley BR2 0BP

**Proposal:** Erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue (Amendment to previous application 16/04706/FULL6).



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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/01936/FULL6

**Ward:**  
**Shortlands**

**Address :** 43 Tootswood Road Shortlands  
Bromley BR2 0PB

**OS Grid Ref:** E: 539411 N: 168110

**Applicant :** Mr & Mrs Jenkins

**Objections :** YES

### **Description of Development:**

Front boundary gates and wall  
RETROSPECTIVE APPLICATION

Key designations:

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

### **Proposal**

Retrospective planning permission is sought for a front boundary wall and gates. The wall has a maximum height of 0.95, with the piers measuring between 1.2m and 1.7m in height. The wall has been rendered and painted white, with the gates solid in design and dark grey in colour.

Additional information was submitted by the Agent in response to the operation of the gates (dated 25th June 2018) which confirms the gates open remotely without blocking the roadway.

### **Location and Key Constraints**

The application site is a detached two storey house located on the northern side of Tootswood Road, opposite the entrance to the park.

### **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

- Tootswood Road is 100% residential
- gate style would suit a commercial/industrial

#### Support

- initial concerns that they would be noisy and unsightly are unfounded
- in-keeping and style with the house
- no other house is similar and hope that Council will consider compatibility with the house as important
- gates are approx. same height as gates and wall opposite No.43
- aesthetically pleasing
- smart
- adds nice symmetry with the gates and railings directly opposite
- compliment the style of the house nicely in design and colour and fit perfectly well in road
- sensible choice for people with small children
- security reasons
- Tootswood Road is a known cut-through road and people often speed past
- up to the property owner

### Comments from Consultees

Highways: No objections on the basis of additional information 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 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.

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

7.4 Local character  
7.6 Architecture

#### Unitary Development Plan

T18 Road safety  
BE1 Design of new development  
BE7 Railings, boundary walls and other means of enclosure

#### Draft Local Plan

32 Road Safety  
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:

- 13/03629/FULL6 Part one/two storey front/side/rear and single storey side extensions, roof and elevational alterations- PER- 31.01.2014
- 13/03629/CONDIT Details of conditions submitted in relation to planning ref: 13/03629/FULL6 (Condition 2 - External materials - CONSPL 10.07.2014
- 16/00980/FULL6 Single storey side extension- PER 29.04.2016
- 16/00990/FULL6 Replacement driveway- PER 09.05.2016

### **Considerations**

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

- Design
- Highways
- 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.

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

Policy BE7 states that the Council will resist the construction or erection 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 existing property has benefitted from previous extensions which have altered the appearance of the original house. The resulting dwelling is white rendered and whilst the wall and piers would be in-keeping with the host dwelling, the area is characterised by low level brick walls along the road, and it is considered that the proposal would be out of character with the wider streetscene. The gates measure 1.5m in height and are of solid construction resulting in a closed appearance and lacking in views into the site.

Having regard to the design, scale and proposed materials, it is considered that the front boundary enclosure and gates would erode the open nature of the area and would be out of character with the streetscene in general.

### 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.

Additional information was submitted by the Agent to clarify that the gates are operated remotely. There are no objections raised by the Highways engineer in relation to the proposal.

### 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 result 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.

as amended by documents received on 25.06.2018  
**RECOMMENDATION: APPLICATION BE REFUSED**

The reasons for refusal are:

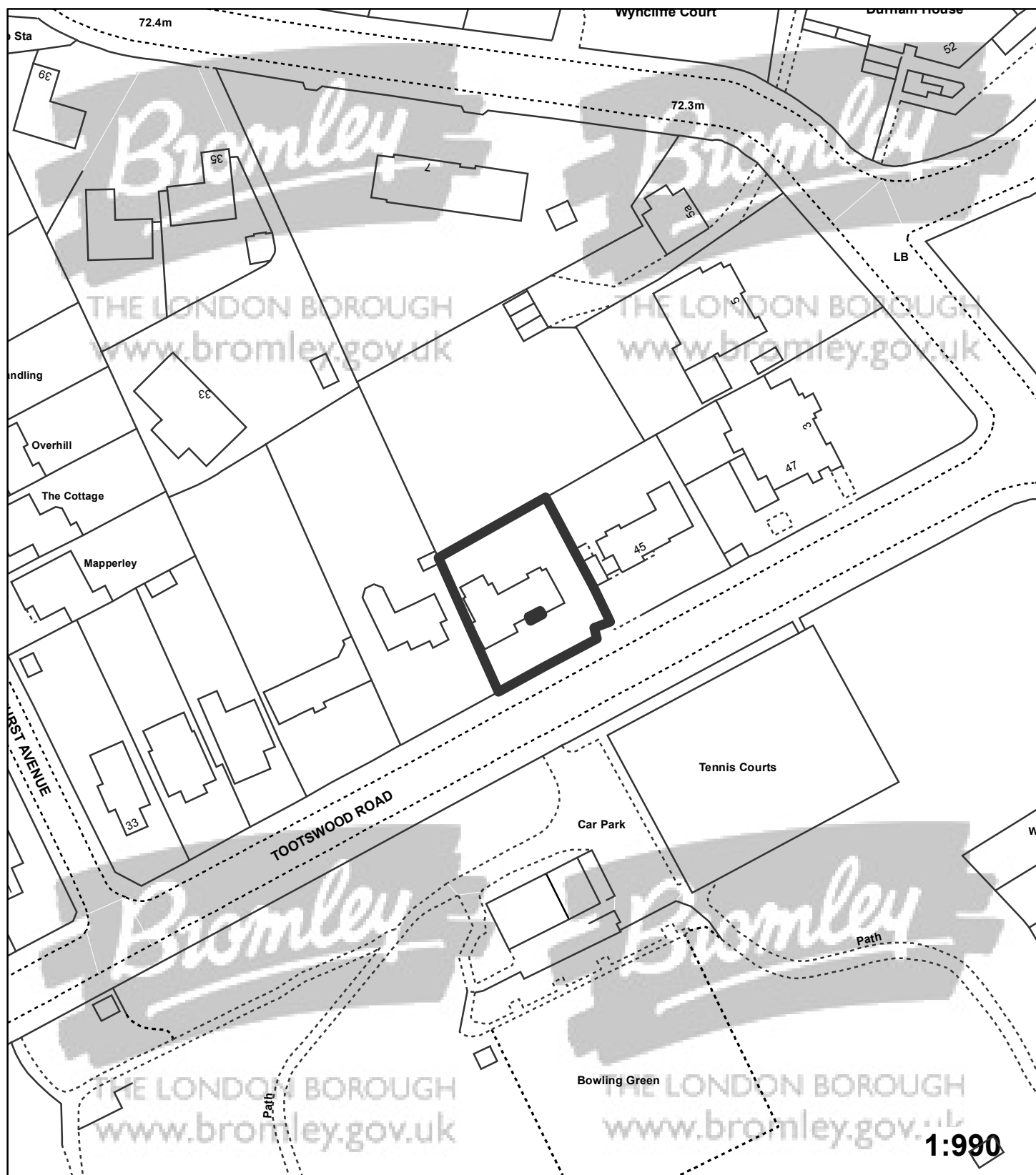
- 1        **The proposed boundary treatment by reason of its height and design would cause significant harm to the open nature of the area and be detrimental to the visual amenities of the streetscene, thereby contrary to Policy BE7 of the Unitary Development Plan and Policy 37 of the Draft Local Plan**

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**Application:**18/01936/FULL6

**Address:** 43 Tootswood Road Shortlands Bromley BR2 0PB

**Proposal:** Front boundary gates and wall  
RETROSPECTIVE APPLICATION



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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/02423/FULL6

**Ward:**  
**Chislehurst**

**Address :** 25 Grove Vale Chislehurst BR7 5DS

**OS Grid Ref:** E: 543159 N: 170897

**Applicant :** Mr Yavuz

**Objections :** YES

### **Description of Development:**

First floor side/rear and single storey rear extensions. Retrospective amendments to previous planning application with reference 17/01456/FULL6 to change the pitch of the roof, increase the ridge height and incorporate rooflights on all sides to facilitate a loft conversion and elevational alterations.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 16

### **Proposal**

The application relates to retrospective alterations to the approved application 17/01456/FULL6 to change the pitch of the main roof and include rooflights in all elevations to facilitate a loft conversion, including a velux cabrio rooflight to the rear.

It also includes several other elevational alterations such as a change in the pitch of the roof to the side, not converting the garage to a habitable room, changing a Juliet balcony at the rear to a normal window, changing a window in the rear extension to patio doors and changing a pitched roof lantern to a flat roof light on the rear extension.

### **Location and Key Constraints**

The application site hosts a two storey detached dwelling on the Eastern side of Grove Vale, Chislehurst.

### **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

- Roof profile is out of character
- Loss of privacy

- Overlooking from Cabrio rooflight
- Precedent will be set if approved
- Roof height is much higher than others and therefore out of character
- Increased bulk is out of character

## **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:

- 04/00004/FULL6; Single storey side and rear extension; Permitted
- 17/01456/FULL6; First floor side/rear and single storey rear extensions; Refused - Appeal allowed
- 17/02276/HHPA; Single storey rear extension, extending beyond the rear wall of the house as existing by 6m (beyond the original rear wall by 6m), for which the maximum height would be 2.6m (maximum height of proposed and previous extensions 2.6m), and for which the height of the eaves would be 2.6m (maximum eaves height of proposed and previous extensions 2.6m) - (42 Day Notification for Householder Permitted Development Prior Approval); Prior Approval Not Required

### **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.

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

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

The retrospective changes to the roof significantly increase the bulk of the roof and whilst the applicant draws attention to number 45 Sandy Ridge the Inspector stated in their appeal decision that the changes to the roof were acceptable because other nearby properties were bulkier than the existing situation at number 45. This is not the case in Grove Vale; the increase in the height and change to the pitch of the roof appear completely out of character with the other surrounding properties.

The applicant also provides various other illustrations of properties in the road in relation to differing roof types however none of these dwellings would set a precedent for a roof design such as the one that has been built here. The properties directly either side of number 25 have traditional low pitched roofs and as such this property stands out significantly within the street scene as an incongruous addition.

The other elevation alterations are considered to be acceptable in that they do not significantly alter the character of the host dwelling or street scene.

### **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.

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.

Whilst it is noted that neighbours have raised concerns about perceived overlooking whilst the addition of a Cabrio rooflight to the rear may increase some overlooking this is not considered to be so detrimental as to warrant refusal especially given the previous permission including a Juliet balcony.

### **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**

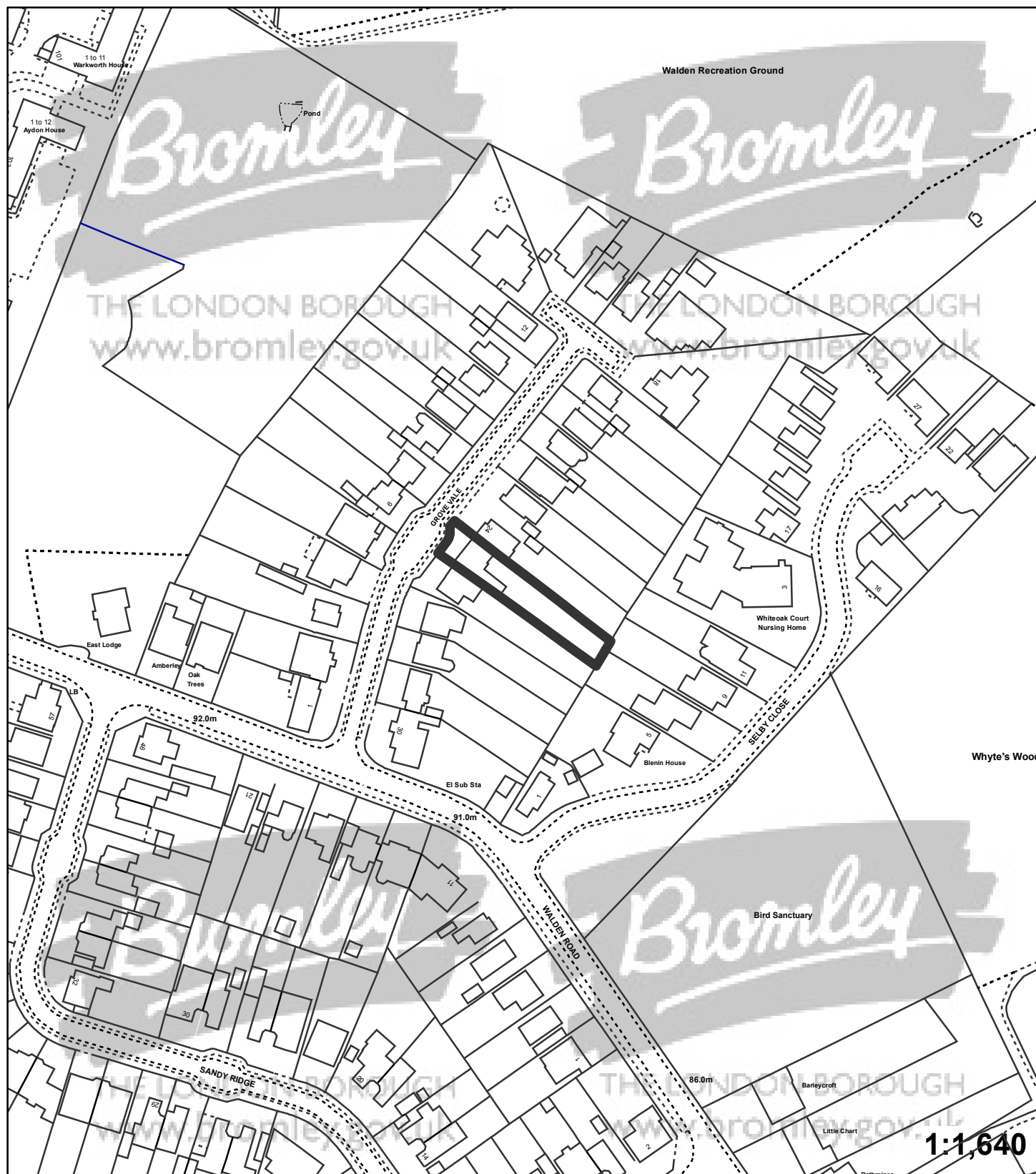
**The reasons for refusal are:**

- 1 The proposed roof extension, by reason of its increased ridge height and excessive bulk, will appear out of character and detrimental to the character and appearance of both the host dwelling and the street scene, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the Emerging Local Plan.**

**Application:**18/02423/FULL6

**Address:** 25 Grove Vale Chislehurst BR7 5DS

**Proposal:** First floor side/rear and single storey rear extensions. Retrospective amendments to previous planning application with reference 17/01456/FULL6 to change the pitch of the roof, increase the ridge height and incorporate rooflights on all sides to facilitate a loft conversion 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 '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/00028/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 61 Plaistow Lane Bromley BR1 3TU

**OS Grid Ref:** E: 540848 N: 170267

**Applicant :** Lashbrook Properties

**Objections : YES**

### **Description of Development:**

Demolition of the existing dwellinghouse and an construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments together with the provision of 10 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.

Key designations:

Adjacent to Conservation Area: Garden Road  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 7

### **Proposal**

This proposal is for the demolition of an existing building and the construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments. The new building would be located centrally within the plot and the building footprint will measure approximately 13m width and 19.6m depth at its maximum extents. The height of the building will be approximately 11.9m at the highest point. The footprint of the building has been arranged with a 1m gap to the boundary with No. 59 Sundridge Court and 1-1.3m as the boundary splays with No. 63. Balconies are proposed at the front and rear of the building including a larger front terrace at third floor level.

At the rear, communal gardens are provided for the flats accessed along the side of the building via the front entrance.

The proposal includes the provision of 10 off-street parking spaces which are located to the rear of the site and accessed via an undercroft.

Ten cycle storage spaces are proposed along the western boundary together with a refuse/ recycling store at the front of the building.

The new proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of red brickwork and Zinc effect cladding.

The application was supported by the following documents

- Design and Access Statement
- Topographic Survey
- Flood Risk Assessment
- Arboricultural Report

### **Location and Key Constraints**

The site is located on the northern side of Plaistow Lane within a residential area. The surrounding buildings vary in style and size including: Victorian terraced houses, small blocks and modern blocks of flats. To the rear of the site is the Garden Road Conservation Area.

The current building is a double fronted detached building of little architectural merit, consisting of two floors and accommodation in the roof. A two storey extension exists on the rear of the south elevation. At present the property has a drive in/out access to the front with an access road on the south leading to garages at the rear.

### **Consultations**

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

#### Objection:

- Concern over loss of privacy as they will overlook our terrace and into our living room.
- Drawing No. 6658-PL02 Topographic survey are not accurate in the fact that do not indicate that there are terrace/outdoor space in the north east corner that is adjacent to the proposed site.
- Plans do not correctly show the position and height of our dwelling that is essentially within the two eave heights
- The new property is going to extend slightly further North with respect to our property (Sundridge Court). This is a large difference to the current dwelling.
- The currently enjoyed view from our terrace of the tree line to the east will be replaced by a brick wall.
- Although the proposed building will not be significantly higher than the ridge line of the existing property, it's physical characteristics and extension to the North will have a great effect on our property (Sundridge Court).

- We have the benefit of early morning sunlight in our dining room thanks to large patio windows to the east onto our terrace. The additional height and extension to the North of the new building will prevent this early morning sun from reaching our interior dwelling at Sundridge Court.
- This proposal will seriously affect the enjoyment and privacy of our outdoor terrace and affect the quality of sunlight that we currently enjoy in the interior of the units at Sundridge Court.

Support:

- Welcome the demolition of the current premises and re-development.

**Comments from Consultees**

Highways:

The development is within a low PTAL rate of 2 on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular Access- the existing vehicular crossover from Plaistow Lane would be utilised leading to the rear. However the existing redundant vehicular crossover should be reinstated to footway level.

Car parking- ten car parking spaces inclusive of a disabled space is offered by the applicant, which is acceptable.

Cycle parking- acceptable

Bin store- is indicated on the submitted plan however please also consult Waste Management team.

No objection to the proposal; please include conditions regarding Car Parking, Refuse, Cycle, Lighting scheme, Stopping up of access, Construction Management Plan and Highway Drainage with any permission.

Thames Water:

No objections subject to appropriate conditions.

Designing out of Crime Officer:

Following my review of the weekly planning applications kindly sent through by your offices I note the above application for 10 residential units.

I have reviewed the documents provided and am encouraged to note mention of Secure by Design in the design and access statement and that the development will be built in accordance with the general principles of Secured by Design.

Whilst several of the required conditions are mentioned, from inspection of the submitted plans there are several points which would require clarification or modification to achieve certification, which include the recessed doorway, a secure mail strategy, defensible space, and access to the stair core.

In order to assist with this commitment, and to ensure current guide lines are implemented, I would request a secured by design condition which I feel would be of great importance to this development.

#### Drainage:

We accept the proposed use of permeable paving and driveway area, however a soakaway should be incorporated to store surface water run-off from the roof.

Please impose conditions regarding Sustainable drainage system (SuDS) and Surface Water Drainage.

#### **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.

National Planning Policy Framework (NPPF) (2012):

Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 8 - Promoting healthy communities  
Chapter 11 - Conserving and enhancing the natural environment

London Plan (2016):

2.6 Outer London: vision and strategy  
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  
3.11 Affordable Housing Targets  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.6 Decentralised energy in development proposals  
5.7 Renewable energy  
5.8 Innovative energy technologies  
5.0 Overheating and cooling  
5.10 Urban Greening  
5.11 Green roofs and development site environs  
6.9 Cycling  
6.13 Parking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
8.2 Planning Obligations  
8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Unitary Development Plan (2006):

H1 Housing Supply  
H2 Affordable Housing  
H3 Affordable Housing - payment in lieu  
H7 Housing Density and Design  
H9 Side Space  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking (see London Plan)  
T6 Pedestrians

T7 Cyclists (see London Plan)  
T18 Highway Safety  
BE1 Design of New Development  
BE13 Development adjacent to a conservation area  
NE7 Development and Trees  
IMP1 Planning Obligations

Planning Obligations SPD  
Affordable Housing SPD

Draft Local Plan (2016):

Draft Policy 1 Housing Supply  
Draft Policy 4 Housing Design  
Draft Policy 8 Side Space  
Draft Policy 37 General Design of Development  
Draft Policy 30 Parking  
Draft Policy 32 Road Safety  
Draft Policy 42 Development adjacent to a conservation area

**Planning History**

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

06/00614/FULL1 - Planning permission was refused for demolition of existing building and erection of block comprising 6 two bedroom flats and 5 one bedroom flats with front and rear terraces and balconies with 6 car parking spaces and with retention of existing 5 garages (13.04.2006) for the following reasons:

1. The proposed development by reason of its bulk, depth and proximity to boundaries would constitute an overdevelopment of the site, 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).
2. The proposal by reason of its size, height and intensification of the site be detrimental to the privacy and amenities of the occupiers of adjoining properties, contrary to Policy H.2 of the adopted Unitary Development Plan and Policy H6 of the second deposit draft Unitary Development Plan (September 2002).
3. The proposed layout of parking spaces, location of bin store and cycle parking provision would be contrary to Policy T.4 of the adopted Unitary Development Plan and Policy T22 of the second deposit draft Unitary Development Plan (September 2002) and prejudicial to road safety in general.

06/02206/OUT - Planning permission was granted for the demolition of existing flats and erection of detached 4 storey block 6 one bedroom and 2 two bedroom flats and 1 three bedroom flats with 4 car parking spaces retention of 5 existing garages and cycle store and bin enclosure (20.09.2006).

06/04339/DET - Details were approved for the design/external appearance and landscaping/ boundary enclosures/ layout of access road/ turning area and visibility splays/ parking bays/sight lines/ refuse storage and bicycle parking pursuant to conditions 1,2,6,7,8,9,11 and 12 of permission ref. 06/02206 granted for detached four storey block comprising 9 flats (18.01.2007).

## **Considerations**

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

- Principle
- Standard of living accommodation and amenity space
- Layout, Scale, Massing and Bulk and Design and Appearance
- Impact on Neighbouring Amenities
- Car Parking
- Cycle Parking
- Refuse
- Sustainable Development and Renewable Energy
- Landscaping
- Mayoral CIL
- Planning Obligations

## Principle

In terms of the land use principles there are two main issues to address, the first being the loss of the existing building and the second being the suitability of the site for a more intensive residential use. It is not disputed that both national and local plan policies promote optimising site potential and as the proposal involves the redevelopment of previously used land, the principle of its redevelopment to a more intensive level is in accordance with national planning guidance and local plan policies which encourage optimising the potential of brownfield sites.

With regards to the loss of the existing building planning permission was granted previously under ref: 06/02206/OUT for the demolition of the existing flats and erection of detached 4 storey block 6 one bedroom and 2 two bedroom flats and 1 three bedroom flats with 4 car parking spaces retention of 5 existing garages and cycle store and bin enclosure. As such the principle of the redevelopment of this site has been established. This current application proposes modern open plan flats within the footprint of the previous approval with updated internal layouts to meet the current Nationally Described Space Standards.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and H7 of the UDP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 5. The London Plan and UDP sets the density ranges at 150 - 250 Hr/Ha for suburban areas.

The scheme proposed in this application would provide a density level of approximately 244hr/ha which is within the suburban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity. Developments should optimise housing output for different types of location within the relevant density ranges as set out in Table 3.2 and where development proposals compromise this policy they should be resisted. Given the area is predominately residential it is considered that that proposal in itself would be acceptable.

As such given the location the Council will consider this form of development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of additional residential dwelling 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.

#### Standard of living accommodation and amenity space:

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

The floor space size of each of the units range between 50.7 - 61.2sqm for the 8 1-bed flats and 63.3sqm for the 2 2-bed units. The nationally described space standard requires 50sqm for a 1-bed 2 person unit and 61sqm 2-bed 3 person. 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.

In terms of amenity space, Policy H7 states that adequate private or communal amenity space should be provided with regards to new residential accommodation. The flats propose to have a balcony either to the front or rear providing adequate private amenity space and given the rear garden together with the close proximity Kings Meadow Pleasure Ground, the provision proposed is acceptable at this location.

## Layout, Scale, Massing and Bulk and Design and Appearance:

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The development plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

With regard to aesthetics, environmental protection and the quality of the building environment, Policies H7 and BE1 of the Unitary Development Plan, Policies 4 and 37 of the Draft Local Plan and London Plan Policy 7.4 requires new development in particular should take note of urban design principles and specific guidelines. This includes a respect for the locality and topography, the character of adjoining buildings, local materials, context and scale, a proper relationship with the street scene, the treatment of spaces between buildings, the creation of a good living and working environment, and concerns for the needs of local residents.

As the site adjacent to the Garden Road Conservation Area Policy BE13 of the Unitary Development Plan and Policy 42 of the Draft Local Plan state that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from view into or out of the area.

The scale and design of any scheme would be crucial to successfully accommodating the residential units on this site whilst respecting the adjacent residential units to the west of the site.

The proposed development is a modern block of flats with a flat roof together with a setback top floor to provide subservience. Whilst the footprint of this development is similar to the previously permitted scheme, the overall height is lower and the proposed development show the height transition between No. 59 and 63.

The design ethos of the scheme takes some architectural references from the adjacent housing stock and changing appearance of Plaistow Lane with recent developments a more contemporary approach has been proposed. A simple palette of materials, red brickwork and Zinc effect cladding is proposed. It is considered that this modern approach would fit in well the established developments along Plaistow Lane, street scene generally and the design principles set out above.

### Impact on Neighbouring Amenities:

Policy BE1 seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in London Plan Policy 7.6.

The location and orientation of the proposed buildings on site combined to avoid overlooking through design and arrangement.

The existing building sits slightly behind the building line of 63 Plaistow Lane. The proposed relationship between the two buildings would mean that the rear of the development be approximately in line with the rear elevation of No.59 Sundridge Court and approximately 8m behind No. 63. However the boundary between No. 63 and the site tapers from the front to the rear, giving an overall space between buildings of 2.8m and 4m respectively.

Whilst it is appreciated that the proposal represents a much larger building than currently on site it is similar to the footprint of the previous approval and given the orientation, location of the buildings and their relationship it is considered that the development would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the rear are to be located towards the eastern boundary with No. 63 at first and second floors and centrally at third floor, to the front enclosed balconies with a larger terrace at third floor level are proposed. To ensure the development would not result in loss of privacy a screening condition could be imposed to ensure no significant overlooking could occur.

Flank windows are also proposed at first and second floor levels. These are shown to be obscure glazed and to ensure that there is no loss of privacy from these windows a condition is also proposed requiring them to be obscured and top opening only if planning permission is forthcoming.

### Car parking:

The proposed development provides 10 off-street parking spaces. The Council's Highway Officer has reviewed the current application and has not raised objections to the proposal given the sites accessibility level provision proposed.

### Cycle parking:

Cycle parking is required at 1 spaces per unit. The applicant has provided details of secure and lockable storage area cycle storage for the flats comprising of 10 spaces. A condition can be attached to any permission to ensure adequate facilities are provided in line with the details set out on Drawing No. 6658-PL03 Rev C.

### Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage adjacent to the disabled parking bay. The location point is considered acceptable and within close proximity of the highway for collection services. Further details regarding a containment structure can be conditioned as necessary if planning permission is forthcoming.

### Sustainable Development and Renewable Energy:

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.

The applicant has provided an Energy Statement which concludes that with the introduction of solar PV, heating and fabric improvements it will allow the development to achieve a 35% reduction in the total CO2 emissions over Building Regulations 2013. In order to make up the on-site shortfall of carbon emissions reduction (up to 100%) the developer has agreed to make a financial contribution towards carbon offsetting of £12,650.

### Landscaping:

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard. Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

### Mayoral Community Infrastructure Levy (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.

### Planning Obligations:

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

The Planning Practice Guidance outlines circumstances where planning obligations for affordable housing should not be sought from developers. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000m<sup>2</sup> (gross internal area).

In this instance, only 10 units are proposed with a floor space of 537.1m<sup>2</sup>. Therefore affordable housing would not be required from the developer.

With regards to Health and Education contributions have been sought and are set out below:

Health: £2,468.00

Education: £8,415.94

This has been agreed with the developer.

## **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 density and 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 17.05.2018 12.07.2018

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

and 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: To comply with 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 UDP and in the interests of visual and residential amenity.

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

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

- 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 Unless otherwise agreed in writing with the Local Planning Authority 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 provided on Drawing No.6658-PL03 Rev C, 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 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

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

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

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

- 10 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.

- 11 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 London Plan Policy 5.13 Sustainable Drainage

- 12 Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details prior to first occupation and permanently retained as such.

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.

- 13 Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

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

- 14 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.

- 15 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby

permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

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

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

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

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

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

**Reason:** To ensure satisfactory implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13

**17** No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:** The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure and to comply with Policy 5.14 of the London Plan.

**18** Prior to commencement of development above ground level, details of the energy efficiency measures (as set out within the Energy Statement, July 2018), including the location and appearance of the proposed PV panels, shall be submitted to and approved in writing with the Local Planning

**Authority.** The measures shall be implemented in accordance with the approved details prior to first occupation and shall be permanently retained thereafter.

**Reason:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policies 5.1, 5.2, 5.3, 5.4A and 5.7 of The London Plan.

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](http://www.bromley.gov.uk/CIL)
- 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](mailto: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](http://www.bromley.gov.uk)
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 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.
- 5 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 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 7 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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**Application:**18/00028/FULL1

**Address:** 61 Plaistow Lane Bromley BR1 3TU

**Proposal:** Demolition of the existing dwellinghouse and an construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments together with the provision of 10 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.



"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 :** 18/00907/FULL6

**Ward:**  
**Bickley**

**Address :** Milestone 46 Chislehurst Road  
Chislehurst BR7 5LD

**OS Grid Ref:** E: 542420 N: 169548

**Applicant :** Mr Max Warren

**Objections :** YES

### **Description of Development:**

Part one/two storey side/front extensions and associated elevational alterations

Key designations:

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

### **Proposal**

Permission is sought for a part one/two storey front/side extension. It will have a forward projection of 5.7m at ground floor level and 7.2m at first floor level to bring the front of the house in line with the existing garage. The extension will have a width of 8.3m at first floor level, set in 3m from both flank elevations, and will incorporate large glazed front gable feature. The roof will have a height of 7.7m and will match the height of the original roof of the house. It will reduce to single storey along the north-eastern flank, with the first floor.

### **Location and Key Constraints**

Milestone is located on the southern side of Chislehurst Road and comprises a large detached two storey residential house set within a spacious plot. The wider area is characterised by similar large residential dwellings.

### **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 first floor level will be brought at least 8 metres closer to the line of the rear of No.44, leaving a gap of 7m at most
- Clear glass in the large new front windows produces unacceptable loss of privacy

- Visually intrusive in terms of bulk and appearance from rear of 44 and from the garden
- The properties were approved and constructed around the 1960s and there is no consistent front building line. at the time of approval the distance at first floor level between 46 and 44 must have been deemed the minimum reasonable distance in respect of visual impact and privacy
- At a later date 46 was extended but the front building line at first floor level was retained and new front windows had obscured glass
- The proposed extension significantly and adversely changed the positional relationship between the two properties
- The block plan is inaccurate and misleading
- The size shape and location of the existing building is not correct and does not reflect the layout shown on the larger scale application plans
- The 'hatched area' significantly under represents the location and scale of the proposal
- The relationship of the existing house and proposed extension at No.46 to my property boundary and house at No.44 is not properly reflected in the Block Plan
- The area inside the red line includes an area under the ownership of No.44
- No new flank windows in order to protect privacy and prevent overlooking

## **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  
H9 Side space  
BE1 Design of new development  
NE7 Development and Trees

#### Draft Local Plan

6 Residential Extensions  
8 Side Space  
37 General Design of Development  
73 Development and Trees

#### 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

- 02/03431/FULL1 - Single storey front and first floor side extensions - Permitted 13.11.2002
- 03/03820/FULL6 - Single storey front and part one/two storey side extensions - Permitted 10.12.2003
- 13/03961/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 4.0m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.65m (42 Day Notification for Householder Permitted Development Prior Approval) - No Prior Approval Required 07.01.2014
- 14/01409/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 4.0m, for which the maximum height would be 4.0m, and for which the height of the eaves would be 2.990m (42 Day

Notification for Householder Permitted Development Prior Approval) - Grant Prior Approval 29.05.2014

- 17/00606/FULL6 - Part 1/2 storey side/front extensions and associated elevational alterations. - Refused 20.04.2017. The reasons for refusal were as follows:
  1. The proposal would, by reason of its excessive bulk, scale and lack of subservience, constitute a harmful form of development that would be detrimental to the character and appearance of the area, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.
  2. The proposal, by reason of its scale, siting and close proximity to No. 44 Chislehurst Road, would have a harmful impact on the amenities of this neighbouring residential property by way of loss of light and harmful visual impact, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.
  
- 17/03091/FULL6 - Part 1/2 storey side/front extensions and associated elevational alterations - Refused 22.09.2017. The reasons for refusal were as follows:
  1. The proposal would, by reason of its excessive bulk, scale and lack of subservience, constitute a harmful form of development that would be detrimental to the character and appearance of the area, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.
  2. The proposal, by reason of its scale, siting and close proximity to No. 44 Chislehurst Road, would have a harmful impact on the amenities of this neighbouring residential property by way of loss of light and harmful visual impact, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.

## **Considerations**

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

- Resubmission
- Design
- Neighbouring amenity

### Resubmission

The site has been subject to two recent refusals under planning refs 17/00606/FULL6 and 17/03091/FULL6 for a 'Part 1/2 storey side/front extensions and associated elevational alterations'. Both applications were refused due to the bulk, scale and lack of subservience of the proposed extension and the impact on the amenities of No.44 Chislehurst Road. (Full reasons for refusal are set out in the Planning History section above).

The current proposal is for a part 1/2 storey side/front extensions and associated elevational alterations. The proposal has been amended to reduce the width at first floor level by 3m, and set in from the south western flank boundary.

## 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 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

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. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan.

The proposed part one/two storey front/side extension. It will have a forward projection of 5.7m at ground floor level and 7.2m at first floor level to bring the front of the house in line with the existing garage. The extension will have a width of 8.3m at first floor level, set in 3m from both flank elevations, and will incorporate large glazed front gable feature. The roof will have a height of 7.7m and will match

the height of the original roof of the house. It will reduce to single storey along the north-eastern flank, with the first floor.

This revised proposal seeks to reduce the overall bulk by reducing the width of the proposed first floor front extension by 3m, resulting in a width of 8.3m at first floor level. The depth of the proposal will remain unchanged.

By reducing the width and setting the proposed first floor extension in by 3m from both flank elevations, it is considered that the proposal reduces the overall bulk and introduces an element of symmetry to the design. The proposed extension will not project forward of the existing garage.

From visiting the site it was noted that a number of neighbouring properties have been subject to recent extensions, including 56 Chislehurst Road to the north east, and Caragh House and Jasmin to the south west. The proposed design, including front gable feature, is considered in keeping with these neighbouring properties. It is noted that the application dwelling is set back significantly from the highway which lessens the overall visual impact within the street scene and wider area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension 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.

Concerns have been raised regarding the impact on the amenities of the neighbouring property to the west, No.44, with regards to overlooking, loss of privacy and visual impact. The proposed first floor extension has been reduced in width, set in 3m from the flank elevations. The proposed front windows closest to this shared boundary will serve an en-suite to the master bedroom. The plans indicate that the existing window will be reduced in size. It is also considered appropriate to include a condition with any permission to ensure that this window is obscure glazed and fixed shut below 1.7m in order to protect the amenities of No.44. The front elevation of the proposed first floor extension will include a large amount of glazing. The floor plans indicate that this will serve a bedroom and the stairwell/lobby area. Whilst the proposal may result in an increased impact on this neighbouring property, the proposed separation to the boundary is considered acceptable and ...

The neighbouring property to the north-east, No.48, is situated further forward within its plot. The proposed extension would not project beyond the front of this neighbouring property. Furthermore, the proposal reduces to single storey, with the first floor set in 3m from the north-western flank elevation. This neighbouring property has flank windows at ground and first floor level. Each of these windows

provides additional light to the respective rooms, however there are front or rear facing windows for each. It is therefore considered that the proposed extension would not impact significantly on the amenities of this neighbouring property.

Concerns were also raised from the neighbouring property to the south-west, No.86 St Georges Road West, whose rear boundary forms part of the flank boundary of Milestone. The concerns expressed that no flank windows should be inserted in order to protect privacy and prevent overlooking. The proposed floor plans do not include any new first floor flank windows, however a condition can be included to ensure that no flank windows are inserted without planning permission in order to protect neighbouring amenity.

Having regard to the scale, siting and separation distance 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 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 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.

**as amended by documents received on 08.06.2018**

### **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

**REASON: Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

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

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

- 4** No windows or doors 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.

- 5** Before the development hereby permitted is first occupied, the proposed first floor front bathroom window shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

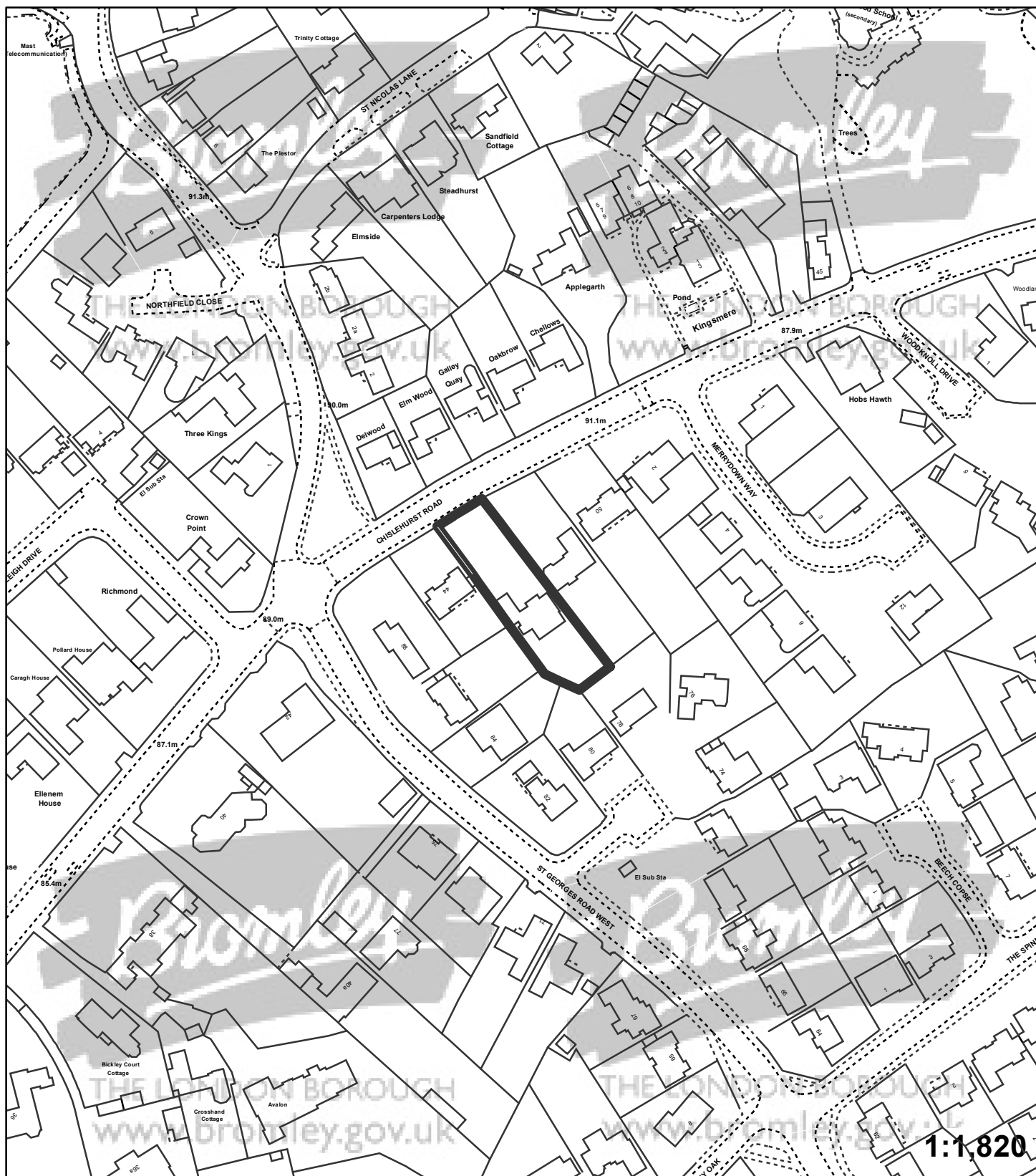
**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.



**Application:**18/00907/FULL6

**Address:** Milestone 46 Chislehurst Road Chislehurst BR7 5LD

**Proposal:** Part one/two storey side/front extensions and associated elevational alterations



"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 :** 18/01271/FULL1

**Ward:**  
Biggin Hill

**Address :** 70 Sutherland Avenue Biggin Hill TN16  
3HG

**OS Grid Ref:** E: 542188 N: 158357

**Applicant :** Mr A Yar

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of detached 3 bedroom chalet bungalow

Key designations:

Smoke Control SCA 24

### **Proposal**

It is proposed to demolish the existing dwelling on the site and construct a detached 3 bedroom chalet bungalow. The existing dwelling is located approximately 42m back from the site frontage and is set at a lower level than the neighbouring properties, whilst the new dwelling would be set back 11-12m to accord with the general line of built development along Sutherland Avenue.

The proposed dwelling would be set in 2m from the flank boundary with No.68, and 5.7m from the side boundary with No.72. It would be set approximately in line with the front of No.68, but would lie approximately 4.8m forward of No.72. The proposed dwelling would not extend beyond the rear of either of the adjacent dwellings.

The existing detached garage and vehicular access would be retained to serve the new dwelling.

The application was supported by the following documents:

- Planning Statement

### **Location and Key Constraints**

This site is located on the south-western side of Sutherland Avenue and is occupied by a detached part one/two storey dwelling which also has some basement accommodation. It is set significantly further back in its plot than the adjacent dwellings at Nos.68 and 72 (approximately 12-15m), and lies at a lower level where it is set into the hillside.

No.68 to the north-west is a modest sized detached bungalow, whilst No.72 to the south-east is a two storey detached dwelling built in the late 1980s. The surrounding area contains a mixture of bungalows, chalet bungalows and two storey dwellings set within plots of varying size.

A Tree Preservation Order covers the very rear part of the site which would not be affected by the current proposals.

### **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**

- Overlooking of neighbouring properties
- Loss of outlook and views
- Likely to be a further application for more houses on the site
- Detrimental impact on wildlife
- Loss of light to side windows of adjacent bungalow at No.68 and side patio
- Loss of historic Edwardian summerhouse
- Loss of trees
- No information submitted about landscaping of the site, in particular the footprint of the existing house that would be demolished.

The application has been called in to committee by a Ward Councillor.

### **Comments from Consultees**

Environmental Health Pollution Officer: No objections are raised

Drainage Engineer: No drainage objections are raised. Standard conditions are suggested.

Highways: The existing access and parking are being retained, and no highways objections are therefore seen to the proposals. A standard condition regarding repairs to any damaged roads is suggested as Sutherland Avenue is unmade. The condition of the road is currently very poor and so any photographic record will need to include a plan showing where the photos were taken.

### **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

3.3 Increasing Housing Supply.

3.4 Optimising Housing Potential

3.5 Quality and design of housing developments

3.8 Housing choice

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 net 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

6.13 Parking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
7.14 Improving Air Quality  
8.2 Planning obligations  
8.3 Community infrastructure levy

#### Unitary Development Plan

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

#### Emerging Local Plan

4 - Housing Design  
8 - Side Space  
30 - Parking  
32 - Road Safety  
37 - General Design of Development

#### Supplementary Planning Guidance

Housing Supplementary Planning Guidance (2016)  
National Planning Policy Framework (NPPF)

### **Planning History**

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

Permission was refused in June 2017 (ref.17/01485) for the creation of a lower ground floor self-contained annexe accommodation facilitated by the erection of a lower ground infill extension, two new entrance porches, the development of a full first floor facilitated by changes to the roof inclusive of raising of the ridge and eaves height, and fenestration changes on the following grounds:

- 1 The proposed development, by reason of its excessive height, design and siting, would constitute an overbearing, dominant and unneighbourly form of development, harmful to the outlook and amenity of the adjoining occupiers and contrary to Policies BE1 and H8 of the Unitary Development Plan.
- 2 The proposed annexe accommodation could be severed from the host property and could be used as a separate dwelling unit, which would result in an undesirable overdevelopment of the site prejudicial to the amenities of the area and contrary to Policy H8 of the Unitary Development Plan.

The subsequent appeal was dismissed in December 2017 on grounds relating to the dominant and overbearing impact of the extensions on neighbouring gardens, and the effective creation of a separate flat which would be out of character with the surrounding area.

## **Considerations**

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

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

### Principle

The provision of a replacement dwelling on this site is considered acceptable in principle as the density would not be increased, and the property lies within a wholly residential area. However, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

### 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.

The proposed dwelling would lie between a two storey dwelling and a bungalow, and although there is currently a gap within the street scene at present (as the existing dwelling is set further down the hillside and is not very visible from the road), the proposed chalet bungalow style dwelling would sit well between these properties when viewed in the street scene, particularly as good separations would be maintained to the side boundaries. It would provide an acceptable transition between the two storey dwelling with pitched roof at No.72 and the low level bungalow at No.68.

Policy H9 of the UDP requires a side space to be retained of 1m or more for the entire height and length of the development between the flank elevation of the host property and the common side boundary with the neighbouring dwelling. A side space of 2m would be retained to the side boundary with No.68, whilst a side space of 5.7m would be provided to the side boundary with No.72. The development would not therefore result in a cramped form of development, and would not adversely impact on the character and appearance of the wider street scene. It is considered that the size and scale of the development is acceptable in that it retains a degree of openness, particularly with the removal of the existing dwelling, and complements the surrounding area.

#### 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 Governments 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 proposals comprise 1 three bedroom 6 person one/two storey dwelling for which The London Plan suggests that the minimum size should be 102sq.m. in



floor area. The dwelling would provide 141sq.m. floorspace, and would therefore achieve this standard.

In terms of amenity space, the development would have a large rear garden of some 60m in depth.

### 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.

No objections are seen to the proposals from a highways point of view.

### 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 would lie approximately 4.8m from the adjacent bungalow at No.68, and although there would be some loss of light to and outlook from windows in the flank elevation of this property, given the separation distance involved and the hipped design of the roof, the impact is not considered to cause significant harm to the neighbouring property to warrant a refusal. The side dormer proposed in the roof slope facing No.68 would be obscure glazed to prevent any overlooking.

With regard to the impact on No.72, the proposed dwelling would be set 5.7m away from the flank boundary with this property, and a further 1m from the dwelling itself, whilst the existing garage in between would be retained. The proposed dwelling would project 4.8m forward of No.72, but given the separation distance between the dwellings, and the relatively low level of the roof, the outlook from this property would not be unduly affected. Due to the orientation, no overshadowing of this property would occur, and nor windows are proposed in the facing side roof slope.

Concerns have been raised by residents opposite the site that the proposals would result in a loss of view as the site is relatively open at present, but this is not a planning matter as there is no right to a view over neighbouring land. The impact of developing the north-eastern part of this site is further ameliorated by the fact that

the dwellings on this side of Sutherland Avenue are already set at a lower level than those on the opposite side of the road.

Residents have also raised concerns about the likelihood of further residential developments being proposed on the site due to its large size. However, this is not under consideration as part of the current application, and any future application submitted would be considered on its own planning merits taking into account all material considerations, including objections from neighbouring residents.

### 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 proposals are not therefore considered to constitute an overdevelopment of the site, nor result in a cramped form of development within the street scene. The amenities of neighbouring residential properties would be adequately protected, and there would be sufficient on-site parking provided to accord with the Council's standards.

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:** To comply with Section 91, Town and Country Planning Act 1990.

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

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

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

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

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

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

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

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

- 6** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved

details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

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

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

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

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

Reason: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with London Plan policy 5.13

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

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

- 8 Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 9 Before the development hereby permitted is first occupied the proposed dormer window in the north-western flank roof slope 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 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

- 10 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 UDP and in the interests of visual and residential amenity.

- 11 The existing dwelling on the site shall be demolished and the site cleared within three months of the first occupation of the building hereby permitted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 12 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.

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

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

**You are further informed that :**

- 1 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

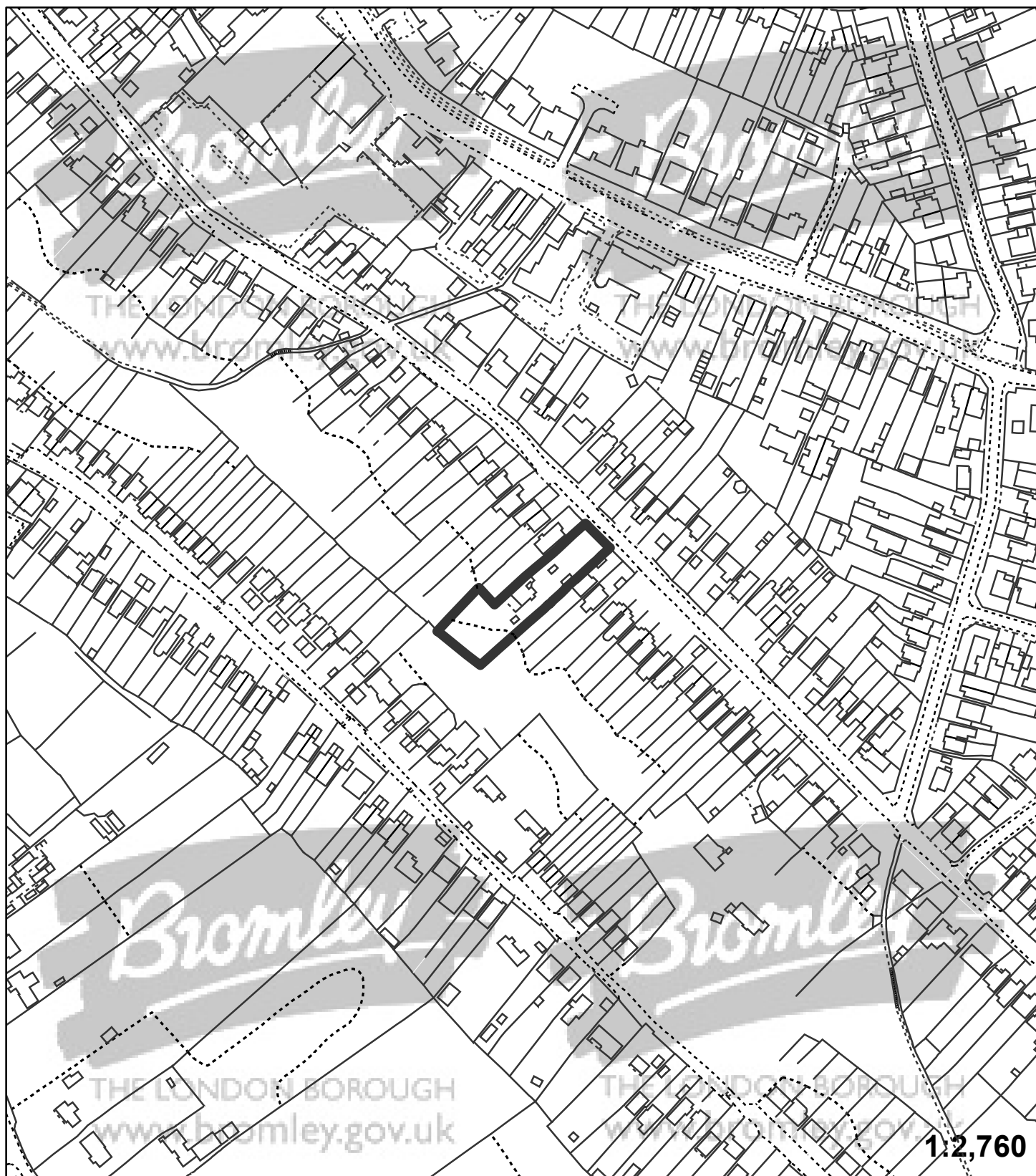
debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 Given the status of Sutherland Avenue as an unadopted street, the applicant should be advised via an informative attached to any permission 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 Sutherland Avenue is laid out.

**Application:**18/01271/FULL1

**Address:** 70 Sutherland Avenue Biggin Hill TN16 3HG

**Proposal:** Demolition of existing dwelling and erection of detached 3 bedroom chalet bungalow



"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 :** 18/01422/FULL1

**Ward:**  
Crystal Palace

**Address :** Hawthorns 10 Lawrie Park Crescent  
Sydenham London SE26 6HD

**OS Grid Ref:** E: 534968 N: 171159

**Applicant :** Mr Graeme Stewart

**Objections :** YES

### **Description of Development:**

Construction of a three storey, plus accommodation in the roof, building to provide 4 flats (1 x 3 Bed, 2 x 2 Bed, and 1 x 1 Bed) together with the provision of 3 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.

Key designations:

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

### **Proposal**

This proposal is for the construction of a three storey, plus accommodation in the roof, building to provide 4 flats (1 x 3 Bed, 2 x 2 Bed, and 1 x 1 Bed).

The building would be sited centrally within the plot providing a 1m side space to the northern and southern boundaries. The building would measure 11.9m at the widest point and a maximum depth of 17.5m and a maximum height of 12.8m reducing to 10m adjacent to No. 12 to the north of the site.

At the rear, communal gardens are provided for the flats accessed along the side of the building via the front entrance.

The proposal includes the provision of 3 off-street parking spaces which are located to the front of the site.

Eight cycle storage spaces are proposed to the rear of the site together with a refuse/ recycling store at the front of the site.

The proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of red brickwork and white render feature panels. The windows are proposed to be high performance aluminium or timber / aluminium composite to maintain a modern aesthetic. Balconies would be painted metal, and the roof will be slate.

The application was supported by the following documents

- Design and Access Statement
- Arboricultural Report
- CGI

### **Location and Key Constraints**

The site is located on the eastern side of Lawrie Park Crescent, and forms part of the grounds to the existing 10 Lawrie Park Crescent, which is a 3 ½ storey Victorian semi-detached building, now converted into apartments.

Lawrie Park Crescent is a predominantly suburban residential street, connecting Lawrie Park Road and Border Road. The street scene is a mixture of original Victorian semi-detached houses and more recent apartment buildings interspersed between the existing buildings. The scale and height ranges from 2 to 3 ½ storeys.

Opposite the site is a new development, currently under construction, which will create a terrace of three storey houses facing onto Lawrie Park Crescent.

### **Comments from Local Residents and Groups**

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

#### Objection:

- Concern over the loss of the existing dwelling with a block of flats;
- Proposed building is both too large and block like offering no positive visual aspect;
- Out of character with the neighbours and road;
- Loss of privacy;
- Overshadowing;
- Plan is out of sync with the London Plan Matrix offering as it does 83 dwellings;
- Concern over parking and road safety;
- Concerns over flooding given the increase in hard surface;
- Concern that the new development will be shoehorned in between two heritage style buildings;
- The building is placed forward of the neighbouring properties;
- The building is located awkwardly and would appear chunky and cumbersome;
- Highly visible given the curve of the road;
- No. 10 has no allocated parking and the development in the side garden would deny the opportunity to rectify this;
- The parking layout is too tight and would result in people parking in the road;
- Insufficient parking on site as area is already heavily used;
- Concern over loss of wildlife;

- Concern over the loss of the trees;
- Loss of refuse area for No. 10.

#### Local Groups:

Sydenham Society (the local civic & amenity society for SE26) States that:

Support those residents of Lawrie Park Crescent and neighbouring roads who are objecting to the proposed development adjacent to The Hawthorns, 10 Lawrie Park Crescent. In the view of the Sydenham Society the proposed development in the garden to the side of 10 Lawrie Park Crescent is too high and too bulky, sits forward of the building line of number 10 and does not respect the proportions of the neighbouring pair of Victorian villas and should be classed as a backland development. This is an exceptionally sensitive site as the host properties are highly distinctive and full of character and the proportions of any development permitted in the garden should be subservient to the main property. The proposed design will compete visually with number 10 Lawrie Park Gardens, will detract from the streetscape and appear as an incongruous element in an area characterised by verdant gardens and abundant trees and shrubbery. If the proposed development is permitted it will appear to be shoehorned in to a tight space, in an area characterised by large front gardens and generous spaces between properties.

Given that backland development is generally contrary to planning policy a development at this location should only be permitted if it is seen to enhance the streetscape and bring planning gain.

The Sydenham Society objects to the development on the following specific grounds:

#### Proportionality

The development is disproportionately large for the size of the piece of sequestered land - which is quite small. The building is too bulky, much too high and too far forward of the normal building line. It has been described as being too chunky and cumbersome. Only the Victorian semi detached mansions are as high but no building stands so far forward. The slope and the curve of the road exaggerates the height and placement.

#### Density

The proposed 83 dwellings per hectare is over the recommended level in the London Plan Matrix.

#### Car Parking

There is inadequate provision for off street car parking both for the donor property and the proposed development. Current residents already park in the road. Failing to provide sufficient space for adequate parking, particularly on the donor site, is guaranteed to increase street parking. This is important as there are 27 new

houses with limited parking on the site opposite and there is already great competition for parking space from St Christopher's Hospice employees/visitors.

## Design

The design is thought to be bland and unappealing. The facade treatment is cheap and unimaginative and could be improved significantly. It has been described as an eyesore when placed so prominently and so close to the heritage buildings from which it will detract.

## Conclusion

This is a golden opportunity to produce an attractive building in a special location. In our view a lower, better designed building, set further back from the road would provide adequate parking for both properties and preserve the open and green street scene.

## Comments from Consultees

### Highways:

The site is located in an area with PTAL rate of 3 on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular access- the access is from Lawrie Park Crescent utilising the existing access arrangement leading to the car parking area.

Car parking three spaces indicated on the submitted plans; four spaces are required. Nevertheless the size of the unit (1 bed flat) is likely to be attractive to non-car owners. By not providing car-parking facilities for the resident the development promotes greener, cleaner travel choices thus reducing reliance on the car. Therefore I am of the opinion that the development would not have an adverse impact on the parking demand within the local road network.

Cycle parking- London Plan should be adhered to; five cycle parking spaces are required.

Bin store- Indicated

No objection to the proposal; please include conditions regarding Car Parking, Refuse, Cycle, Lighting scheme, Construction Management Plan and Highway Drainage with any permission.

### Drainage:

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.

## **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.

### National Planning Policy Framework (NPPF) (2012):

- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy communities
- Chapter 11 - Conserving and enhancing the natural environment

### London Plan (2016):

2.6 Outer London: vision and strategy

- 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
- 3.11 Affordable Housing Targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Unitary Development Plan (2006):

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing - payment in lieu
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking (see London Plan)
- T6 Pedestrians
- T7 Cyclists (see London Plan)
- T18 Highway Safety
- BE1 Design of New Development
- NE7 Development and Trees

Draft Local Plan (2016):

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

## Planning History

There is no planning history for this site.

## Considerations

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

- Principle
- Standard of living accommodation and amenity space
- Layout, Scale, Massing and Bulk and Design and Appearance
- Impact on Neighbouring Amenities
- Car Parking
- Cycle Parking
- Refuse
- Trees
- Landscaping
- Mayoral CIL

### Principle:

In terms of the land use principles there are two main issues to address, the first being the loss of the garden area of No. 10 and the second being the suitability of the site for residential use. It is not disputed that both national and local plan policies promote optimising site potential and as the proposal involves the redevelopment of previously used land, the principle of its redevelopment to a more intensive level is in accordance with national planning guidance and local plan policies which encourage optimising the potential of brownfield sites.

Saved Policy H1 seeks the provision of 11,450 additional dwellings over the plan period. This is facilitated by a number of factors including the development of windfall sites and making the most efficient use of sites.

Policy H7 applies to applications for new housing developments. Applications for such developments will be expected to comply with the density matrix set out in table 4.2; have an appropriate mix of housing types; the site layout, buildings and space around buildings are of a high quality; provide adequate private or communal amenity spaces and provide off-street parking at levels no more than set out in Appendix II.

Paragraph 17 of the NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. Among others, planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and contribute to conserving and enhancing the natural environment.

The proposal is to provide an additional housing unit at this site through utilising the former side garden of No.10. Back gardens are not included in the NPPF's definition of 'previously developed land' and consequently, careful consideration

needs to be given to the design of the proposal, highways impacts, the effect it would have on the natural environment and the impact on the amenities of local residents.

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. UDP Policies H7 and BE1 set out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

Whilst it is appreciated that the formal sub-division of the existing plot would result in two smaller plots, however given the pattern of development in the area it is considered that this would not be significantly out of proportion with the plots and garden areas than others in the locality and as such would not have a detrimental impact on the character and appearance of the area and street scene generally.

It is considered that the subdivision of the plot to create a block of flats in this instance would be acceptable subject to further details regarding, density, design and impact on character of the area, standard of accommodation proposed, impact on neighbouring properties, parking, refuse and sustainability.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and H7 of the UDP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 3. The London Plan and UDP sets the density ranges at 150 - 250 Hr/Ha for suburban areas.

The scheme proposed in this application would provide a density level of approximately 246hr/ha which is within the suburban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity. Developments should optimise housing output for different types of location within the relevant



density ranges as set out in Table 3.2 and where development proposals compromise this policy they should be resisted. Given the area is predominately residential it is considered that proposal in itself would be acceptable.

As such given the location the Council will consider this form of development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of additional residential dwelling 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.

#### Standard of living accommodation and amenity space:

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

The floor space size of each of the units are 52sqm for the 1-bed flat, 76.5sqm for the 2 2-bed units and 99.8sqm for the 3-bed unit. The nationally described space standard requires 50sqm for a 1-bed 2 person unit, 70sqm for a 2-bed 4 person and 86 sqm for a 3 -bed 5 person. 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.

In terms of amenity space, Policy H7 states that adequate private or communal amenity space should be provided with regards to new residential accommodation. The flats propose to have a balcony either to the front or rear terrace for the ground floor unit providing adequate private amenity space and given the rear garden together with the close proximity Crystal Palace Park, the provision proposed is acceptable at this location.

#### Layout, Scale, Massing and Bulk and Design and Appearance:

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The development plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

With regard to aesthetics, environmental protection and the quality of the building environment, Policies H7 and BE1 of the Unitary Development Plan, Policies 4 and 37 of the Draft Local Plan and London Plan Policy 7.4 requires new development in particular should take note of urban design principles and specific guidelines. This includes a respect for the locality and topography, the character of adjoining buildings, local materials, context and scale, a proper relationship with the street scene, the treatment of spaces between buildings, the creation of a good living and working environment, and concerns for the needs of local residents.

The scale and design of any scheme would be crucial to successfully accommodating the residential units on this site whilst respecting the adjacent residential units.

The proposed development is a modern block of flats with a pitched roof, the design concept intercedes between the existing buildings to the north and south, To the south is a taller building to reflect the height of 10 Lawrie Park Crescent. The northern building is set back, and turns to relate to the height of 12 Lawrie Park Crescent. The height is reduced to provide a more complimentary form to 12 Lawrie Park Crescent.

The design ensures that the adjacent building heights are respected, with the southern wing at approximately the same ridge and eaves level as 10 Lawrie Park Crescent, with the north wing ridge line no higher than 12 Lawrie Park Crescent.

In terms of footprint the ground floor element projects beyond the rear elevation whilst the upper floors would be roughly in-line with No. 10. Given the curve of the road the property does sit at an angle, however the siting provides side space and similar frontage as to the neighbouring sites, together with rear private garden space.

The design ethos of the scheme takes some architectural references from the adjacent housing stock and changing appearance of Lawrie Park Crescent with recent developments a more contemporary approach has been proposed. A simple palette of materials, red brickwork and feature render panels are proposed. It is considered that this modern approach would fit in well the established developments along Lawrie Park Crescent, street scene generally and the design principles set out above.

Impact on Neighbouring Amenities:

Policy BE1 seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in London Plan Policy 7.6.

The location and orientation of the proposed buildings on site combined to avoid overlooking through design and arrangement.

The new building sits slightly in front of Nos. 10 and 12. The proposed relationship between the two buildings would mean that the rear of the development at ground floor would project approximately 4-5m beyond No. 12 and be approximately in line at upper levels. The Given the site tapers from the front to the rear, a side space of 1m is provided at both boundaries, however will sit approximately 8m at ground floor level and approximately 3.5m at upper floors.

It is considered that given the orientation, location of the buildings and their relationship it is considered that the development would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the front are to be enclosed balconies restricted the views over the front parking area and road.

Flank windows are also proposed at first second, and third floor levels. These are shown to be obscure glazed and to ensure that there is no loss of privacy from these windows a condition is also proposed requiring them to be obscured and top opening only if planning permission is forthcoming.

#### Car parking:

The proposed development provides 3 off-street parking spaces. The Council's Highway Officer has reviewed the current application and has not raised objections to the proposal given the sites accessibility level provision proposed.

#### Cycle parking:

Cycle parking is required at 1 spaces per unit. The applicant has provided details of secure and lockable storage area cycle storage for the flats comprising of 10 spaces. A condition can be attached to any permission to ensure adequate facilities are provided in line with the details set out on Drawing No. P\_152 Rev 0.

#### Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage adjacent to the disabled parking bay. The location point is considered acceptable and within close proximity of the highway for collection services. Further details regarding a containment structure can be conditioned as necessary if planning permission is forthcoming.

#### Trees:

Policy NE7 of the Unitary Development Plan and Policy 73 of the Draft Local Plan state that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

The application site is constricted and provides little opportunity with regard to soft landscaping. An assessment of trees within the build line of the proposed block reveal trees are of low amenity value and a mixture of shrub and hedging species. Mature trees directly impacted are limited to one false acacia situated on the left hand boundary.

The front boundary of the site is well screened with a mixture of shrub species, mainly comprised of cherry laurel. A mature lime tree is positioned in the northwest corner of the site and a mature ash tree is situated to the right of the proposed access drive. Both trees referenced T2 and T6 on the supplied tree survey have been subject to past management. The lime tree (T6) has been pollarded and has developed dense regenerative growth. This is currently breaching required clearances in the adjacent public domain.

The ash tree (T2) has been reduced and is responding well. The past management of these trees, along with the boundary positions, is why a Tree Preservation Order (TPO) was not applied upon evaluation. A focus is therefore on landscaping potential.

The design and access of the development will leave little opportunity at the front, however, the planting of a heavy standard, 'streetwise' lime tree would make an appropriate selection which is to be secured by way of condition. This will suit the position in relation to the adjacent public footpath and proposed parking bays.

The proposed felling of T2 is regrettable; however, this alone would not justify a reason to refuse the application. The replacement tree here will need to be small growing and of a fastigiate variety. This will need to be influenced by professional advice and can be reviewed as part of the submission of landscape details.

The rear cycle parking provisions appear to encroach upon the Root Protection Area (RPA) of a neighbouring, category "A" yew tree. The design of this would ideally avoid the RPA altogether, however, would at least need to demonstrate precautionary measures.

The above information would be best presented as part of an Arboricultural Method Statement (AMS) and a scheme of landscaping.

As such it is considered on balance, given the mitigation and planting methods suggested as part of the conditions contained within this report, the development would be acceptable.

Landscaping:

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard. Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

Mayoral Community Infrastructure Levy (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 density and 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 04.07.2018**

**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: To comply with 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 UDP and in the interests of visual and residential amenity.**

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and Material Schedule (dated 04/07/18) unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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

- 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** Unless otherwise agreed in writing with the Local Planning Authority 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 provided on Drawing P\_152 Rev 0, 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 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 London Plan Policy 5.13 Sustainable Drainage.**

- 10 Before the development hereby permitted is first occupied the proposed window(s) in the southern flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

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

- 11 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.**

- 12 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. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

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

- 13 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area ( RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.  
The London Tree Officers Association - [www.ltoa.org.uk](http://www.ltoa.org.uk)
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management

The development thereafter shall be implemented in strict accordance with the approved details.



**Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006) and pursuant to section 197 of the Town and Country Planning Act 1990.**

**14 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:**

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;**
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving**
  - b) tree pit design**
  - c) underground modular systems**
  - d) Sustainable urban drainage integration**
  - e) use within tree Root Protection Areas (RPAs);****
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;**
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and**
- 5) types and dimensions of all boundary treatments**

**There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.**

**Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the Bromley Unitary Development Plan (adopted July 2006).**

**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](http://www.bromley.gov.uk/CIL)

- 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](mailto: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](http://www.bromley.gov.uk)
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 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.
- 5 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 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 7 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 8 The following British Standards should be referred to:
  - a) BS: 3882:2015 Specification for topsoil
  - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
  - c) BS: 3998:2010 Tree work - Recommendations
  - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
  - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
  - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
  - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
  - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
  - i) BS: 8601:2013 Specification for subsoil and requirements for use

**Application:**18/01422/FULL1

**Address:** Hawthorns 10 Lawrie Park Crescent Sydenham London SE26 6HD

**Proposal:** Construction of a three storey, plus accommodation in the roof, building to provide 4 flats (1 x 3 Bed, 2 x 2 Bed, and 1 x 1 Bed) together with the provision of 3 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.



"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 :** 18/01566/RECON

**Ward:**  
Penge And Cator

**Address :** 14 Anerley Station Road Penge London  
SE20 8PY

**OS Grid Ref:** E: 534681 N: 169887

**Applicant :** Wickes Building Supplies Ltd

**Objections :** YES

### **Description of Development:**

Variation of Condition 18 of ref: 14/03865/MATAND for a Minor material amendment to ref. 14/00957 (Refurbishment and part change of use of existing Class B8/sui generis cash and carry to Class B8/A1 use with alterations site layout and associated works) to create mezzanine floor area in order to allow the extension of the opening hours.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 32

### **Proposal**

The application is for the variation of Condition 18 of ref: 14/03865/MATAND for a Minor material amendment to ref. 14/00957 (Refurbishment and part change of use of existing Class B8/sui generis cash and carry to Class B8/A1 use with alterations site layout and associated works) to create mezzanine floor area in order to allow the extension of the opening hours.

Condition 18 is as follows:

The use shall not operate before 7am or after 8pm Monday to Saturday or before 10am or after 4pm on Sundays.

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

The hours would be extended by an hour in the mornings Monday -Saturday and would be open from 6am. The varied condition would be as follows:

The use shall not operate before 6am or after 8pm Monday to Saturday or before 10am or after 4pm on Sundays.

During the life of the application the applicant supplied additional information in the form of a detailed maximum noise level impact assessment. Neighbours were consulted on this additional information.

### **Location and Key Constraints**

The application relates to a large commercial warehouse, which is located on the south side of Anerley Station Road. There is large parking area to the front and the surrounding area comprises both residential and commercial properties.

### **Comments from Local Residents and Groups**

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

- Increase noise and disturbance
- Light pollution
- Sleep disruption
- Disagree with the findings in the planning application and question the claims made by the supporting noise report.
- Significant risk to neighbouring residents through various forms of pollution and concerned about the robustness of the noise-level evidence.
- WHO's Night Noise guidelines for Europe (2009) cited. WHO demonstrate that negative pollution impacts are seen at levels between 35-43db including impact to well-being, sleep disturbance (waking up in the night and/or too early in the morning). Other levels also cited and examples of other noise pollution causing issues are also highlighted.
- Figure of 40bB is a more appropriate WHO threshold that should be used to evaluate impacts.
- The noise assessment predictions are dubious, and maximum average noise data measurements (Appendix B) are shown to be well within the range of 60-80dB, which significantly exceeds WHO cited guidelines. Question the quoted 43dB measurement, this seems to underestimate measured noise.
- The predicted noise measurements do not adequately model increased traffic episodes Measurements in the planning application prove that with an increased traffic activity shown by times nearer 7am (when the store is open) there are increased noise levels, which would be more representative of the impacts this would cause and add further questions to the robustness of the study.
- Increased light pollution from signage. The store already has opened from 6am and signs on from 4.45am in breach of previous conditions.
- Do not believe that the proposal to extend opening hours "avoids significant impacts on noise and quality of life" cited under 7.15 of the London Plan and believe this proposal will increase noise pollution that will severely impact our health and wellbeing.
- Dissatisfied with analysis and the impact on neighbours has been massively underestimated.
- Increase harm to neighbouring amenity during unsocial hours.

- Increase traffic.

Comments received in respect of revised consultation:

- Maintain objection. Very convenient that this supposedly independent reassessment study has reassessed figures to fit into certain narrative, this puts into question the efficiency and robustness of the studies.
- Would generate unacceptable noise pollution and cite again WHO's Night Noise Guidelines for Europe. This evidences environmental noise pollution causing detrimental health and well-being impacts as noise levels between 35-43db. The modelled noise impact from earlier opening of the Wickes store still does not meet satisfactory and safe environmental noise pollution thresholds.
- According to guidelines, annual average night exposure should not exceed 40 decibels corresponding to the sound from a quiet street in a residential area. Persons exposed to higher levels over the year can suffer from health effects. Long term exposure above 55dB, similar to noise from a busy street can trigger elevated blood pressure and heart attacks.
- Increased air pollution and disturbance from light pollution.

### **Comments from Consultees**

#### Environmental Health

The Environmental Health Officer originally objected to the proposal due to potential issues with noise and disturbance; these comments are outlined below. In response to these objections the applicant provided additional information to the Council and this was subsequently reviewed by the EHO. The updated comments are as follows:

The consultant makes reference to the Maximum Noise Level Criterion in paragraph 2.1.1, the use of 45 dB LAmax is not disputed and was considered in my prior response. My reference to more recent research merely highlights its use as cautionary and somewhat arbitrary as a level. It is generally accepted that the value of 45 as a maximum is used within planning policy.

The previous noise survey did not include accurate measurement data and instead relied on unspecified data, which it later transpired was based on noise from cars. I considered this to be insufficient as evidence to demonstrate the extension of hours would not result in an impact on nearby residents. The consultants have now submitted a noise survey which specifically measures noise from a Ford Transit van, the results of noise measurements from this undertaking show a range between 79 and 88dB at a distance of 1m. These are within similar parameters to measurements taken by EHO's and are therefore not disputed.

In the revised report the consultants have restricted van parking to the spaces directly to the front of the store, and as such has altered the attenuation calculation based on a distance of 38m instead of 22m in the earlier report. The initial noise report noted 50 spaces are available in the car park and considered 50% usage

between the proposed hours of 06.00 and 07.00. The latest assessment is on the basis of designated van parking bays of which 6 appear to be available on the plan. Based on restricting vans only to the spaces at the front of the store the report concluded that maximum levels are up to 40 dB. In accordance with planning policy and guidance this would be considered acceptable. In reality it will be difficult to restrict use of the car park for vans to the designated bays.

My objection in relation to light remains a concern.

EHO (Original Comments). I have considered the above application and would recommend refusal in this instance on the basis of noise and light. The application states that the purpose for extending operating hours is to satisfy the demand for traders collecting items on the way to building sites. I do not consider that refusal in this case would add 'unduly to the costs and administrative burdens on existing businesses' (the London Plan), particularly as in accordance with the Control of Pollution Act 1974 building sites are generally prohibited from undertaking noisy works before 8am.

Noise:

Whilst Environoise have undertaken an appropriate assessment, I disagree with the report's conclusion concerning the impact of L<sub>Amax</sub> levels on nearby residents. This is an important parameter when considering instantaneous effects such as sleep disturbance and is therefore of importance for this application which seeks to vary opening hours to 0600.

Paragraph 5.3.6 calculates the level at Anerley Station Road as 59dB - 15dB for a partially open window equating to 44dB. However  $66-20 \times \log(20/10) = 59.979\text{dB}$  and therefore it would be more appropriate for this figure to be rounded up to 60dB. 10 to 15dB is generally considered appropriate for attenuation for an open window, 15dB is therefore the upper limit for this adjustment. When rounding appropriately and allowing 15dB attenuation for a partially open window the resultant L<sub>Amax</sub> is 45dB.

In house data has been used to obtain an L<sub>Amax</sub> of 66dB for a car door. Tests undertaken by the Council show typical readings for slamming a van door of 95, 90 and 90dB L<sub>Amax</sub> for a rear, side and front door respectively at 1m. When considering a higher L<sub>Amax</sub> of 90dB,  $90-20 \times \log(20/1) = 64\text{dB}$ , this would result in an L<sub>Amax</sub> of 49dB. This therefore exceeds the level of L<sub>Amax</sub> events which may result in sleep disturbance for more than 10 instantaneous events a night. It is also worth noting that whilst 45dB is the stated threshold in the WHO Community Guidelines 1999, more recent evidence suggests a lower figure of 42dB based on health research.

Light:

A separate planning application ref: DC/15/01096/ADV restricts the use of artificial light by condition to the same hours as the current condition i.e 7am to 8pm Monday to Saturday. The light in this instance is an internally illuminated Wickes logo and therefore presumably indicates when the store is open as well as



providing a mean of advertisement. My concern is that an extension of opening hours would result in an application to extend the hours for lighting.

Environmental Health have received complaints in relation to the premises operating their illuminated signage throughout the night and therefore in excess of the hours restricted by condition. Upon investigation it was considered that the artificial light could give rise to the likelihood of a Statutory Nuisance. This matter was resolved through Planning Enforcement but it has demonstrated that light is an issue, which should be restricted to daytime hours only and therefore not before 0700 so as to not detrimentally impact upon the amenity of nearby residents

### **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

7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

### Unitary Development Plan

BE1 Design of New Development

Emerging Local Plan

Policy 37 General Design of Development  
Policy 119 Noise Pollution

### **Planning History**

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

93/01901/ADVILL One non-illuminated and one externally illuminated fascia. Permission.

94/02623/ADVILL 2 Non illuminated wall signs and free standing signs. Permission

14/00957/FULL3 - Refurbishment and part change of use of existing Class B8/sui generis cash and carry to Class B8/A1 use with alterations site layout and associated works. Permission

14/00957/CONDIT Details of conditions submitted in relation to planning permission ref: 14/00957/FULL3 Condition 3 - Boundary enclosures, Condition 4 - External materials, Condition 5- Drainage, Condition 9 - Turning areas, Condition 11 Refuse and recyclable, Condition 12- Bicycle parking, Condition 15 Surface water on to Highways, Condition 19 - Acoustic fencing

14/00957/CONDT1 Details of conditions submitted in relation to planning permission ref: 14/00957/FULL3 Condition 2 - Landscaping, Condition 13 - Lighting, Condition 14 - Construction Management Plan, Condition 21 - Energy

14/00957/AMD- Non material amendment: Alterations to the south west elevation are to remain as existing, internal staff amenity block to stay in its existing position, minor changes to the north west elevation, removal of approved bollards at the front of the store and two additional roof lights to be added as part of the refurbishment of the roof. Approved.

14/03865/MATAMD - Minor material amendment to ref. 14/00957 (Refurbishment and part change of use of existing Class B8/sui generis cash and carry to Class B8/A1 use with alterations site layout and associated works) to create mezzanine floor area. Permission

14/03865/AMD Non material amendment: Removal of fire door and replacing horizontal cladding to part vertical cladding with brickwork. Approved  
09.04.2015

15/01096/ADV - 2 Internally illuminated box signs, 2 sets of individual non-illuminated letters, 1 non-illuminated welcome sign, 1 non-illuminated double side totem sign. Granted.

## Considerations

The main issues relating to the application are the impact of the extended hours on neighbouring residential amenities.

The application site is a large warehouse, currently used as a Wickes hardware/DIY store (Use Class B8/A1). The site is surrounded by a number of roads, residential properties and commercial uses. It is noted there are residential dwellings directly opposite the site entrance on Anerley Station Road and also on Minden Road. There is a railway line located to the west of these residential properties and a search of the TfL website indicates the first train departing from this station is at 5.20am. There is also a bus station to the north east of the Wickes building. Anerley Road in front of this station and surrounding residential properties appears to have unrestricted parking. The current opening hours are from 7am-8pm Monday Saturday. This would be extended by 1 hour in the mornings to 6am.

The applicant states the extended hours are needed to meet the business requirements and that 'The store, and the Wickes business as a whole has a strong 'trade' customer base and at present the existing hours do not satisfy the demands put of the store, particularly in the early mornings when trade people need to collect items on the way to building sites'.

There is however residential properties within close proximity to the site and a number of objections have been raised to the extension of the opening hours. The proximity of these residential units could mean that there is an increase in noise and disturbance early in the mornings. Objections received in respect of this case indicate that there is already a level of noise and disruption from the existing arrangements.

The Council's Environmental Health Officer has reviewed the application, original noise assessment and subsequent noise survey. This updated survey has specifically measured noise from a Ford Transit Van and the results of noise measurements from this undertaking show a range between 79-88dB at a distance of 1m. These measurements are noted as being within similar parameters to measurements taken by EHO's and are not disputed. The EHO has however highlighted that 45dB is a general threshold for a noise event within the World Health Organisation Community Guidelines.

In the revised survey report, the consultants have restricted van parking to the spaces directly to the front of the store, and as such have altered the attenuation calculation based on a distance of 38m instead of 22m in the earlier report. The initial noise report noted 50 spaces are available in the car park and considered 50% usage between the proposed hours of 06.00 and 07.00. The latest assessment is on the basis of designated van parking bays of which 6 appear to be available on the plan. Based on restricting vans only to the spaces at the front of the store the report concluded that maximum levels are up to 40 dB. The EHO considers this to be generally in accordance with planning policy and guidance and

would be acceptable. However, this is based on vehicles parking towards to front of the store only. A car parking management plan could be conditioned and this could provide details of how the store managed parking during this period to limit the impact of noise on neighbouring residential properties.

There are concerns that the development would also lead to harm by way of increased light pollution during the early morning hours. However at present, the signage on the building is controlled by way of Condition 9 of planning ref: 15/01096/ADV which restricts the hours of operation to the current and un-extended hours.

Having had regard to the above it was considered that the proposal would on balance have an acceptable impact on neighbouring residential amenities.

**as amended by documents received on 30.05.2018**  
**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates was begun no later than the 11th June 2017**

**Reason: To comply with Section 91, Town and Country Planning Act 1990.**

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

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

- 3 The boundary enclosures set out and approved under ref: DC/14/00957/CONDIT shall be permanently retained thereafter.**

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

- 4 The Materials shall be as approved under ref: DC/14/00957/CONDIT.**

**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 The drainage scheme and management details set out and approved under Condition 5 of ref: DC/14/00957/CONDIT shall be implemented, maintained and managed in accordance with the approved details**

**Reason: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13**

- 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 order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.**

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

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

- 8 Parking bays shall measure 2.4m x 4.8m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.**

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

- 9 The turning areas set out and approved under Condition 9 of ref: DC/14/00957/CONDIT shall be permanently retained in accordance with the approved details.**

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

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

- 10 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway**

caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

- 11 The arrangements for the storage of refuse and recyclable materials set out and approved under Condition 11 of ref: DC/14/00957/CONDIT shall be permanently retained in accordance with the approved details.

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

- 12 The bicycle parking (including covered storage facilities) set out and approved under Condition 12 of ref: DC/14/00957/CONDIT shall be permanently retained in accordance with the approved details.

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.

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

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

- 14 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.

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.

- 15 Surface water from private land shall not discharge on to the highway. The system for surface water drainage to prevent the discharge of surface water from private land on to the highway as set out and approved under

**Condition 15 of ref: DC/14/00957/CONDIT shall be completed and permanently retained in accordance with the approved details.**

**Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage**

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

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

**17 There shall be no deliveries to or from the premises except within the hours of 7am to 10pm Monday to Friday or 8am-6pm on Saturdays.**

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

**18 The use shall not operate before 6am or after 8pm Monday to Saturday or before 10am or after 4pm on Sundays.**

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

**19 The acoustic fencing for the southern boundary set out and approved under Condition 19 of ref: DC/14/00957/CONDIT shall be permanently maintained and retained in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.**

**20 The security measures for secure by design set out and approved under Condition 20 of ref: DC/14/00957/CONDIT2 shall be permanently retained in accordance with the approved details.**

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

**21 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the refurbishment of the building prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 25% above that required by the 2010 building regulations.**

**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 2011.**

**22 A) A car park management plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the extended opening hours hereby permitted.**

**B) The use shall operate in full accordance with the details approved under Part A in perpetuity.**

**Reason: In the interest of neighbouring residential amenities and in order to comply with Policy BE1 of the Unitary Development Plan (2006)**

**You are further informed that:**

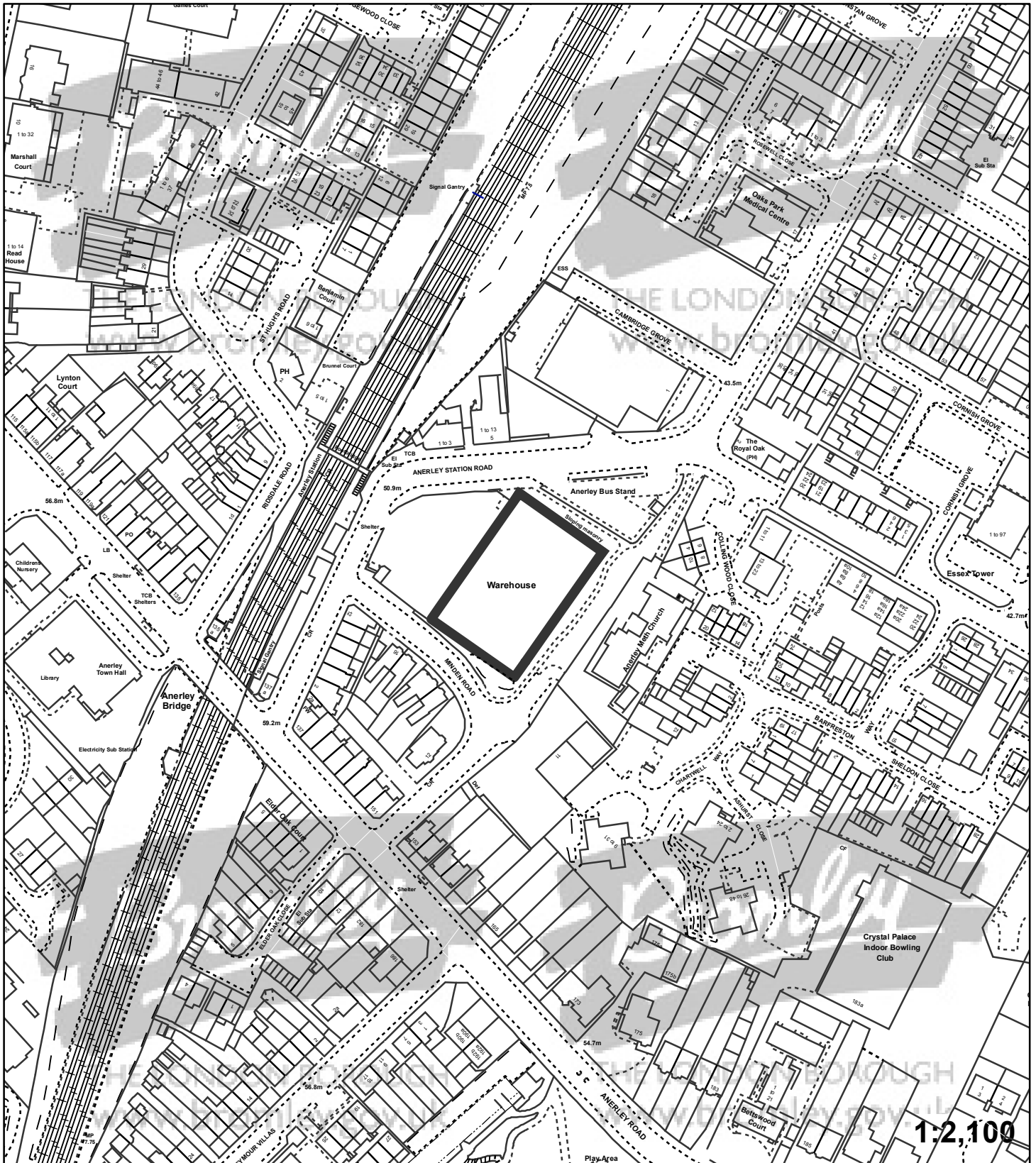
- 1 For the avoidance of doubt, the car parking management plan outlined within Condition 22 shall provide measures to manage vehicular parking during between the hours of 6am-7am in order to mitigate potential noise.**



**Application:**18/01566/RECON

**Address:** 14 Anerley Station Road Penge London SE20 8PY

**Proposal:** Variation of Condition 18 of ref: 14/03865/MATAND for a Minor material amendment to ref. 14/00957 (Refurbishment and part change of use of existing Class B8/sui generis cash and carry to Class B8/A1 use with alterations site layout and associated works) to create mezzanine floor



"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 :** 18/01871/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 30 Priory Avenue Petts Wood Orpington  
BR5 1JF

**OS Grid Ref:** E: 544893 N: 167490

**Applicant :** Mr G Davies

**Objections :** NO

### **Description of Development:**

Part one/two storey rear extension and two storey front extension

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 4  
Article 4 Direction

### **Proposal**

Planning permission is sought for a Part one/two storey rear extension and a two storey front extension. The extension would 'square off' the existing 'L shaped' front building line and would be in-line with the front of the property. The proposed two storey front extension would have a pitched roof set down lower than the main gable. To the rear the proposed extension would extension 3.5m adjacent to the boundary with No. 28 and would replace an existing single storey extension measuring 2.6m. The proposed first floor extension would also project 3.5m to the rear but would be set in from the boundary with No.28 by 2.85m. The existing garage to the side will also be removed.

Revised plans were received on 21st June amending the roof design of the two storey front extension.

### **Location and Key Constraints**

The application property is a semi-detached house located within the Petts Wood Area of Special Residential Character.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to

any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

### **Comments from Local Residents and Groups**

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

### **Comments from Consultees**

None

### **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  
H10 Areas of Special Residential Character  
BE1 Design of new development

## Draft Local Plan

6 Residential Extensions  
37 General Design of Development  
44 Areas of Special Residential Character

## 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:

Planning permission was recently refused for a similar scheme at the property which projected forward of the front building line by 0.9m under ref. 18/00592- Part one/two storey rear extension and two storey front extension for the following grounds:

*"The proposed two storey front extension, by reason of its design, bulk and projection forward of the established building line, would result in an overbearing addition to the host building, harmful to the appearance of the pair of semi-detached properties and detrimental to the character and appearance of the Area of Special Residential Character, thereby contrary to Policies BE1, H8, and H10 of the Unitary Development Plan and draft policies 6, 37, 44 of the emerging Local Plan."*

## **Considerations**

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

- Resubmission
- Design
- Neighbouring amenity
- CIL

## Resubmission

The current application seeks to overcome the previous grounds of refusal by reducing the overall depth of the proposed forward projection and bringing the proposed extension in line with the front of the property. A reduction of 0.9m is sought.

## 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.

In terms of design, the proposed two storey front extension would have a pitched roof to match that of the existing front pitched roof and would not project beyond the established front building line. It is noted that there are a number of other properties in Priory Avenue that benefit from two storey front extensions and these extensions are mainly set in-line with the front elevation of the house with pitched roofs above. The property is located within the Petts Wood ASRC where proposals will be required to respect and complement the established and individual qualities of the individual areas (Policy H10). Given that the proposed extension would not project forward of the existing house and would be in character with the host dwelling, it is considered that this part of the proposal would result in an acceptable addition to the pair of semi-detached properties and would be in-keeping with this part of the streetscene. It is considered that the proposal would not impact detrimentally upon the visual amenities and character of the Petts Wood ASRC.

In terms of the part one/two storey rear extension, by reason of its location to the rear, the dimensions and use of materials to match the existing dwellinghouse, this part of the proposal is considered acceptable in terms of design.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions 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 rear extension would be constructed up to the boundary with No.28 at single storey level and given the proposed depth of 3.5m and the orientation of this neighbour to the south, on balance the proposal is considered acceptable. In terms of the two storey element, the extension would be set in by 2.85 at first floor level. Whilst the proposed extension would be visible from the adjoining property, it is considered that the separation distance and orientation of the properties is acceptable and the harm is not considered significant enough to warrant the refusal of planning permission in this case.

With regards to No.32, this property has been previously extended at single storey to the side and rear. This property does still maintain separation to the flank boundary, with the proposed two storey extension further set in by approximately 2.65m away from the shared boundary. No this basis, it is not considered that the proposal would result in sufficient harm to this neighbouring property to warrant the refusal of planning permission on this basis alone.

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 unlikely to be payable on this application but the applicant has not 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 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.

**as amended by documents received on 21.06.2018**

**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:**18/01871/FULL6

**Address:** 30 Priory Avenue Petts Wood Orpington BR5 1JF

**Proposal:** Part one/two storey rear extension and two storey front 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 :** 18/01873/RECON

**Ward:**  
Petts Wood And Knoll

**Address :** 172 - 174 Petts Wood Road Petts Wood  
Orpington BR5 1LG

**OS Grid Ref:** E: 544519 N: 167760

**Applicant :** Mustafa Huseyin

**Objections :** YES

### **Description of Development:**

Variation of condition 3 (compliance with approved plans) of permission ref.17/01064/FULL1 granted for single storey rear extension with mansard roof and rear dormer providing office space storage for the Class A1 unit at first floor level, storage space to ground floor rear and enlargement of the Class A1 unit, in order to allow amendments to the windows and to the design of the first floor extension (Retrospective application)

### **Key designations:**

Conservation Area: Station Square Petts Wood  
Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4

### **Proposal**

Retrospective permission is sought for amendments to this two storey extension located at the rear of Nos.172-174 Petts Wood Road which was granted permission in May 2017 to be used as storage space on the ground floor and office space above in connection with the existing ground floor retail unit.

The main changes to the permitted scheme are:

- The first floor part of the extension is now set flush with the ground floor and rendered, rather than being set in slightly from the side and rear and tile-hung
- Small windows adjacent to the doors at ground floor level in the rear elevation have been omitted
- Larger first floor windows have been installed in the rear elevation, rather than high-level windows, but they are obscure glazed apart from the top lights
- A high-level first floor window has been added to the eastern flank elevation which is obscure glazed
- Two clear glazed means of escape rooflights have been added to the southern roof slope facing the rear elevation of the frontage building.

A revised plan was submitted on 4th June 2018 which more accurately reflects what has been built on site.

### **Location and Key Constraints**

The host dwelling is a mid-terrace building with commercial use on the ground floor, and a residential flat above. The site lies within Station Square Petts Wood Conservation Area.

### **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**

- Overlooking of neighbouring residential gardens
- Increased pressure on parking in the rear access road
- Extension appears to be for residential rather than office use
- Eastern flank window may be obscure glazed but it is not fixed shut and therefore can overlook adjacent gardens
- The first floor accommodation is not set back as a rear dormer, but has been built flush with the rear ground floor wall
- Loss of outlook from neighbouring properties and gardens.

#### **Local Groups (Petts Wood & District Residents' Association)**

- Inaccurate plans
- Loss of outlook from neighbouring properties
- First floor could easily be converted to residential accommodation
- Overdominant building in a Conservation Area.

The application has been called in to committee by a Ward Councillor.

### **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

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

#### Unitary Development Plan

BE1 Design of New Development

BE11 Conservation Areas

#### Emerging Local Plan

37 General Design of Development

41 Conservation Areas

#### Supplementary Planning Guidance

NPPF

Supplementary Planning Guidance 1 - General Design Principles

### **Planning History**

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

Permission was refused in 2007 (ref.07/02393) for a single storey rear extension on grounds relating to excessive depth, overintensive use, intensification of the use of the accessway, and increased demand for on-street parking.

Permission was refused in 2008 (ref.08/00734) for a single storey rear extension on grounds relating to an overintensive use of the site due to the separate office use.

Permission was granted in 2008 (ref.08/02736) for a single storey rear extension.

Permission was granted in May 2017 (ref.17/01064) for a single storey rear extension with mansard roof and rear dormer to enlarge the retail unit and provide office space and storage for the retail unit.

Permission was refused in August 2017 (ref.17/03109) for roof extensions and the conversion of the upper floors into 2 flats on grounds relating to the excessive size of the rear dormer extension and its detrimental effect on the character and appearance of the conservation area.

## **Considerations**

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

- Resubmission
- Design
- Neighbouring amenity
- Sustainability
- CIL

## Resubmission

As outlined within the Proposals section of this report, the main changes between the permitted and revised schemes are:

- The first floor part of the extension is now set flush with the ground floor and rendered, rather than being set in slightly from the side and rear and tile-hung
- Small windows adjacent to the doors at ground floor level in the rear elevation have been omitted
- Larger first floor windows have been installed in the rear elevation, rather than high-level windows, but they are obscure glazed apart from the top lights
- A high-level first floor window has been added to the eastern flank elevation which is obscure glazed
- Two clear glazed means of escape rooflights have been added to the southern roof slope facing the rear elevation of the frontage building.

## 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 BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

Policy BE11 states works within a conservation area should respect or complement the layout, scale, form and materials of existing buildings and spaces and respect and incorporate features that contribute to the character, appearance or historic value of the area.

The amendments to the design of the extension are not considered to have a significant detrimental impact on the appearance of the building, and given the location of the extension to the rear of the site and the fact that it now has white rendered walls to match the adjacent extension at No.176-178, it is not considered to have an adverse impact on the character and appearance of Station Square Petts Wood Conservation Area or the adjacent ASRC.

## 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.

Policy BE1 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 overshadowing. This is reiterated in draft policy 37.

A bathroom window has been installed at first floor level in the eastern flank elevation of the extension, but it is obscure glazed and measures only 0.6m x 0.45m, and does not therefore cause undue overlooking of neighbouring properties or their rear gardens.

The rear-facing windows at first floor level are not high-level windows as permitted, but the main part of the windows are obscure glazed with only the top lights clear glazed. The rear gardens of properties in Kingsway which back onto the service road have boundary fencing and mature planting, and as such, the revised proposals do not result in significant overlooking of neighbouring properties.

The first floor southern elevation of the extension where it adjoins the existing single storey rear extension at Nos.172-174, now has two clear glazed means of escape rooflights which would face the rear elevation of the frontage building. However, there is a distance of 12.5m between them, and these revisions are not therefore considered to be unduly harmful to the amenities of the occupiers of the frontage building.

### 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 but the applicant has not completed the relevant form.

### **Conclusion**

The revisions to the scheme permitted in 2017 are not considered to have a detrimental impact on the character and appearance of the Conservation Area or



the adjacent ASRC, and is not considered to cause harm to the amenities of neighbouring residential properties.

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: APPROVAL**

**subject to the following conditions:**

- 1 No windows or doors additional to those shown on the permitted drawings shall at any time be inserted in the first floor elevations 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.**

- 2 Before the development hereby permitted is first occupied the proposed first floor windows in the eastern and northern elevations shall be obscure glazed in accordance with the approved plan 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 windows 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**

- 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 UDP and in the interests of visual and residential amenity.**

- 4 The extension hereby permitted shall be used for storage and offices ancillary to the retail use at Nos 172-174 Petts Wood Road, and for no other purpose.**

**Reason - In order to comply with Policy BE1 of the Unitary Development Plan and to prevent an overintensive use of the site and in the interests of the residential amenity of the area.**

**You are further informed that :**

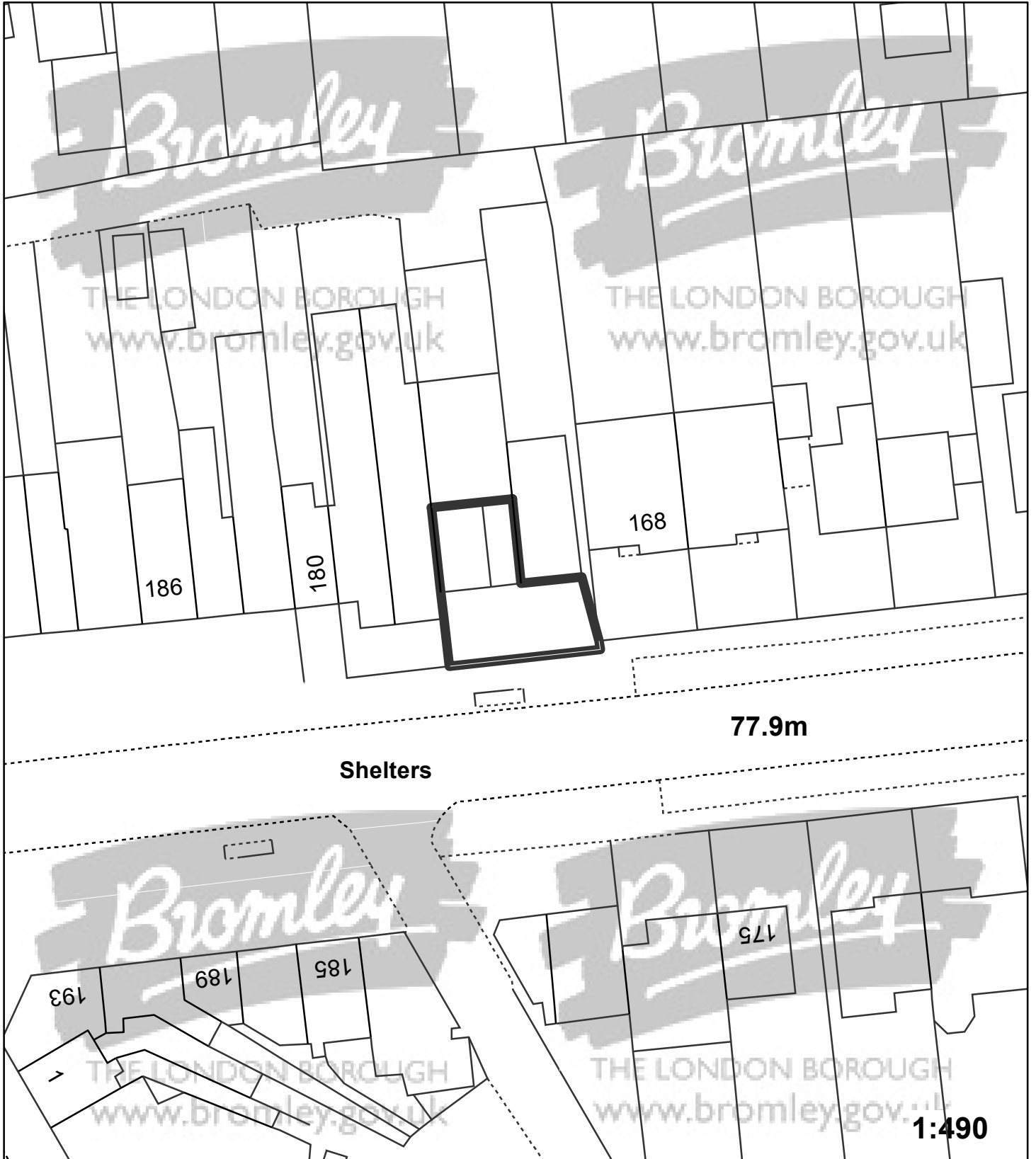
- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and**

**this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

**Application:**18/01873/RECON

**Address:** 172 - 174 Petts Wood Road Petts Wood Orpington BR5 1LG

**Proposal:** Variation of condition 3 (compliance with approved plans) of permission ref.17/01064/FULL1 granted for single storey rear extension with mansard roof and rear dormer providing office space storage for the Class A1 unit at first floor level, storage space to ground floor rear 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 '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/01890/FULL1

**Ward:**  
Clock House

**Address :** County House 241 Beckenham Road  
Beckenham BR3 4FD

**OS Grid Ref:** E: 536075 N: 169640

**Applicant :** Mr Phiroze Mackenzie

**Objections :** YES

### **Description of Development:**

Proposed roof top extension to provide seven flats (2 no. two bedroom and 5 no. one bedroom).

Key designations:

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

### **Proposal**

It is proposed to construct a roof top extension which would provide 7 flats. The flats range in size, with 5 one bedroom two person, 1 two bedroom three person and 1 two bedroom four person flats being proposed to be provided.

The extension would have a mansard appearance, being set in from the main vertical elevations below and incorporating chamfered elevations from the proposed flat roof to the retained flat roof of the main building where amenity areas would be provided within part of the ste flat roof space surrounding the development, bounded by balustrades set back from the main elevations below.

The walls of the structure would be metal clad in a dark colour and the flat roof is referred to in the design and access statement as comprising a sedum roof to improve the sustainability of the proposal. Details of the sedum roof have not been supplied at application stage, with the agent requesting that details be sought by way of condition should planning permission be granted.

The site includes a car park at ground level which provides 76 car parking spaces available to residents, of which at present, Hyde Housing have stated, only 38 are known to be used by residents. Cycle storage is proposed to be provided within the secure cycle store at ground floor level which is positioned in the undercroft area.

With regards to refuse storage it is stated that the existing scheme provides 45sqm of refuse storage to the west of the building with clear access to the area for refuse

collection. This space will be utilised by the proposed flats in addition to the existing flats within the main building.

The application was supported by the following documents:

- Cover letter & Town Planning Statement & Transport Statement
- Design and Access Statement
- Code of Construction Conduct
- Daylight/sunlight assessment
- CIL form

### **Location and Key Constraints**

The application site measures around 2180sq m and comprises a 5 storey building plus undercroft parking. The building was recently converted from office (B1) to 76 one and two bedroom residential units under permitted development.

The site lies on the southwestern side of Beckenham Road, at the junction with Mackenzie Road. It is bounded to the southeast by the railway line and to the northeast on the opposite side of Beckenham Road is a petrol filling station, beyond which is the Barnmead Road Conservation Area. To the southwest of the site are residential dwellings fronting Mackenzie Road.

The general character of the area is two storey Victorian dwelling houses in the residential streets surrounding the site and on the opposite side of Beckenham Road, with more imposing commercial/residential development generally not exceeding 3 storeys in height adjacent to the west of the site fronting Beckenham Road. Given its five/six storey height and significant bulk the host building is therefore significantly prominent in this part of the street scene.

The existing flat roof of the building includes small buildings comprising redundant service structures including a lift motor room and water tank room.

The site is situated around 0.5 miles from Beckenham District Centre (as designated in the London Borough of Bromley Unitary Development Plan).

Beckenham Road (A234) is a London Distributor Road and the site has a Public Transport Accessibility Rating (PTAL) of 5 (on a scale of 0 - 6b where 6b is the highest).

The site also lies within an Air Quality Management Area (AQMA).

### **Comments from Local Residents and Groups**

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

Objections

- The proposal increases the number of residents overlooking the neighbouring property and the extent to which they have a direct view over the adjacent garden
- County House has imposed parking charges on the property resulting in detrimental parking conditions in Mackenzie Road
- Proposal will be visible from the Barnmead Road conservation area
- The last construction works blatantly breached the hours for work to take place
- Will cause parking problems for nearby businesses
- Loss of light to neighbouring properties/impact on rights to light
- Impact on sky view from ground floor windows of neighbouring properties
- Light pollution at night
- Increased noise impact associated with the additional storey with rooftop terraces
- Overdevelopment of the site
- Impact on infrastructure including the aged sewer system locally
- Disruption associated with building works
- Still awaiting the gym which has been proposed at basement level
- The existing lifts break on a daily basis and the fire alarms are constantly problematic
- Maintenance issues associated with the existing building including overflowing refuse areas, noise, parties and other antisocial behaviour
- Hyde should look after the current building and residents rather than look for further profit
- Loss of privacy from scaffolding to existing residents of the flats
- The flats heat up easily and the construction work will mean windows will need to be kept closed
- The site is already at risk from crime
- Air pollution

#### Comments from Consultees

##### Highways:

The site is located on the corner of Mackenzie Road and Beckenham Road. Beckenham Road (A234) is a London Distributor Road. The development is in an area with high PTAL rate of 5 (on a scale of 0 - 6b, where 6b is the most accessible).

As a result of the proposal, the overall development would comprise 83 residential units accompanied by the existing 76 car parking spaces on-site. The overall level of parking provision will therefore equate to 0.91 spaces per unit.

As long as the car parking spaces doesn't include monthly charges and remain for resident's use for perpetuity there are no objections to the proposal.

Furthermore the traffic generation from the site would not alter significantly and given the urban nature of the site any increase would not have a significant impact upon highway safety and parking demand within the local road network.

The applicant is required to adhere to London Plan and provide additional secure cycle parking

Transport for London:

No objections are raised to the proposal subject to the provision of cycle storage in accordance with the London Plan. Whilst no objections are raised in terms of the impact of the structure on the operation of the adjacent routes, TfL strongly recommends that car parking is reduced to London Plan standards so as not to undermine cycling, walking and the use of public transport. Electric Vehicle Charging Points (EVCP) will need to be provided in accordance with draft London Plan standards.

Secure by Design:

Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units. The existing development into which this application is proposed has not been built to Secured by Design standards. However, there appears no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products. The following measures for this application are encouraged: Main entrance door into the fabric of the building or communal area should meet or exceed PAS24 2016 or alternative Secured by Design Standard.

Any other external doors leading into the fabric of the building should meet or exceed PAS24 2016 or alternative Secured by Design Standard. (This would include any terrace or patio doors on the ground and lower ground floors and any balcony doors if accessible). Any ground floor or other accessible windows (including climbable balconies and rooflights) to be PAS24 2016 or alternative Secured by Design Standard Mail Delivery should be via tested and accredited boxes in a secure lobby area, through the wall or external boxes. Access control to be audio visual entry access control system to be employed. Utility meters should be located outside of the dwelling at a point where they can be overlooked or intelligent smart meters with automatic signalling are an acceptable alternative. Any bicycle stands should be a galvanised steel bar construction (minimum thickness 3mm) with a minimum foundation depth of 300mm with welded 'anchor bar'.

APCA: No comment

Conservation Officer: Policy BE13 is applicable and para 128 of the NPPF requires regard to the setting of heritage assets. County House is clearly a building that is visible looking out of the CA from Barnmead and could be said to cause some degree of harm through its height. However the increase in height proposed is relatively modest and when considered with the 50 metre separation to the CA and setting back of the proposed roof addition, it is not seen that there would be any increase in visual harm.



Environmental Health Pollution Officer: No comments have been received in respect of this current application. With regards to the previous application 16/03124/FULL1 no concerns were expressed regarding the impact of the rooftop flats on the amenities of the floor below.

Drainage Engineer:

No increase in the footprint. No Comment.

Waste Services: No comment

Environmental Health (Pollution):

No comments received to date. Any comments will be reported verbally.

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

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.2 Minimising Carbon Dioxide Reductions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.21 Trees and woodlands
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

## Unitary Development Plan

- BE1 Design of New Development
- BE4 Public Realm
- BE13 Development adjacent to a Conservation Area
- BE17 and BE18 High buildings and the Skyline
- H1 Housing Supply
- H2 and H3 Affordable housing
- H7 Housing Density and Design
- IMP1 Planning Obligations
- NE7 Development and Trees
- T1 Transport Demand

T2 Assessment of Transport Effects  
T3 Parking  
T5 Access for People with Restricted Mobility  
T6 Pedestrians  
T7 Cyclists  
T9 and T10 Public Transport  
T15 Traffic Management  
T17 Servicing of Premises  
T18 Road Safety

#### Emerging Local Plan

1 Housing Supply  
4 Housing Design  
30 Parking  
31 Relieving Congestion  
32 Road Safety  
33 Access for all  
37 General Design of Development  
42 Development Adjacent to a Conservation Area  
47 Tall & Large Buildings  
48 Skyline  
70 Wildlife Features  
72 Protected Species  
73 Development and Trees  
116 Sustainable Urban Drainage systems  
119 Noise Pollution  
120 Air Quality  
123 Sustainable Design and Construction  
124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy  
125 Delivery and Implementation of the Local Plan

#### Supplementary Planning Guidance

##### London SPG

Accessible London: Achieving an Inclusive Environment (2014)  
Sustainable Design and Construction (2014)  
Control of Dust and Emissions during Construction and Demolition (2014)  
Housing (March 2016)  
Homes for Londoners

##### Bromley SPG

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:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
92/02339	Installation of plant equipment on the roof	PERMISSION
97/00780	Generator flue and brick enclosure on the roof	PERMISSION
92/00506, 95/00278, 99/01407, 99/03162, 00/02411, 00/03632, 00/03873, 01/00734, 05/02308, 06/021998	Telecommunications dishes and antennae on the roof	PERMISSION/APPROVAL
07/02185	Generator in the car park and 2 condensers on the roof	PERMISSION
07/03136	Ground floor front extension for use as a staff café	REFUSED
14/00449	Change of use of the ground, first, second, third, fourth and fifth floors from offices to a total of 75 flats	PRIOR APPROVAL
	REFUSED (APPEAL ALLOWED)	
14/04697	External elevational alterations, replacement cladding and the rendering of the building.	REFUSED
15/00534	External elevational alterations, replacement cladding and the rendering of the building	PERMISSION
15/02984	External elevational alterations and replacement of windows and doors	PERMISSION
16/00514	Conversion of caretakers office to a studio flat	GRANTED PRIOR APPROVAL
16/03124	Sixth floor set back extension to provide an additional 4 flats bringing the total number of flats up to 80	PERMISSION
16/05069	Conversion of B1 offices to D2 gymnasium in basement.	PENDING DETERMINATION

### **Considerations**

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

- Resubmission
- Principle
- Scale, layout and design
- Density
- Standard of residential accommodation
- Highways and transport

- Impact on neighbouring amenities
- Sustainability
- Secured by design
- CIL

### Resubmission

While not a direct resubmission, the application has been submitted following the grant of planning permission under reference 16/03124/FULL1 for the construction of a sixth floor extension to provide an additional 4 flats. That permission remains capable of implementation subject to the discharging of pre-commencement conditions.

The current proposal differs from that previous permission in the following respects:

- Permission related to 4 no. two bedroom flats where this application proposes 5 no. one bedroom flats and 2 no. two bedroom flats (seven flats in total)
- Amenity space/access to the flats is provided to the Beckenham Road side of the roof where this side of the roof was retained as a blank flat roof under the previous permission.
- Mansard/chamfered roof form proposed
- Smaller amenity area proposed to the southern 'wing' of the building than previously proposed
- Materials
- Sedum roof

It is noted that planning permission was granted prior to the completion of the residential conversion of the lower floors under the prior approval applications, since fully implemented.

### Principle

The principle of the provision of additional flats within a sixth floor extension has been established in the granting of planning permission under reference 16/03124/FULL1.

### Scale, layout and 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.

The proposed additional floor of accommodation would be set back from the main elevations of the building with the exception of the angled south eastern elevation adjacent to the railway line and would incorporate a reasonably low level flat roof which would limit the extent to which the development would be readily appreciable from the surrounding area. The design of the structure, to incorporate a mansard appearance with chamfered walls and utilising materials commonly associated with roof top development would not have a significantly greater visual impact than the development granted planning permission under reference 16/03124/FULL1. Views of the development in context with the building as a whole and the surrounding built development would be limited as a result of the perspective associated with its height above street level to wider long range views, in particular from the rise of the hill in Mackenzie Road, from Beckenham Road on the other side of the railway bridge and from the direction of Kent House, including from within the Barnmead Road Conservation Area.

The visual impact of the development in terms of these views from the conservation area falls to be carefully considered in context with Policy BE13 which specifically refers to the need to ensure that development adjacent to the conservation areas should not detract from views into or out of the area. On balance, taking into account the previous (and extant) planning permission, the relatively modest increase in the overall height of the building and the 50m separation to the conservation area it is not considered that the proposal would result in increased visual harm.

As a consequence of the design, scale, materials and siting of the extension it is considered that the proposed extension would have the appearance of capping the building which (as was the case with the previous proposal) would result also in the removal of the previously sited excess paraphernalia which undermines the appearance of the building as a whole, particularly in long range views. It is not considered that the proposal would have a detrimental impact on the local townscape or the appearance of the host building. If permission is granted it would be appropriate to impose a condition to ensure that the appearance of the building from long range views is uncluttered by domestic or other paraphernalia such as storage structures, with the roof being kept clear of development.

Density

Policy 3.4 of the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, design principles in Chapter 7 of the London Plan and with public transport capacity.

A numerical calculation of density is only one consideration in the assessment of 'optimum' density, with consideration of the surrounding context and the impact on neighbouring living conditions also falling to be considered. The site is located within an urban setting with a good public transport accessibility level of 5.

The existing site comprises quite dense residential development which has been provided following residential prior approval applications where consideration of density and impact on amenity did not form part of the assessment criteria available to the Council. It is noted that the total number of units upon the site, 83, would result in a units/hectare calculation exceeding the indicative density range of the London Plan.

However, there is an implementable permission for 4 two bedroom flats in addition to the (at the time unimplemented) flats achieved through the prior approval process within the existing building. The current proposal utilises a similar footprint and bulk to that granted under 16/03124/FULL1 and would not significantly add to the on-site parking demand as a consequence of the unit mix comprising a majority of 1 bedroom flats with 2 two bedroom flats. The proposal makes more efficient use of the roof top extension so as to provide 7 flats rather than the 4 two bedroom flats originally granted. It is considered that an assessment of density in this case would relate principally to the scale, bulk, massing and impact on amenity rather than being a numerical calculation.

The site is well accessible to public transport and in terms of the context of the site and the lower floors of flats which have been provided, it is not considered that the refusal of planning permission on the basis of the density of development would be sustainable at appeal. This conclusion is reached with consideration of the planning history of the site, including the extant permission for 4 two bedroom rooftop flats, the capacity within the site for adequate servicing of the proposed flats as well as the high quality of the design of the structure and the resultant appearance of the host building as well as the standard of accommodation provided including dual aspect dwellings with access to private amenity space.

#### 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 London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. Windows to all living areas, including bedrooms, should be located and designed to provide for a reasonable view of the immediate surroundings. The view should not be of solely the sky or a single structure such as a flank elevation of a building or a brick wall.

The proposed flats are all dual aspect and six of the seven flats meet the technical housing standards minimum internal floorspace. Unit 1 which is a two bedroom/three person flat falls short of the minimum floorspace by 3sqm although the unit's rooms are of a satisfactory size and the unit has the most generous external amenity space of the flats, at 27sqm. On balance, it is considered that this shortfall would not, in the context of the overall layout of the unit and the space available to its occupants, represent grounds for refusal of permission on the basis of the standard of residential accommodation.

### 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.

Transport for London was consulted regarding the proposals, and on the basis of the information provided by the applicant regarding the materials of construction of the external walls of the structure, raise no objections to the proposals. TfL however recommend a reduction in the number of parking spaces along with the provision of electric car charging points. The applicant has been contacted for comment on the provision of charging points. In response it is commented that



there should not be an issue in providing the charging points on the assumption that one active and one passive charging point could be provided to meet the parking standards for this current application (on the basis that the car parking on site has been provided in relation to the prior approval for the conversion of the original building to flats). The applicant has suggested a pre-commencement condition on this basis.

The Council's Highways officer has raised no objections in principle to the proposals on the basis of the development comprising 83 units with 76 on site car parking spaces for which there would be no monthly charge. The applicant has been asked to clarify this point in view of local representations which referred to there being a parking charge levied to residents of the existing flats. The applicant has stated: "Parking spaces are available to all residents on site at no cost. However, the profile of our tenants is that very few have cars. This is not unique to this site and is consistent across many of our developments." 18/189

It is acknowledged that concern has been expressed regarding the potential that the proposal would result in increased on-street parking demand in neighbouring streets. It is noted that long sections of Mackenzie Road have dropped kerbs leading to off-street car parking space in front of dwellings which limits the capacity for on-street parking in the immediate locality of the application site. However, the level of on-site car parking, at 76 off-street spaces, is considered acceptable to meet the needs of the proposed flats in addition to the existing flats taking into account the high public transport accessibility of the site.

A Code of Construction Conduct has been submitted with the application which goes into some detail on the construction methodology, on-site safety and the management of the works. If permission is granted it would be appropriate by way of condition to secure a Construction Management Plan/Construction Logistics Plan which would provide greater detail regarding the schedule/phasing of works, delivery vehicles, trip generation, parking and access arrangements associated with development traffic and the on-going works so as to ensure that the period of construction does not adversely impact upon conditions of safety and the free flow of traffic in the immediate locality and the A234 which forms part of the strategic road network.

### 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.

Balconies are indicated as serving units 2 - 7 facing broadly towards the Mackenzie Road properties. It is noted however that amenity space at this level has been previously accepted within application 16/03124 for the 4 flat scheme, and that the relationship between the amenity areas and the edge of the roof and the height of the building would be similar. As such it is not considered that the proposal would significantly increase the actual and perceived overlooking in

comparison with the already permitted scheme. Due to the elevated position of the development, the siting of the extension in relation to the vertical elevations and the chamfered wall design, the extent to which the extension would be visible from ground floor level in adjacent residential curtilages/gardens would be limited. In the context of the existing structure on site, its height and position, it is not considered that the scale and bulk of the proposed roof top extension would have a significant visual impact on neighbouring residential properties.

A daylight/sunlight assessment has been provided which concludes that the current proposals would not have a greater impact on the daylight and sunlight to neighbouring properties than the scheme granted planning permission under reference 16/03124/FULL1.

Concern regarding additional light pollution is noted, but in the context of the existing structure and its residential use as well as the implementable permission for 4 units it is not considered that the current proposal would result in an unacceptably increased potential for light pollution.

It falls also to consider the impact of the occupation of the rooftop flats in terms of noise and disturbance on the flats below. The section drawing submitted with the application show the structure to form the rooftop accommodation as sitting on a frame structure. The comments of the Environmental Health officer have been sought regarding the proposals and will be reported verbally.

### 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.

The proposed scheme incorporates the provision of a sedum/living roof which is referred to as increasing the sustainability of the proposed development. No details have been provided of the planting/maintenance of this aspect of the development and if permission is granted it would be appropriate to impose a condition requiring this information in order to secure the long term retention and maintenance of the living roof.

### Secured By Design

Concerns have been expressed by existing occupants of the flatted building regarding crime risk, anti-social behaviour and vandalism. Taking into account the elevated position of the currently proposed flats at rooftop level it is not considered that the proposed flats themselves would be vulnerable to crime, and the recommendations of the Designing out Crime officer regarding the aspects specific to this particular scheme are considered to be achievable.

### Other matters

A number of representations have referred to the concerns relating to the impact of the period of construction on the amenities of existing occupants, and these concerns are noted, but it is generally acknowledged that construction works will have an impact but that that impact is finite, being of limited duration. As such, the impact of the construction itself is not a material planning consideration. The applicant has submitted a Code of Construction Conduct document which provides detail of the duration of the build and working hours.

Complaints have also been raised regarding the existing management of the now residential building i.e. concern regarding anti-social behaviour, lift operation, fire alarms going off and refuse removal. These comments are noted, but with regards to the consideration of the planning merits of this specific scheme, would not constitute grounds for refusal of permission, relating to matters broadly outside of planning control.

### 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**

Taking into account the scope of the existing permission for the construction of 4 two bedroom flats within a roof top extension, and the design, appearance, scale and bulk of the proposed development it is considered that the proposal would not have a significant impact on the visual amenities of the area in general and the character and appearance of the Barnmead Road Conservation Area. The proposal would provide 7 flats of a good standard of accommodation, including access to private amenity space, and in view of the site's public transport accessibility level alongside the parking available on site, it is not considered that the proposal would result in a significant impact upon highway safety and parking demand within the local road network.

With regards to the impact of the proposal on residential amenity it is acknowledged that a number of local representations have been received, from existing residents within the block as well as from neighbours living in the immediate locality. The concerns expressed regarding the on-going management of the existing flats, relating to routine maintenance, are noted but are considered to fall outside of matters for consideration in this application. With regards to the reference to anti-social behaviour, the residential conversion of the main block was implemented under prior approval and therefore there was limited scope at that

time to ensure that the principles of Secured By Design be adhered to. Fundamentally, it is not considered that the proposed additional flats will increase potential for such issues, and the fact that 4 flats could be constructed so long as the pre-commencement conditions on the permission ref. 16/03124/FULL1 are discharged is a strong material planning consideration.

It is not considered that the scale and bulk of the proposal would have a significantly adverse impact on the residential amenities of adjacent residents. The elevated position of the extension and the setting back of the chamfered elevations from the main vertical elevations of the existing building would limit the extent to which the extension would be appreciable from ground level in the immediate vicinity of the application site.

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 12.07.2018**

**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: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 Details (including samples) 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 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.

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

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

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

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

- 7 Prior to the commencement of the development hereby granted planning permission, details of the provision and siting of Electric Vehicle Charging Points (EVCP) shall be provided to accord with the London Plan standards. The EVCP shall be provided in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policies 6.13 and 7.14 of the London Plan.

- 8 Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.

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

- 9 No structure, plant, equipment or machinery shall be placed erected or installed on or above the roof or on external walls or within the terrace amenity areas without the prior approval in writing by the Local Planning Authority.

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

- 10 Prior to the commencement of the development hereby granted planning permission details of the proposed green roof shall be provided to and approved in writing by the Local Planning Authority. The details shall include a scaled section through the actual roof showing the details of the substrate base and living roof components, details of the proposed plug planting and seed composition and planting methodology and a management strategy detailing how the living roof will be maintained and monitored for a period of at least 5 years post installation. The green roof shall be implemented in accordance with the approved timetable and shall be maintained in accordance with the approved management plan thereafter.

**Reason:** In order to comply with Policy 123 of the draft Local Plan and Policy 5.11 of the London Plan and to secure a satisfactorily sustainable development.

- 11 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 UDP and in the interests of visual and residential amenity.

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

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

You are further informed that :

- 1 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](http://www.bromley.gov.uk/CIL)

**2 Your attention is drawn to the principles of Secure by Design in relation to physical security, with particular regards to:**

**Main entrance door into the fabric of the building or communal area should meet or exceed PAS24 2016 or alternative Secured by Design Standard.**

**Any other external doors leading into the fabric of the building should meet or exceed PAS24 2016 or alternative Secured by Design Standard. (This would include any terrace or patio doors on the ground and lower ground floors and any balcony doors if accessible)**

**Any ground floor or other accessible windows (including climbable balconies and rooflights) to be PAS24 2016 or alternative Secured by Design Standard**

**Mail Delivery should be via tested and accredited boxes in a secure lobby area, through the wall or external boxes.**

**Access control to be audio visual entry access control system to be employed.**

**Utility meters should be located outside of the dwelling at a point where they can be overlooked or intelligent smart meters with automatic signaling are an acceptable alternative.**

**Any bicycle stands should be a galvanised steel bar construction (minimum thickness 3mm) with a minimum foundation depth of 300mm with welded 'anchor bar'.**

**Any further guidance in relation to the physical security standards required by Secured by Design can be found on the Secured by Design website [www.securedbydesign.com](http://www.securedbydesign.com)**

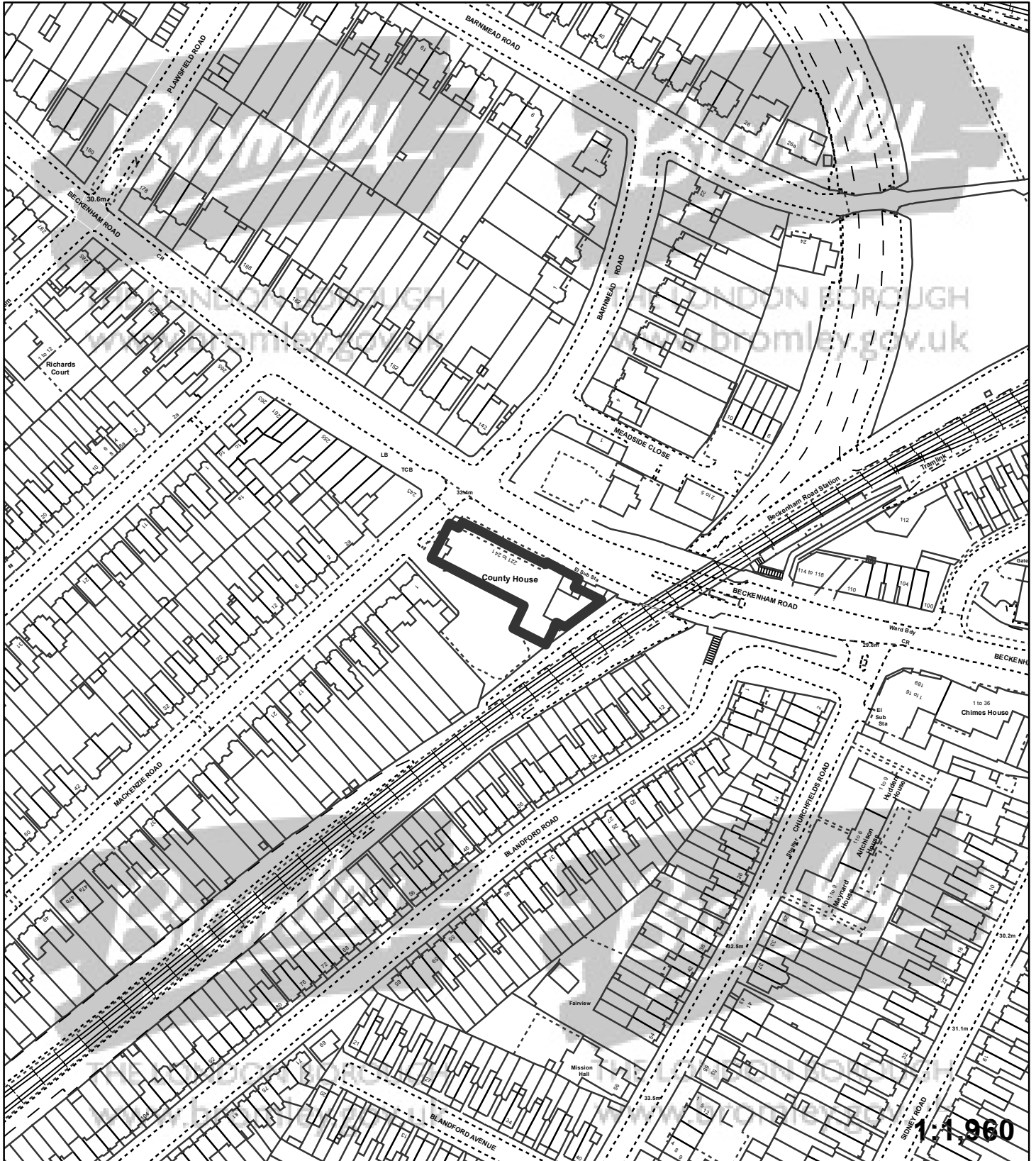
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**Application:**18/01890/FULL1

**Address:** County House 241 Beckenham Road Beckenham BR3 4FD

**Proposal:** Proposed roof top extension to provide seven flats (2 no. two bedroom and 5 no. one bedroom).



"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 :** 18/02153/FULL6

**Ward:**  
Farnborough And Crofton

**Address :** 36 Rusland Avenue Orpington BR6 8AT

**OS Grid Ref:** E: 544681 N: 165376

**Applicant :** Mr Hussein Tahsin

**Objections :** YES

### **Description of Development:**

Demolition of existing garage erection of a single storey rear and side extension

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 11  
Urban Open Space

### **Proposal**

The application proposes a single storey side and rear extension that would replace several existing extensions including a garage. It would have a rearward projection from the original rear wall of 7.1m a width across the rear of 9.2m and a height at the rear of 2.7m and would be set in 1m from either side boundary.

The side extension incorporates a pitched roof to the front and is set 2m back from the front most wall of the original dwelling and includes a window in the side elevation to serve a bedroom.

### **Location and Key Constraints**

The application site hosts a single storey semi-detached dwelling on the Northern side of Rusland Avenue, Orpington.

### **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**

- Overdevelopment of the site
- Nothing similar in the area
- Concerns regarding drainage
- Concern for security of neighbours during construction
- Parking space lost from previous application

- Concern regarding living accommodation
- Height difference between number 36 and 34 increases impact

### **Comments from Consultees**

Highways: No objections were raised once additional information was requested in relation to the size of the hardstanding.

### **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:

- o 17/05765/FULL6; Erection of a single storey rear and side extension; Refused
- o 18/00767/FULL6; Demolition of existing garage and construction of single storey rear/side extension; Refused

## **Considerations**

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

- o Resubmission
- o Design
- o Neighbouring amenity
- o CIL

## **Resubmission**

The resubmission seeks to overcome previous reasons for refusal which related to excessive depth of the rear and side extensions, to overcome these reasons the depth of the rear extension has been reduced by 2m to be in line with the existing conservatory. The extension would be 1.5m closer to the boundary with number 38 however this is considered on balance to be acceptable in relation to the outlook and amenity of the adjoining occupiers at both sides.

The side extension has been reduced by a further 1.3m giving it a total set back from the front of 2m, this would go some way to mitigate the impact of the side extension for the adjoining occupiers of number 34 and it is therefore considered to be acceptable in that it would no longer cause any harm so significant to warrant refusal of the planning application.

All in all, the reduction in depth of both the side and rear extensions have overcome the previous concerns and as such, whilst still large, the extensions to the host dwelling would on balance not be so detrimental as to warrant refusal of the application.

## **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.

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

At the front the extension has been set back by 2m and set 1m in from the boundary, this would help to maintain the character and appearance of the host dwelling and street scene.

The extensions are very large in scale to a modest sized bungalow; whilst the alterations to this would significantly alter the character and appearance of the host dwelling it is considered that given the set back from the front of the dwelling and the majority of extensions being to the rear this would not cause any significantly detrimental harm to the character and appearance of the host dwelling or street scene.

### **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.

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

The extensions would protrude 4.2m past the existing sunroom nearest the boundary with number 38, and would therefore be 4.2m past the rearmost wall of number 38. Whilst the extension would be 1.5m closer to the boundary it would not project any further than the existing conservatory and as such it is considered that the separation distance would somewhat mitigate the harm of the extension and give its low height this would on balance be acceptable and would not cause any undue harm to the adjoining occupier of number 38.

Number 34 benefits from a shed and greenhouse in their rear garden along the shared boundary and this would help to mitigate the impact of the rear extension as it would mostly not be visible to this neighbour at the rear. The extension is set 2m from the front of the dwelling and given the relationship between these two properties this would go some way to mitigate the harm of the extension and it is considered that given the low height of the side extension it would not cause any significantly detrimental impact to the adjoining occupiers of number 34.

### **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.**

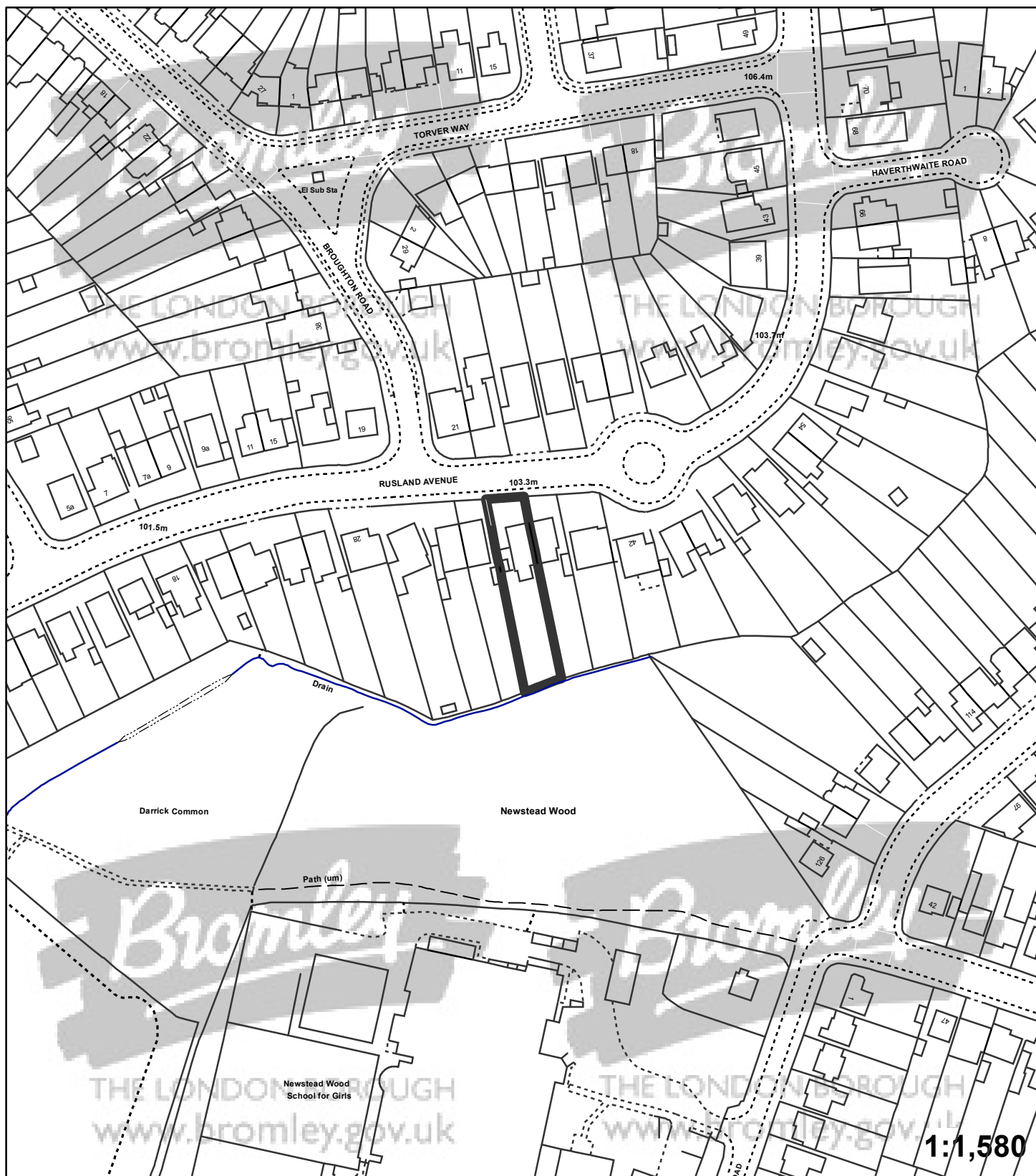
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**Application:**18/02153/FULL6

**Address:** 36 Rusland Avenue Orpington BR6 8AT

**Proposal:** Demolition of existing garage erection of a single storey rear and 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 :** 18/02199/FULL6

**Ward:**  
Orpington

**Address :** 21 Blenheim Road Orpington BR6 9BQ

**OS Grid Ref:** E: 547246 N: 165816

**Applicant :** Mr Eric Koome

**Objections :** YES

### **Description of Development:**

Single storey side/rear wrap round extension with partial raised decking with chair lift for disabled access to garden.

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 31

### **Proposal**

The application proposes a single storey side/rear extension with raised decking and wheelchair lift to the rear and a disabled ramp to the front of the dwelling. The extension would have a depth of 11.25m and a width at the rear of 8.7m. It would project 3.5m from the existing rear elevation. It would have an eaves height of 2.9m and a ridge height of 3.9m.

### **Location and Key Constraints**

The application site hosts a two storey semi-detached dwelling on the Northern side of Blenheim Road, Orpington.

### **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

- Loss of light to kitchen
- Extension would be oppressive, over bearing and would cause tunnelling

### **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:

- 18/00733/FULL6 - Demolish side garage and construct single storey side and rear extension with elevated decking/patio with ramp to form disabled access to garden - Refused

## **Considerations**

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

- Resubmission
- Design
- Neighbouring amenity
- CIL

## **Resubmission**

The application seeks to overcome a previous refusal which was refused for the following reasons:

1. The proposed side extension by reason of its height and depth would create a significantly bulky and overbearing form of development, harmful to the character and appearance of the host dwelling and street scene and creating an unneighbourly form of development harmful to the amenities of the adjoining occupiers of number 19; contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the Emerging Local Plan.
2. The proposed raised decking to the rear by reason of its height and depth would create overlooking and a loss of privacy harmful to the amenities of the adjoining occupiers at number 19 and 23, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the Emerging Local Plan

The main cause for concern in regard to the first refusal reason was the bulk of the extension as a result of the parapet wall along the side boundary, this has been removed which would lower the overall height and would mean that the extension would pitch away from the boundary for the full length of the extension, as such it is considered that the removal of the parapet wall would overcome the first refusal reason and would mean that, on balance, the development would not cause any harm so significant as to warrant refusal of the application.

To overcome the second reason for refusal the extent of the rear decking has been reduced significantly and there is a plan for a wheelchair lift rather than ramps, this would help to maintain an adequate level of privacy for the adjoining occupiers and as such would be considered to be acceptable.

## **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.

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

The extension replaces an existing garage on the boundary and as such it is considered that a replacement side extension would not cause any significant harm to the character and appearance of the host dwelling or street scene. The use of matching materials would also help to maintain the character and appearance of the host dwelling and street scene.

### **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.

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.

The extension would somewhat replace the existing garage on the boundary and number 19 also benefits from such a garage. Nearest the boundary number 19 has a kitchen window which faces the common boundary. Although the light and outlook from this window would be affected to some degree, it is not a primary window to a habitable room, and the impact is not, therefore, considered to be unduly harmful.

The removal of the previous submitted parapet wall means that the roof of the extension will pitch away from the boundary, and whilst the neighbour at number 19 is set lower in the road it is considered that this would help to mitigate the impact of the extension and on balance this would be acceptable in that it would damage the neighbouring amenity at such a level as to warrant refusal of the application.

The ramp to the front is unlikely to have any impact on neighbouring amenity.

The decking to the rear has been significantly reduced and this would help to maintain an adequate level of privacy to the adjoining occupiers to both the East and West of the application site.

**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:**18/02199/FULL6

**Address:** 21 Blenheim Road Orpington BR6 9BQ

**Proposal:** Single storey side/rear wrap round extension with partial raised decking with chair lift for disabled access to garden.



"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 :** 18/02289/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 131 Petts Wood Road Petts Wood  
Orpington BR5 1JY

**OS Grid Ref:** E: 544751 N: 167745

**Applicant :** Mr J Bassett

**Objections :** NO

### **Description of Development:**

Loft conversion including rear dormer and front rooflights

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4  
Article 4 Direction

### **Proposal**

Planning permission is sought to convert the existing roofspace by way of 2 front rooflights and a dormer extension to the rear. The property at present benefits from a two storey side extension and as such the only changes to the front roofslope are the introduction of 2 front rooflights. The plans show that the proposed front rooflight would be flush and would not project beyond the front roofslope. The proposed rear dormer would be tile hung.

### **Location and Key Constraints**

The application property is a semi-detached house located within the Petts Wood Area of Special Residential Character.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

### **Comments from Local Residents and Groups**

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

### **Comments from Consultees**

None

### **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

H10 Areas of Special Residential Character

BE1 Design of new development

## Draft Local Plan

6 Residential Extensions  
37 General Design of Development  
44 Areas of Special Residential Character

## 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:

- 81/1473- Two storey side extension and single storey rear extension- PER 30.07.81

## **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.

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

In terms of design, the proposed front rooflights are shown to be flush and not projecting beyond the front roofslope. The insertion of the rooflights are the only proposed changes to the front elevation and it is considered given their design that this part of the proposal is acceptable and would be in-keeping with the host dwelling and this part of the streetscene. It is considered that the proposal would not impact detrimentally upon the visual amenities and character of the Petts Wood ASRC.

In terms of the proposed dormer extension, by reason of its location to the rear, the dimensions and use of materials to match the existing dwellinghouse, this part of the proposal is considered acceptable in terms of design. It is noted that there are examples of similar extensions nearby.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions 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 dormer extension would introduce rear windows at second floor level. However, there are already at present views from the application property from existing first floor windows. Whilst it is recognised that some degree of overlooking may occur, any increase loss to that that already exists is not considered significant enough to refuse on this basis alone. Given that the principle rear dormers has been established nearby the proposal is considered acceptable.

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 unlikely to be payable on this application but the applicant has not 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 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:**18/02289/FULL6

**Address:** 131 Petts Wood Road Petts Wood Orpington BR5 1JY

**Proposal:** Loft conversion including rear dormer and front rooflights



"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 :** 18/02325/FULL6

**Ward:**  
Bromley Town

**Address :** 56 Forde Avenue Bromley BR1 3EX

**OS Grid Ref:** E: 541097 N: 169036

**Applicant :** Mr John Brown

**Objections :** NO

### **Description of Development:**

Single storey rear and two storey side extensions with part garage conversion.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 12  
Smoke Control SCA 13

### **Proposal**

The application seeks planning permission for part conversion of the existing garage, a two storey side extension and single storey rear extension. The existing garage will be reduced in depth by 2.9m and partly converted to a toilet and utility room. The two storey side extension will measure 5.6m in depth, 2.5m in width and 7.4m in height. The single storey rear extension will have a maximum depth of 3.9m, width of 7.3m with a flat roof and rooflight measuring 3.1m in height.

### **Location and Key Constraints**

The application site comprises a two storey semi-detached dwellinghouse located on the east side of Forde Avenue, Bromley. The property is not listed and does not lie within a conservation area.

### **Comments from Local Residents and Groups**

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

### **Comments from Consultees**

### **Highways:**

The site is located within a high PTAL area and lies inside the Bromley Town Centre Controlled Parking Zone (CPZ) where there is limited parking available. I

have no objection to the alterations. However in order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits.

Please include the following with any permission:

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

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

#### 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

H9 Side Space

BE1 Design of new development

T3 Parking

#### Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

#### Planning History

18/00117/PLUD - Loft conversion with hipped roof to gable with addition of rear dormer with Juliette balcony and front roof lights. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - Proposed use/development is lawful.

18/00813/FULL6 - Single storey rear and two storey side extensions with part garage conversion - Application Refused.

#### Considerations

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

- Resubmission
- Design
- Neighbouring amenity

#### Resubmission

The application is a resubmission of ref. 18/00813/FULL6. Following the refusal the proposal has been amended to include a pitched roof which mirrors that of the existing house. The amended proposal now blends with the style and materials of the main building and is an unobtrusive addition to the property.

## 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.

Policy BE1 and H8 of the Council's Unitary Development Plan seeks to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the application property and are compatible with surrounding development. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area.

The proposed side extension will measure 7.4m in height at its maximum with an eaves height which sits in line with that of the host dwelling. The extension will have a pitched roof which sits approximately 1.2m lower than the main ridge line and will be set back 3.8m from the front elevation. It is therefore considered that the proposed would remain subservient to the main property and not overdevelop the site as a whole. Policy H9 states that for proposals of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The plans indicate that part of the proposed extension would sit above the existing garage which is situated less than 1.0m away from the shared boundary with No.54. As a result the proposed will not meet the requirements of the policy. Nevertheless, taking into consideration the proposed extensions pitched roof, its lowered ridge height, and that it is set back from the main front elevation, it is considered that the proposed would not lead to a cramped appearance or to possible unrelated terracing.

The proposed single storey rear extensions size, scale and bulk would not significantly alter the appearance of the host dwelling. The proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. Insofar as is possible the proposed materials will match those of the existing dwelling which would be complementary and compatible with the application site and developments in the surrounding area. The extension would not be visible from the street and so will not harm the character of the area or the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension 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 side extension will not project further to the rear of the house than that of the original rearmost wall and will also be sited away from the rear of No.54 which is the closest neighbouring property to this element. The proposed windows in the front and rear elevations will sit level with the existing and it is considered they would not result in overlooking out of character in terms of that expected within a typical residential layout. One roof light is proposed to the side roofslope which, because of its positioning would not result in increased overlooking. One window is proposed in the ground floor flank elevation which will service a toilet and can be conditioned to be obscure glazed as part of any approval. It is considered that, due to the positioning of the extension, there would not be increased overshadowing or a detrimental effect on the daylight and sunlight of the neighbouring properties as a result of the proposal. It is therefore considered that the development would not adversely impact upon neighbouring residential amenity.

There is a separation distance of 1.6m between the proposed rear extension and the boundary with the neighbouring property, No.54. Given the proposed extensions height and depth, the orientation of the properties and the separation distance, it is not considered that the development would have an adverse impact on the neighbouring residential amenity of No.54. The proposed windows in the rear elevation, because of their location, distance from the boundary and size, would not result in an increased chance of overlooking out of character in terms of that expected within a typical residential layout.

The rear extension will project 0.9m along the boundary with No.58 before stepping in by 0.6m and projecting a further 3.0m. No. 58 currently benefits from a rear projection that sits along the boundary for approximately 0.9m. The positioning of the rear extension would have a visual impact on this neighbouring property as a result of the orientation of the site and its proposed height and depth. The stepping away of the extension from the boundary would mitigate some of the impact and it is considered that the potential harm to No.58s residential amenity would not be adverse enough to warrant a refusal of the application.

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.

### 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 Council's Highways Officer has raised no objection to the development on the basis that there will still be space within the sites curtilage for vehicle parking. A condition restricting future residents from applying for parking permits has been requested as part of any approval but this is considered to be onerous for a development of the nature proposed especially as onsite parking would be retained.

#### 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.

**as amended by documents received on 09.07.2018**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

**REASON: Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning**



**permission unless previously agreed in writing by the Local Planning Authority.**

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

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the ground floor flank and first floor front 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:**18/02325/FULL6

**Address:** 56 Forde Avenue Bromley BR1 3EX

**Proposal:** Single storey rear and two storey side extensions with part garage conversion.



"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 :** 18/02385/FULL6

**Ward:**  
Kelsey And Eden Park

**Address :** 89 Village Way Beckenham BR3 3NJ

**OS Grid Ref:** E: 537104 N: 168865

**Applicant :** Mr & Mrs Mailley-Smith

**Objections :** YES

### **Description of Development:**

Loft conversion with rear dormer and front rooflights and alterations to existing bathroom roof (alterations to approved scheme 18/01496/PLUD)

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 18

### **Proposal**

The application seeks planning permission for roof alterations to incorporate a hip to gable end extension, rear dormer, Juliet balcony, one window to gable end elevation and three rooflights to front roof slope.

Location

The application site comprises a two storey semi-detached dwelling on the east side of Village Way, Beckenham. The property is not listed and does not lie within a designated area.

Comments from Local Residents and Groups

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

- The proposed will excessively load the structure and foundations of our property.
- The proposed will block light into our garden.
- The proposed is not in keeping with the design of similar development and extension of semi-detached properties on Village Way.
- Proposed extension is excessive in its mass and scale.
- Proposed is a significant material increase which contravenes the General Design Principles and Residential Design Guidance SPGs.

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

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

H9 Side Space

BE1 Design of new development

#### Draft Local Plan

6 Residential Extensions

8 Side Space  
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:

16/01910/FULL6 - Conversion of existing garage to a habitable room to include bay window and alterations to front elevation - Application Permitted.

16/02220/FULL6 - First floor side extension and roof alterations to include rear dormer extension and front rooflights, elevational alterations and conversion of existing integral garage to a habitable room to include bay window extension to front - Application Refused.

Reason for Refusal:

The proposed first floor side extension and roof alterations would, by reason of its bulky design, lack of subservience and lack of adequate side space, would appear as an overly dominant and cramped form of development, demonstrably harmful to the character and appearance of the host property and symmetry of the semi-detached pair and to the streetscene in general, and thereby contrary to Policies BE1, H8 and H9 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

18/01496/PLUD - Loft conversion with rear dormers and front rooflights and alterations to existing bathroom roof Proposed Lawful Development Certificate - Proposed use/development is lawful.

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.

Policy BE1 and H8 of the Council's Unitary Development Plan seeks to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the application property and are compatible with surrounding development. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area.

The proposed development involves removing most of the existing catslide roof, extending part of the first floor side and altering the roof to form a gable end and rear dormer. A larger proposal was refused planning permission under reference 16/02220/FULL6 for the reason set out above. Since this application a lawful development certificate has been granted for a proposal similar to that currently under consideration with the only difference between the two applications being the size of the rear dormer. Under the certificate application two narrow rear dormers were proposed which has now been amended to one larger dormer. It is reasonable to assume that the development which now benefits from a lawful development certificate could be built. Therefore that approved development must be taken into consideration when assessing this application.

The scale and bulk of the development has been greatly reduced from that which was refused under the 2016 application. As a result the scheme is now considered to be subservient to the main dwelling and to not be an overdevelopment of the site as a whole. The neighbouring property has not altered its original hipped roof and therefore the hip to gable and first floor side extensions would result in a development that unbalances the pair of semi's. However, taking into consideration the lawful development certificate it is considered that the potential harm to the host dwelling and wider streetscene would not be adverse enough to warrant a refusal of the application. The enlarged rear dormer would not be visible from the street and so would not harm the streetscene in general.

Policy H9 states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The first floor element and roof extension would be located 2.2m at the narrowest point from the boundary with No.91, however due to the existing position of the ground floor the development as a whole cannot provide the full 1 metre side space. Nevertheless, it is considered that, because of the proposed extensions depth and height, and the first floor element being set back from the main front elevation, the proposed would not lead to a cramped appearance or to possible unrelated terracing. Insofar as possible the proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area.

Having regard to the form, scale, siting and proposed materials it is considered that, on balance, the proposed extension would not cause further harm to the host



property and would not appear out of character with surrounding development or the area generally compared with the proposal granted under the lawful development certificate.

### 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 development would not extend beyond the host dwellings existing footprint. Neighbouring property, No.87, has raised concerns with regards to the impact on light to the rear garden. Taking into consideration the orientation of the host dwelling and the location of the proposed it is considered that any loss of light to the rear garden or rear windows of No.87 would not be adverse enough to warrant a refusal of the application.

The proposed extension would leave a separation distance of 2.2m from the flank wall to the shared boundary with No.91. This neighbouring property has not been extended in a similar manor and so retains the hipped roof which provides a greater sense of separation between the properties. It is proposed for a window to be added to the gable end extension facing onto No.91. This window would serve a stairway which can be conditioned to be obscure glazed and would therefore not impact on the privacy of this neighbour. Taking into account the depth and height of the proposed, coupled with the orientation of the site, it is not considered that the extension would have an overbearing impact to No.91 or result in overshadowing or overlooking. It is not considered that the proposed windows to the front and rear would result in an increased chance of overlooking out of character in terms of the expected within a typical residential layout.

Given all of the above and having regard to the scale, siting, separation distance and orientation 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 and the applicant has not completed the relevant form.

An objection has been received raising concerns with regards to structural issues the proposed development could have on neighbouring properties. This is not a consideration that can be addressed as part of the planning application process and instead would be dealt with at the building control stage of the development.

### Conclusion

Having had regard to the above it is considered that the development in the manner proposed is, on balance, 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 or streetscene generally.

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.

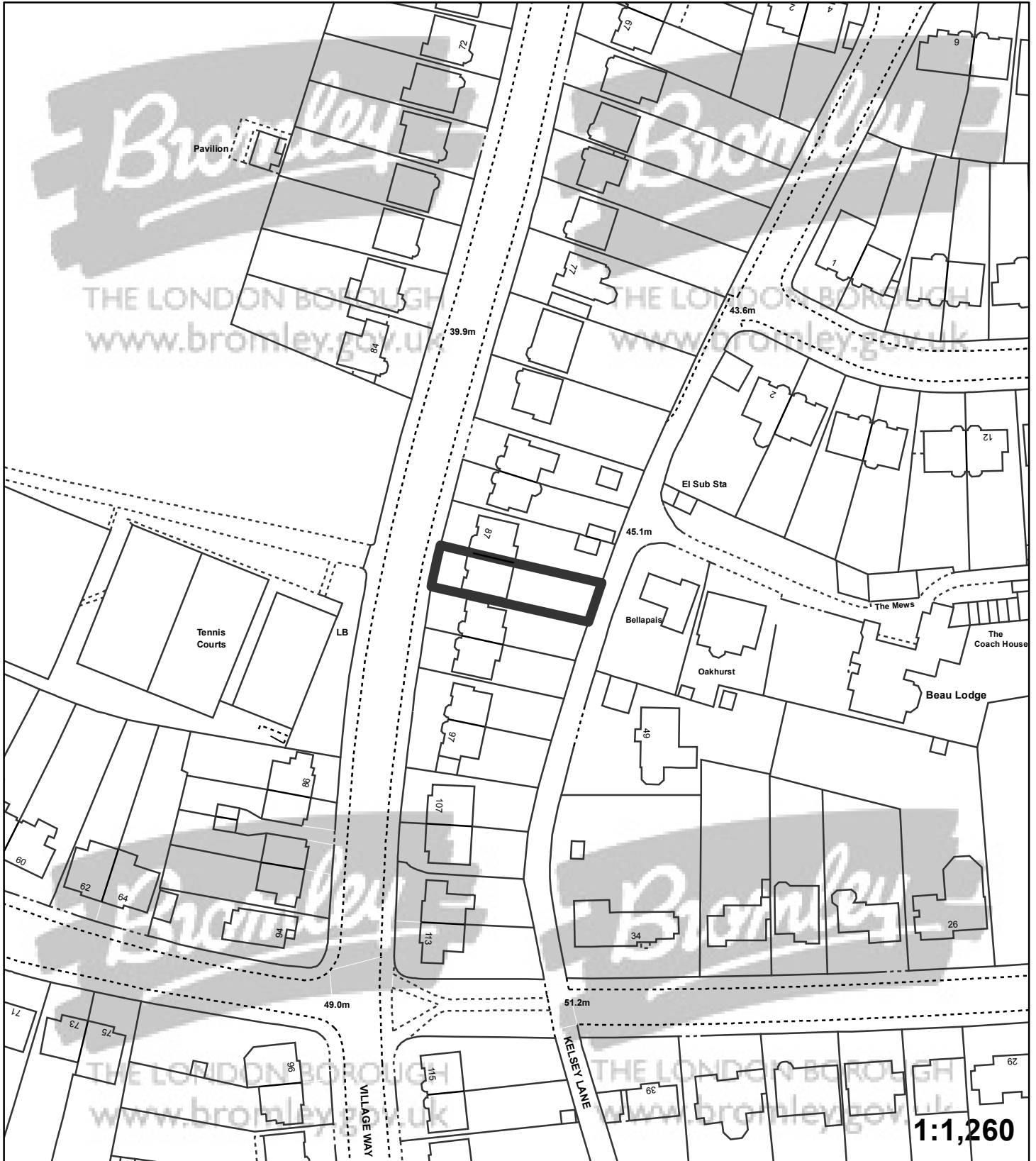
- 4** Before the development hereby permitted is first occupied the proposed window in the gable end elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

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

**Application:**18/02385/FULL6

**Address:** 89 Village Way Beckenham BR3 3NJ

**Proposal:** Loft conversion with rear dormer and front rooflights and alterations to existing bathroom roof (alterations to approved scheme 18/01496/PLUD)



"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 :** 18/01757/FULL1

**Ward:**  
Copers Cope

**Address :** 218 High Street Beckenham BR3 1EN

**OS Grid Ref:** E: 537204 N: 169358

**Applicant :** Mr Morad Kara

**Objections :** NO

### **Description of Development:**

Replacement shopfront

Key designations:

Conservation Area: Beckenham Town Centre  
Smoke Control SCA 12

### **Proposal**

The application seeks Retrospective consent for a replacement shopfront. The unit already has planning permission to convert from a shop to a restaurant.

### **Location**

The application site is located within the centre section of Beckenham High Street and is a two storey commercial property. The premises lie within the Beckenham Town Centre Conservation Area.

The surrounding area is commercial and residential in character.

### **Consultations**

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

### **Consultee comments**

Environmental Health: No objection.

Highways: No comments received

APCA: Object. Non-compliance with Policy BE19.

Conservation Officer: The site is the former Ardec menswear shop which has a very elegant timber shopfront with slender timber frames, timber door, glazed leadwork upper panels and a recessed doorway with tile mosaic flooring. It is quite possible that it dates from the 1920s/30s. It makes a positive contribution to the

Conservation Area and I object to its replacement as this would cause harm through the removal of a positive contributing feature. The proposed replacement removes the recessed entrance and whilst the details at 1:100 scale are very vague, the frame would appear overly heavy with the addition of wagon wheels which would be gimmicky and out of character with the building and wider area. The proposal to my mind would cause harm to the Conservation Area and under paragraph 134 we would require a public benefit to outweigh that harm. Whilst reuse of the unit is positive I do not believe it to be of sufficient benefit to outweigh the harm to the Conservation Area. The proposal is also contrary to the shopfront policy in the UDP as it is poorly designed.

## **Planning Considerations**

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

London Plan

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and archaeology

Unitary Development Plan

BE1 Design of New Development

BE11 Conservation Areas

BE19 Shopfronts

BE20 Security Shutters

Emerging Plans

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

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

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

The following emerging plans are relevant to this application.

Draft Local Plan

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

Relevant policies:

Policy 37 General Design of Development  
Policy 41 Conservation Areas  
Policy 101 Shopfronts and Shutters

### **Planning History**

Under planning application reference: 17/05935/MATAMD a minor material amendment was approved to include a new fire access door at rear of first floor extension and new fire escape stairs to rear.

Under planning application reference: 16/04171 planning permission was granted for first floor rear extension and alterations to existing ground floor extension approved under planning application reference: 15/00166/FULL1.

Under planning application reference: 15/00166 planning permission was granted for a single storey rear extension to provide additional retail storage.

Under planning application reference: 15/02489 planning permission was refused for a change of use from vacant shop unit (Class A1) to restaurant (Class A3). This application was allowed on appeal on 22nd February 2016.

Under reference: 14/04224 planning permission was refused for a two storey rear extension to provide additional retail floorspace at ground floor and a one bedroom flat at first floor level. The reason for refusal was as follows:-

"The proposal by reason of its bulk, excessive rearward projection and two storey height would represent an overdevelopment and if permitted would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policy H7 and BE1 of the Unitary Development Plan".

"The proposal constitutes a cramped and over-intensive use of the site, resulting in accommodation that fails to meet the minimum space standards for residential accommodation as set out in the Mayors Housing Supplementary Planning Guidance; lacks adequate facilities commensurate with modern living standards, and is thereby contrary to Policy 3.5 of the London Plan, the Council's general requirements for residential development and Policies BE1 and H7 of the Unitary Development Plan".

### **Conclusions**

The main issue in this case is to judge the level of harm that the proposed shopfront would cause to the appearance of the host building and streetscene and whether or not it would preserve or enhance the character or appearance of the Conservation Area within which the property lies.

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.

BE11 states that in order to preserve or enhance the character or appearance of Conservation Areas, a proposal for new development, alteration or extension to a building will be expected to respect or complement the layout, scale, form and materials of existing buildings.

The site is located within the Beckenham Town Centre Conservation Area. From a site visit of the property the brick stallriser has already been built. The original shop front included a timber door and frame, glazed leadwork upper panels and a recessed doorway with tile mosaic flooring, with a large display window, and a low stall riser. The overall design and proportions of the existing shopfront were more in keeping with the traditional character of the host building. It is noted that High Street Beckenham encompasses a variety of shop fronts, with traditional and modern designs. These vary in terms of their materiality, glazing pattern and stall riser depth. Examples of these modern shop fronts, with large areas of uninterrupted glazing and low stallrisers include No 108-110 High Street Beckenham. However, many of these examples were however installed prior to the Conservation Area designation in 2015.

A core principle of the NPPF is to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Indeed the NPPF seeks to promote positive planning, which can shape and direct development. In this case the newly designated Conservation Area will now provide greater control going forward thereby enhancing the area overtime.



The change to the shop front to include an outer wooden timber frame with central display window with a brick wall stallriser with two cart wheels, tightly fixed to the wall are considered to result in an unsympathetic and prominent form of development which fails to comply with Policy BE19. In turn, it fails to respect or complement the character, appearance, proportions and rhythm of the existing building and streetscene in general and would not preserve or enhance the character and appearance of the CA, being contrary to Chapters 7 & 12 of the NPPF; Policies 7.4, 7.6 and 7.8 of the London Plan (2016) and Policies BE1, BE11 and BE19 of the Unitary Development Plan (2006).

APCA and the Conservation Officer have also objected to the replacement shopfront with the Conservation Officer stating that the frame would appear overly heavy with the addition of wagon wheels which would be gimmicky and out of character with the building and wider area. The proposal would cause harm to the Conservation Area and under paragraph 134 the Council would require a public benefit to outweigh that harm.

### **Summary**

The design of the replacement shopfront fails to respect or complement the character, appearance, proportions and rhythm of the existing building and streetscene in general and would not preserve or enhance the character and appearance of the Conservation Area, being contrary to Chapters 7 & 12 of the NPPF; Policies 7.4, 7.6 and 7.8 of the London Plan (2016) and Policies BE1, BE11 and BE19 of the Unitary Development Plan (2006).

### **RECOMMENDATION: APPLICATION BE REFUSED**

#### **The reasons for refusal are:**

- 1 The design of the replacement shopfront fails to respect or complement the character, appearance, proportions and rhythm of the existing building and streetscene in general and would not preserve or enhance the character and appearance of the Conservation Area, being contrary to Chapters 7 & 12 of the NPPF; Policies 7.4, 7.6 and 7.8 of the London Plan (2016) and Policies BE1, BE11 and BE19 of the Unitary Development Plan (2006).**

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**Application:**18/01757/FULL1

**Address:** 218 High Street Beckenham BR3 1EN

**Proposal:** Replacement shopfront



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Report  
No.DRR18/40

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 1

**Date:** Thursday 26 July 2018

**Decision Type:** Urgent Non-Urgent Executive Non-Executive Key Non-Key

**Title:** 2 THE DRIVE, BECKENHAM, BR2 1EQ

**Contact Officer:** John Stephenson, Planning Appeals and Investigation Manager  
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Jim Kehoe, Chief Planner

**Ward:** Copers Cope;

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1. Reason for report

The report seeks permissions for direct action to be taken for an untidy site at 2 The Drive Beckenham. The site is a two storey plus loft space private end of terrace residential dwelling house on the eastern side of The Drive, approximately 40 metres north of its junction with High Street Beckenham within a residential area it is visible from the High Street being the first dwelling along that side of the road, and benefits from a wide frontage, much of which is occupied by an existing unfinished side extension. The Southern boundary of the site adjoins an access drive which serves commercial properties to the rear of the High Street. Officers are requesting that members agree to consider all necessary appropriate enforcement action in connection with the Continuing and long-terms planning breaches on the site.

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2. **RECOMMENDATION(S)**

**Authority be granted to proceed in regard to all outstanding enforcement action, including possible S215 Untidy Site Notice for remedial action, a Breach of Condition Notice and that members also authorise Direct Action for a contractor to be employed to carry out works to the property which involves some demolition and make any repairs as necessary**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
- 

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment :
- 

### Financial

1. Cost of proposal: Estimated Cost £25k, although this will be recovered from the landowner
  2. Ongoing costs: Non-Recurring Cost: N/A
  3. Budget head/performance centre: Planning Enforcement & Development Control
  4. Total current budget for this head: £1.52m
  5. Source of funding: Existing revenue budget 2018/19. Officers intend to recover the costs from the owner.
- 

### Personnel

1. Number of staff (current and additional): 35.86 ftes
  2. If from existing staff resources, number of staff hours: n/a
- 

### Legal

1. Legal Requirement: Statutory Requirement :
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

### 3. COMMENTARY

3.1 The site is occupied by a two storey end-of-terrace dwelling house situated within a residential street. The site adjoins the Beckenham Town Centre Conservation Area. The site is in an unkempt state and includes unfinished extensions and an unlawful rear extension which has only been partially removed. The site also contains various building materials. Whilst works have been undertaken in the past year to improve its appearance, the state of the site remains unsatisfactory.

3.2 The site is the subject of a very long planning history and enforcement history dating back to 1995. A summary of the planning history is set out in the table below.

REFERENCE	DESCRIPTION	DECISION
95/01976	SINGLE STOREY SIDE/REAR EXTENSION	<b>PERMITTED</b> Nov 1995
97/01718	SINGLE STOREY SIDE/REAR GABLE END ROOF AND REAR DORMER EXTENSIONS (RETROSPECTIVE APPLICATION)	<b>PERMITTED</b> Sept 1997
98/00255	FIRST FLOOR SIDE EXTENSION WITH REAR DORMER WITHIN ROOF AND REAR DORMER AND SINGLE STOREY REAR EXTENSION (PART RETROSPECTIVE APPLICATION)	<b>REFUSED</b> Mar 1998
98/01830	FIRST FLOOR SIDE EXTENSION	<b>REFUSED</b> Sept 1998 <b>DISMISSED AT APPEAL</b> Jun 1998
99/03323	FIRST FLOOR SIDE EXTENSION WITH REAR DORMER WITHIN ROOF	<b>REFUSED</b> Jan 2000
00/02092	FIRST FLOOR SIDE EXTENSION WITH ACCOMMODATION WITHIN ROOF.	<b>REFUSED</b> Sep 2000
<b>ENFORCEMENT NOTICE CONCERNING FIRST FLOOR SIDE EXTENSION DISMISSED JUL 2001</b>		
00/03485	SINGLE STOREY SIDE/REAR EXTENSION AND GABLE END/REAR DORMER EXTENSION (REVISIONS TO PERMISSION REF: 97/01718 COMPRISING INCREASED HEIGHT OF SINGLE STOREY SIDE EXTENSION AND REMOVAL OF PITCHED ROOF, INCREASED WIDTH OF PART OF SINGLE STOREY	<b>PERMITTED</b> Dec 2001
02/03830	SINGLE STOREY SIDE/REAR EXTENSION AND GABLE END/REAR DORMER EXTENSION REVISIONS TO PERMISSION 00/03485	<b>REFUSED</b> Mar 2003
<b>BREACH OF CONDITION NOTICE CONCERNING SINGLE STOREY REAR EXTENSION AND ROOF EXTENSIONS/ALTERATIONS ISSUED BY COUNCIL SEP 2003</b>		
04/03998	EXTENDED WIDTH TO EXISTING REAR DORMER AND 2M HIGH WALLED ENCLOSURE ADJACENT TO NORTHERN BOUNDARY (RETROSPECTIVE APPLICATION)	<b>REFUSED</b> Dec 2004 <b>DISMISSED AT APPEAL</b> Aug 2005
04/03999	PITCHED ROOF TO EXISTING SINGLE STOREY SIDE EXTENSION WITH ROOF TERRACE BEHIND, INFILL BETWEEN CHIMNEYS ON GABLE TO MAIN ROOF, RETENTION OF GARDEN SHED IN REAR GARDEN ADJACENT TO NORTHERN BOUNDARY	<b>REFUSED</b> Dec 2004 <b>DISMISSED AT APPEAL</b> Aug 2005

	(RETROSPECTIVE APPLICATION)	
05/02509	PITCHED ROOF TO EXISTING SINGLE STOREY SIDE EXTENSION WITH RAISED PARAPETS TO FRONT AND REAR AND RETENTION OF EXISTING ROOF TERRACE BEHIND	<b>REFUSED Apr 2009</b>
09/01764	FIRST FLOOR SIDE EXTENSION WITH ACCOMMODATION IN ROOF SPACE.	<b>REFUSED Jan 2010 DISMISSED AT APPEAL Apr 2010</b>
10/02153	FIRST FLOOR SIDE EXTENSION WITH SOLAR PANEL ON ROOF	<b>REFUSED Dec 2010 DISMISSED AT APPEAL May 2011</b>
10/03639	NEW ROOF TO EXISTING SINGLE STOREY SIDE EXTENSION TO INCLUDE SOLAR PANELS	<b>PERMITTED Mar 2011</b>
<b>ENFORCEMENT AND STOP NOTICES CONCERNING FIRST FLOOR SIDE EXTENSION ISSUED BY COUNCIL JUL 2012; APPEAL ALLOWED AND NOTICES QUASHED DEC 2012</b>		
13/00216	FIRST FLOOR REAR EXTENSION	<b>REFUSED Mar 2013</b>
13/02016	FIRST FLOOR SIDE AND REAR EXTENSION TO INCORPORATE ENLARGEMENT OF EXISTING ROOF	<b>PERMITTED Aug 2013</b>
14/00858	RETENTION OF FIRST FLOOR SIDE EXTENSION FOR USE AS HABITABLE ACCOMMODATION (RETROSPECTIVE APPLICATION)	<b>REFUSED Jun 2014 (SUBJECT OF 2016 APPEAL DECISIONS, DISMISSED)</b>
<b>ENFORCEMENT NOTICES CONCERNING FIRST FLOOR SIDE/REAR EXTENSION AND SINGLE STOREY REAR EXTENSION ISSUED BY COUNCIL DEC 2014. UPHOLD BY 2016 APPEAL DECISIONS</b>		

- 3.3 The most recent and relevant planning decisions relating to the site concern three linked Appeal Decisions issued on 25 February 2016, which were submitted by, the applicant Mr X, in which a Planning Inspector upheld two Enforcement Notices issued by the Council in respect of the removal of an unlawful first floor side and rear extension, and a single storey rear extension. The Inspector also refused to grant permission for the retention of the first floor side extension which had been unlawfully constructed. The Inspector also granted an award of costs in favour of the Council, citing the appellant's/applicant unreasonable behaviour. Following that decision, the unauthorised first floor side and rear extension was largely removed, whilst building materials which had been stored at the front of the house and above the retained single storey side extension were moved out of site.
- 3.4 To date, an unauthorised single storey rear extension adjoining No 4 The Drive (considered in the February 2016 Appeal Decisions) remains in place. Following prosecution action, Mr X pleaded not guilty at Croydon Crown Court in April 2018 (having previously opted for a jury trial at a previous Magistrates' Court hearing), on the basis he was not legally responsible for the property and that the property was owned by his estranged wife. The Council's prosecution was quashed before it was heard; however, the substance of the Council's case was not considered. Mr X is not considered to be the legal owner and therefore not responsible for complying with the current notices. As a result the Council is now seeking compliance from the current legal owner and wants to ensure that they remove the unauthorised rear extension.



- 3.5 Notwithstanding the above, the condition of the building and of the site has been the subject of long-term complaints and this site singularly serves to undermine the amenity of the surrounding streetscene. Given the length of time that the building and site has remain in such a condition, and given the applicant long-term unwillingness or inability to resolve this matter, it is also considered necessary to issue an Untidy Site Notice on the legal owner of the site which will specify the works necessary to resolve matters and improve the visual amenity of the area.
- 3.6 If the current ongoing discussions fail with the legal owner to demolish the current side extension. It is recommended that a S.215 notice be issued requiring the following works to deal with the appearance of the building in the interest of local amenity:
- In respect of the incomplete single storey side/rear extension remove the 8 upper brick courses – as taken from the existing front elevation – from all corners of the extension. Once complete, make good the upper level of the structure with coping.
  - In respect of the incomplete single storey side/rear extension remove the glass bricks and wooden panel and replace with solid brickwork or blockwork.
  - Finally, render the entire front and side elevations of the single storey side/rear extension and paint white to match the appearance of the original part of the house.
  - Paint white the exposed southern flank wall of the house at first and second floor level.
- 3.7 Three quotes will be required and the estimate for all the works in default at the property is up to 25k. Written quotes will be sought in accordance with Financial Regulations to ensure value for money. Officers will endeavour to recover from the legal owner of the land all expenses reasonable incurred by the Council for carrying out the works, including registering a charge against the land, if necessary.

#### 4. POLICY IMPLICATIONS

- 4.1 Section 187B of the TCPA states: “where the local planning authority considers it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their powers under this part”.
- 4.2 The case of **South Buckinghamshire DC v Porter** (“Porter”) is an important precedent as far as injunctions are concerned, being a case in which the impact of the Human Rights Act 1998 was taken into account. In this case the court clearly set out its approach to granting injunctive relief under section 187B. In particular the following view was expressed:

*“but it seems to me no less plain that the judge should not grant injunctive relief unless he would be prepared if necessary to contemplate committing the defendant to prison for breach of the order, and that he would not be of this mind unless he had considered for himself all questions of the hardship for the defendant and his family”...“But so too, of course will be the need to enforce planning control in the general interest and, more importantly therefore the planning history of the site. The degree and flagrancy of the postulated breach of control may well prove critical. If conventional enforcement measures have failed over a prolonged period of time to remedy the breach, then the court would obviously be the readier to use its own, more coercive powers. Conversely however, the court might well be reluctant to use its powers in a case where enforcement action had never been taken”... “Previous planning applications will always be relevant”.*

The Porter case sets out important issues which must be considered in reaching a decision on whether to apply for injunctive relief.

4.3 In the current case Members must take various matters into account:-

The London Borough of Bromley is the Planning Authority for the area and as such has a duty to enforce breaches of planning control, take into account relevant legislation, Government guidance and its own policies as set out in the adopted Unitary Development Plan. It must, however also demonstrate that the use of an injunction is in the public interest, and it must give consideration to all possible remedies and be convinced that no alternative means of enforcement would be effective, and that due consideration of the human rights of the defendant has been carefully considered.

4.4 In determining an application for an injunction, the Court will apply various tests set out in the Porter judgement which must be satisfied and it will have to be demonstrated that, in reaching a decision to seek this form of enforcement, the Committee has also taken into account all material considerations.

4.5 **Proportionality** – It is essential to demonstrate that the use of an injunction is appropriate and necessary for the attainment of the public interest objective sought but also that it does not impose an excessive burden on the individual whose private interests are at stake.

In this case, members will have to consider whether an application for an injunction would be a proportionate response, bearing in mind that a further Breach of Condition Notice could be served and prosecution action or direct action taken in the event of non-compliance. Members may, however consider that such action would only create further delay and securing another conviction will result in the same outcome, i.e. a fine as opposed to compliance with the Notice. Members may feel that compliance would be more likely with an injunction order in force or move to take direct action.

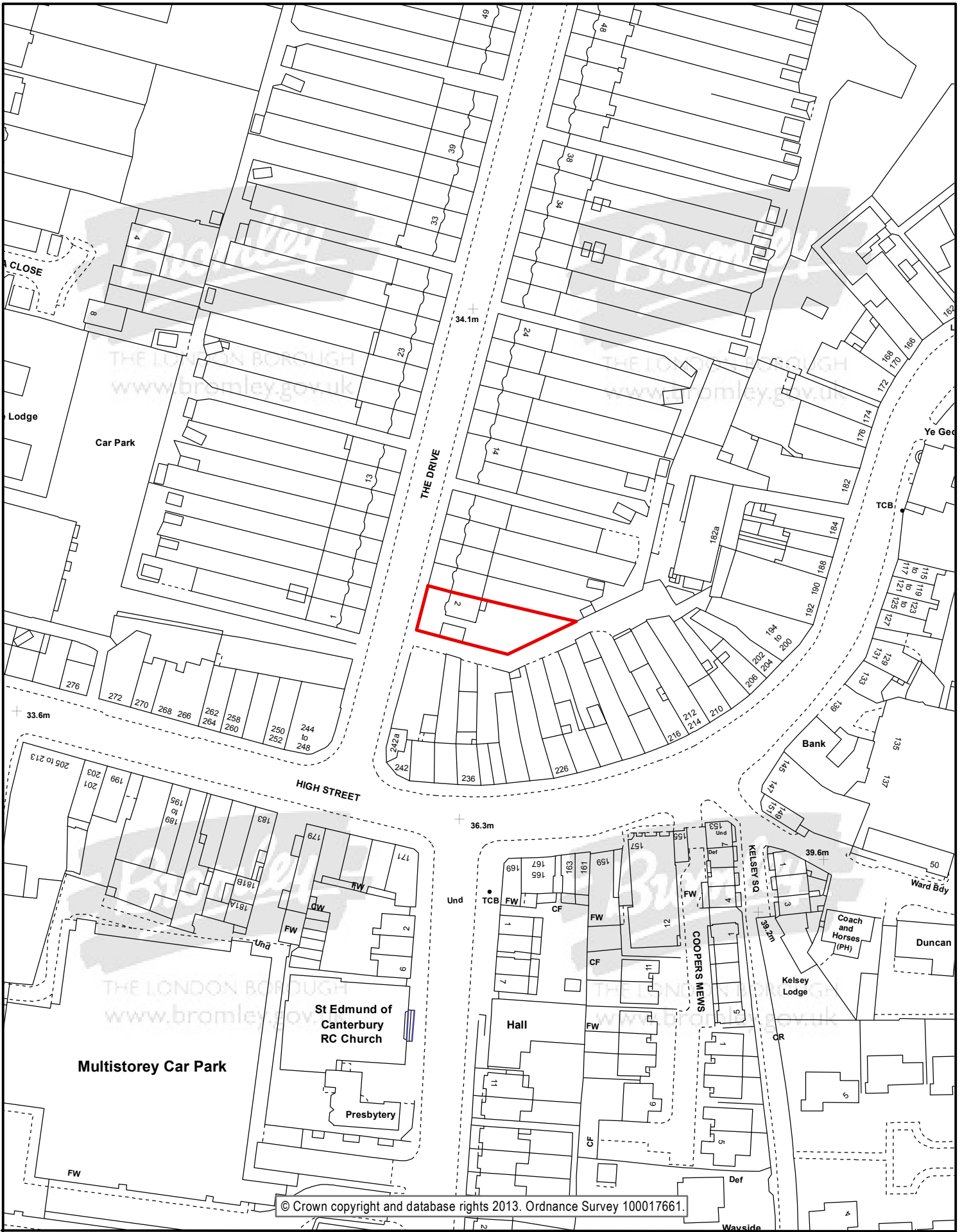
4.6 **Planning history and degree of flagrancy** – As previously mentioned in the report this site has had a long planning history with numerous similar applications many have which have been refused. Prosecution action has been taken against the applicant Mr X and despite this factor and numerous requests he (the applicant) and Mrs X the legal owner of the land have failed to complete the works, much to the distress of local residents, many of whom have complained about the adverse impact the unfinished works is having on the surrounding area. As a result members may consider such degree of flagrancy warrants an application for an injunction in this case or they may want to remedy the breaches by taking a direct action route .

## 5. FINANCIAL IMPLICATIONS

5.1 The estimated cost of the works to clear the site is £25k.

5.2 Officers will endeavour to recover from the owner of the land, all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land, if necessary.

<b>Non-Applicable Sections:</b>	Policy, Legal, Personnel implications
Background Documents: (Access via Contact Officer)	[Title of document and date]



**TOWN PLANNING**

**ENFORCEMENT NOTICE  
CONCERNING  
2 THE DRIVE,  
BECKENHAM.**



JIM KEHOE  
CHIEF PLANNER,  
CIVIC CENTRE, STOCKWELL CLOSE,  
BROMLEY, KENT,  
BR1 3UH.  
Tel: 020 8464 3333

Scale 1:1,250



ENF 12/00 Page 243 14

Plan No. 4449

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Report No.  
DRR 18/038

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 1

**Date:** Thursday 26 July 2018

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** UNTIDY SITE – LAND ADJACENT TO TINTAGEL, CORNWALL DRIVE, ORPINGTON

**Contact Officer:** John Stephenson, Planning Appeals and Enforcement Manager  
Tel: 0208 313 4687    E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Jim Kehoe, Chief Planner

**Ward:** Cray Valley West;

---

1. Reason for report

The report seeks permission for direct action to be taken for an untidy site at Land adjacent to Tintagel, Cornwall Drive, Orpington. The site is an area of Green Belt land which has been utilised as waste transfer site. The area is adjacent to land purchased by London Borough of Bromley and although the main site has been cleared of waste materials, machinery, portacabins and boundary enclosures have been left in situ.

---

2. **RECOMMENDATION(S)**

That Members authorise Direct Action by the Council (via a contractor) to carry out work at the site to remove the waste materials, machinery, portacabins and boundary enclosures as set out in a s215 Notice attached at Appendix 1.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
- 

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment :
- 

### Financial

1. Cost of proposal: Estimated Cost : £25k
  2. Ongoing costs: Non-Recurring Cost: N/A
  3. Budget head/performance centre: Planning Enforcement and Development Control
  4. Total current budget for this head: £1.52m
  5. Source of funding: Existing revenue budget 2018/19. Officers intend to recover the costs from the owner
- 

### Personnel

1. Number of staff (current and additional): 35.86 ftes
  2. If from existing staff resources, number of staff hours: n/a
- 

### Legal

1. Legal Requirement: Statutory Requirement :
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: none directly from this report
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

### 3. COMMENTARY

- 3.1 The report seeks permission for direct action to be taken for an untidy site at Land adjacent to Tintagel, Cornwall Drive, Orpington. The site is an area of Green Belt land which has been utilised as waste transfer site. The area is adjacent to land, known commonly as the 'Waste for Fuel' land.
- 3.2 The site is shown at Appendix 1 along with a copy of a relevant s215 notice.
- 3.3 A S215 Notice (untidy site) was issued 1 March 2018, no appeal was made against the notice which became effective on 29 March 2018 with a compliance date of 26 April 2018.
- 3.4 To date no work has been carried out to remove the machinery, unauthorised boundary enclosures, portakabins, miscellaneous equipment and paraphernalia from the land. Therefore, direct action is recommended as a remedy.
- 3.5 The cost for the clearance for the site is estimated at £25k the Council will meet this cost and then recover the cost from the landowner, including putting a charge on the Land if not paid by the landowner

### 4. FINANCIAL IMPLICATIONS

- 4.1 The estimated cost of the works to clear the site is £25k.
- 4.2 Officers will endeavour to recover from the owner of the land all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land, if necessary.

<b>Non-Applicable Sections:</b>	<b>IMPACT ON VULNERABLE ADULTS AND CHILDREN, POLICY IMPLICATIONS, PERSONNEL IMPLICATIONS, LEGAL IMPLICATIONS, PROCUREMENT IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	S215 Notice served 1 March 2018

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1. **THIS IS A FORMAL NOTICE** issued by the Council under section 215 of the above Act because it appears that the amenity of part of its area is adversely affected by the condition of the land described below. The Council considers that you should be required to remedy the condition of the land.

2. **THE LAND:**

Land adjacent to Tintagel Cornwall Drive, Orpington shown edged red on the attached plan.

3. **WHAT YOU ARE REQUIRED TO DO:**

- i) Remove the machinery, unauthorised boundary enclosures, portakabins, miscellaneous equipment and paraphernalia on the land;
- ii) Leave the land in a clean and tidy condition.

4. **WHEN YOU MUST COMPLY:**

You must comply with this notice within **28 days** after the notice takes effect

5. **WHEN THIS NOTICE TAKES EFFECT:**

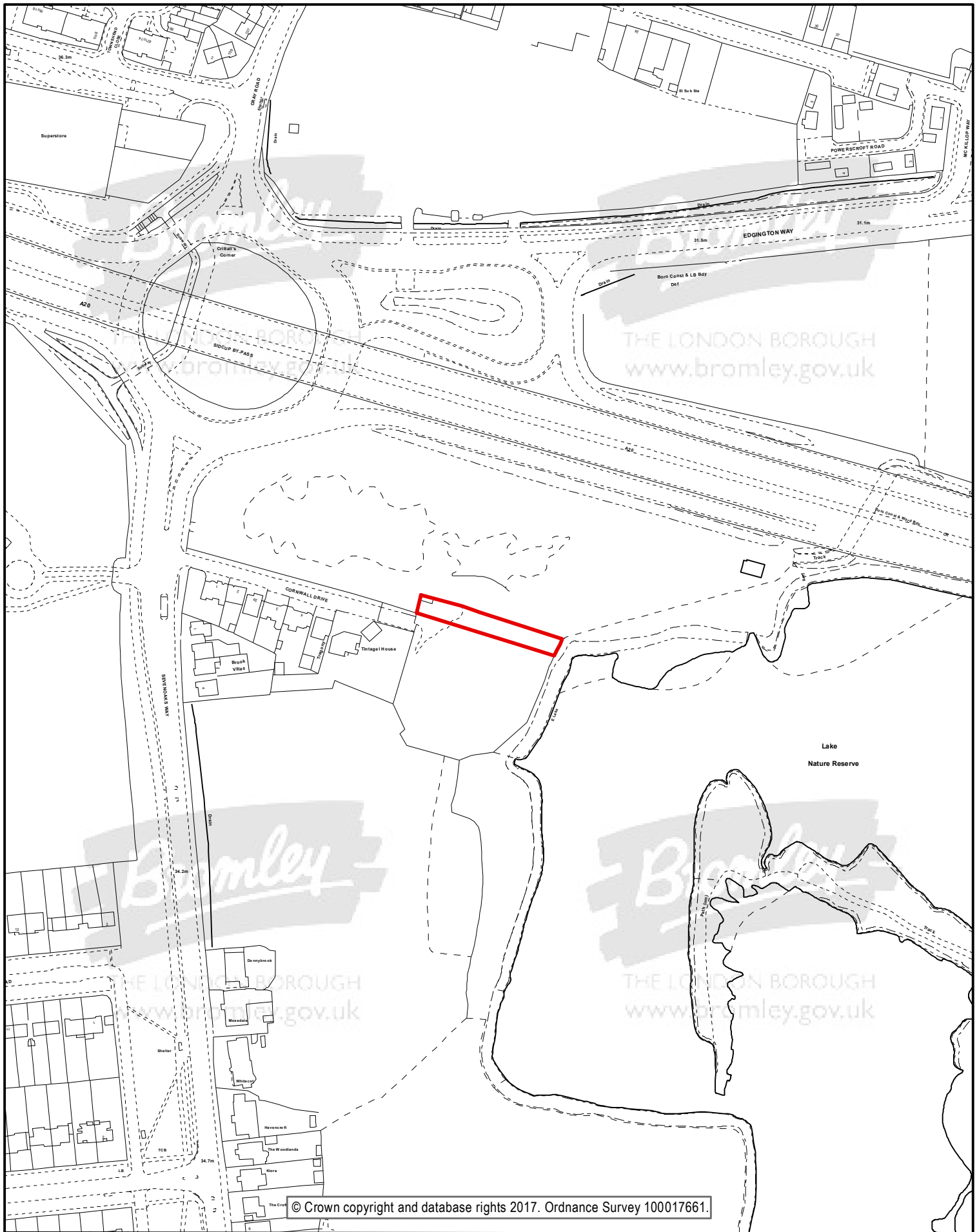
The notice takes effect **28 days** from the day it is served on you, unless an appeal is made against it beforehand

Dated: the 1st day of March 2018

Signed:

Director of Corporate Services  
London Borough of Bromley  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH

Legal Ref: L5/18/09/4005  
Enforcement Ref: EN/12/00729/UNTIDY



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**TOWN PLANNING**

**SECTION 215 NOTICE  
CONCERNING  
LAND ADJACENT TO TINTAGEL,  
CORNWALL DRIVE, ORPINGTON.**



JIM KEHOE  
CHIEF PLANNER,  
CIVIC CENTRE, STOCKWELL CLOSE,  
BROMLEY, KENT,  
BR1 3UH.

Tel: 020 8464 3333

Scale 1:2,500



ENF 12/00

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Plan No. 4696

Report  
No.DRR18/03

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 1

**Date:** Thursday 26 July 2018

**Decision Type:** Urgent Executive Key

**Title:** UNTIDY SITE - 110 AVONDALE ROAD, BROMLEY

**Contact Officer:** John Stephenson, Planning Appeals and Investigation Manager  
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Jim Kehoe, Chief

**Ward:** Plaistow and Sundridge;

---

1. Reason for report

The report seeks permission for direct action to be taken for an untidy site at 110 Avondale Road, Bromley, BR1 4EZ. The site is occupied by a two storey detached house situated on the northern side of Avondale Road within a quiet residential area.

Officers are requesting that members agree to consider whether it is appropriate to take Direct action in this case.

---

2. **RECOMMENDATION(S)**

That members authorise Direct Action for a contractor to be employed to carry out work to tidy both front and rear gardens.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
- 

## Financial

1. Cost of proposal: up to £1,000, although this should be recovered from the landowner.
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Planning Enforcement and Development Control
  4. Total current budget for this head: £1.52m
  5. Source of funding: Existing revenue budget 2018/19. Officers intend to recover the costs from the owner.
- 

## Personnel

1. Number of staff (current and additional): 35.86 ftes
  2. If from existing staff resources, number of staff hours: n/a
- 

## Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

## Procurement

1. Summary of Procurement Implications: n/a
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

### 3. COMMENTARY

Since August 2017, complaints have been received regarding the overgrown vegetation to both the front and rear gardens.

A S215 Notices has been issued requiring the cutting back, trimming of all overgrown vegetation and resulting clippings, removal of shrubs and overhanging vegetation from the paved areas and overgrown weeds to be removed from the site.

Land registry shows the current owner as a deceased female, the details of any relatives are not known. There has been some legal input into the property with a charge already placed on the land for her care prior to her death. The daughter of the deceased is the executor of the estate whom is unwilling to engage with the Council.

Attempts by the neighbours to try to control the encroachment of the vegetation on to their properties has not been successful. The property remains in an untidy state.

Given that the owner has died and that the estate is now in control of an unknown person, it is felt is it inappropriate to amount a prosecution and permission is now sought to engage tradesmen to tidy the site.

### 4. FINANCIAL IMPLICATIONS

- 4.1 Three quotations have been received varying from £800 to £1,000, although this amount may vary depending on what is found when accessing the rear garden. Written quotes have been sought in accordance with Financial Regulations to ensure value for money.
- 4.2 Officers will endeavour to recover from the owner of the land all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land, if necessary.

<b>Non-Applicable Sections:</b>	Policy, Legal, Personnel implications
Background Documents: (Access via Contact Officer)	S215 Notice served 19 <sup>th</sup> January 2018

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1. **THIS IS A FORMAL NOTICE** issued by the Council under section 215 of the above Act because it appears that the amenity of part of its area is adversely affected by the condition of the land described below. The Council considers that you should be required to remedy the condition of the land

2. **THE LAND:**

**Land at 110 AVONDALE ROAD BROMLEY BR1 4EZ** of shown edged red on the attached plan

3. **WHAT YOU ARE REQUIRED TO DO:**

**The front sides and rear garden surrounding the dwelling house/building at the above Land:**

- a) Cut back the hedges and ensure that they do not overhang the hard surfaces or paved areas and;
- b) Trim the sides of the hedges parallel and;
- c) Prune the front hedge to a height not exceeding two metre measured from the ground level to achieve a uniformly level feature and;
- d) Prune the Shrubs to the natural shape, height and form of the species not exceeding one metre in height measured from the ground level and;
- e) Cut the overhanging branches and;
- f) Remove the shrubs and overhanging vegetation from the paved areas and;
- g) Remove the overgrown weeds from the above Land and;
- h) Remove from the above Land all resulting cuttings, dead vegetation and debris.

4. **WHEN YOU MUST COMPLY:**

You must comply with this notice within **28 days** after the notice takes effect

5. **WHEN THIS NOTICE TAKES EFFECT:**

The notice takes effect **28 days** from the day it is served on you, unless an appeal is made against it beforehand

Dated the 19<sup>th</sup> day of January 2018

Signed:

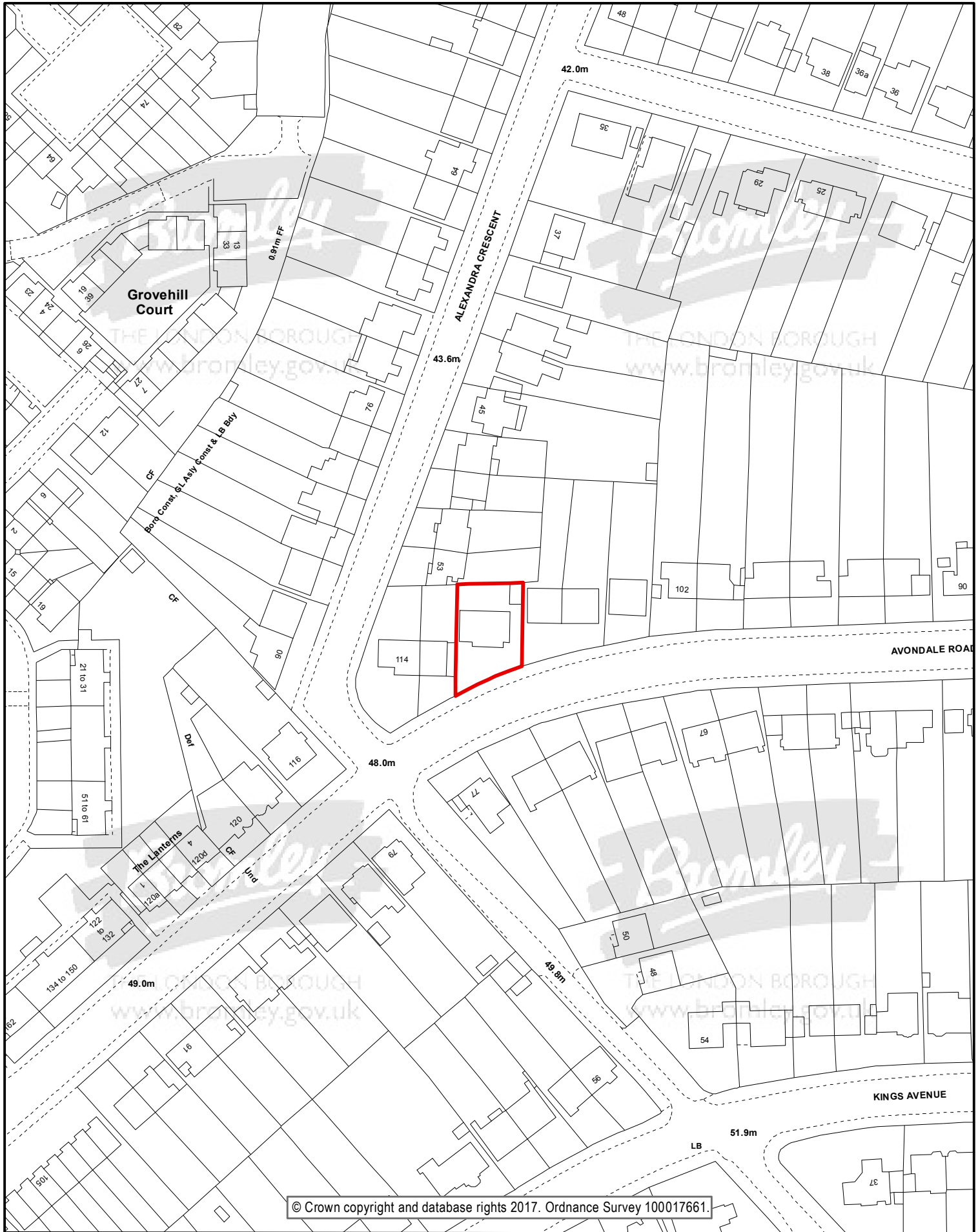


Director of Corporate Services  
London Borough of Bromley  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH

Enforcement Ref: 17/00429/UNTIDY  
Legal Ref: L7 18/9/3998

# ***SITE PLAN***





**TOWN PLANNING**

**SECTION 215 NOTICE  
CONCERNING  
110 AVONDALE ROAD,  
BROMLEY.**



JIM KEHOE  
CHIEF PLANNER,  
CIVIC CENTRE, STOCKWELL CLOSE,  
BROMLEY, KENT,  
BR1 3UH.  
Tel: 020 8464 3333

Scale 1:1,250



ENF 17/0017/17

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Plan No. 4689

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