



THE LONDON BOROUGH  
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DATE: 6 November 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 15 NOVEMBER 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 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 20 SEPTEMBER 2018**  
(Pages 1 - 20)
- 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	Bromley Town Conservation Area	21 - 22	(17/04945/FULL1) - 124-126 High Street Bromley BR1 1DW  <b>(REPORT TO FOLLOW)</b>

4.2	Shortlands	23 - 30	(18/03728/FULL6) - 56 Overhill Way, Beckenham, BR3 6SW
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### SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.3	Bickley	31 - 40	(18/02491/FULL6) - Two Jays, 38 Highfield Road, Bickley, Bromley, BR1 2JW
4.4	West Wickham	41 - 50	(18/03046/FULL6) - 62 Courtfield Rise, West Wickham, BR4 9BH

4.5	Chislehurst Conservation Area	51 - 60	(18/03254/FULL6) - 2 Walnut Tree Close, Chislehurst, Kent, BR7 5PF
4.6	Cray Valley East	61 - 76	(18/03419/FULL1) - Stanbridge Limited, Cray Valley Road, Orpington, BR5 2UB
4.7	Bickley	77 - 96	(18/04199/OUT) - Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley, BR1 2AP

#### **SECTION 4**

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.8	Cray Valley East	97 - 108	(18/03395/RECON) - Unit 3, Nugent Shopping Park, Cray Avenue, Orpington, BR5 3RP
4.9	Petts Wood and Knoll	109 - 120	(18/03719/FULL6) - 37 Birchwood Road, Petts Wood, Orpington, BR5 1NX

#### **5 CONTRAVENTIONS AND OTHER ISSUES**

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

#### **6 TREE PRESERVATION ORDERS**

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

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## PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 20 September 2018

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Gareth Allatt, Katy Boughey, Mark Brock,  
Simon Fawthrop, Kira Gabbert, Simon Jeal and Suraj Sharma

### Also Present:

Councillors David Jefferys

## 10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Tony Owen and Will Rowlands and Councillors Simon Fawthrop and Gareth Allatt attended as their substitutes respectively.

## 11 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

## 12 CONFIRMATION OF MINUTES OF MEETING HELD ON 26 JULY 2018

**RESOLVED** that the Minutes of the meeting held on 26 July 2018 be confirmed.

## 13 PLANNING APPLICATIONS

### SECTION 2

(Applications meriting special consideration)

### 13.1 FARNBOROUGH AND CROFTON CONSERVATION AREA

**(17/05263/FULL1) - Rear of 3 Church Road, Farnborough, BR6 7DB**  
Description of application – Demolition of existing commercial outbuildings and erection of two storey, one bedroom detached dwelling, use of commercial Listed Building as ancillary to new dwelling and associated landscaping.

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

Comments from Ward Member, Councillor Robert Evans, in objection to the application were reported and circulated to Members.

Ward Member, Councillor Charles Joel, referred to the drawings and was concerned with the proposed siting in relation to the adjoining property and in his view the narrow access to Flat 3 would be unsuitable for further parking where traffic was heavy with difficult site lines and he objected to the application and he also reported that Farnborough Village Society objected to the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED AGAINST THE CHIEF PLANNER'S RECOMMENDATION** on the grounds that:-

1. The proposal would result in a cramped form of backland development and out of keeping with the character and appearance of the area contrary to Policy BE1 of the Unitary Development Plan (2006).
2. The proposal would have insufficient parking contrary to Policy T3 of the Unitary Development Plan (2006).

### 13.2 CHISLEHURST CONSERVATION AREA

#### **(18/02500/FULL1) - Bank House, 11 High Street, Chislehurst, BR7 5AB**

Description of application – Change of use of vacant former bank premises (A2 use) to a drinking establishment (A4 use) incorporating introduction of extract system to rear of property.

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with two further conditions to read:-  
“8. 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 operational works or changes of use permitted by Part 1, Part 2 or Part 3 of Schedule 2 of the 2015 Order (as amended), shall be erected or made without the prior approval in writing

of the Local Planning Authority.

REASON: In order to comply with Policies BE1, S4 and S9 of the Unitary Development Plan and in the interests of residential amenity.

9. The rear garden area shown on the site block plan as a "Resident garden" shall not be used at any time by customers of the use hereby permitted.

REASON: In order to comply with Policies BE1, S4 and S9 of the Unitary Development Plan and in the interests of residential amenity."

**13.3  
WEST WICKHAM**

**(18/03136/FULL6) - 77 The Crescent, West Wickham, BR4 0HD**

Description of application – First floor front side extension and hip to gable roof with rear dormer.

Oral representations in support of the application were received at the meeting. Further objections and photographs from the neighbour had been received and circulated to Members.

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

**SECTION 3**

(Applications recommended for permission, approval or consent)

**13.4  
BICKLEY**

**(18/00536/FULL1) - 55 Liddon Road, Bromley, BR1 2SR.**

Description of application - Erection of additional floor to provide four new units; 1 x 2-bed and 3 x 1-bed. External alterations to existing building to include new windows, doors, and private terraces.

Ward Member, Councillor Kira Gabbert, expressed her and her Ward colleagues' dissatisfaction at the relevant change-of-office-to-residential-use legislation which led to this kind of inappropriate development to be allowed in the first place. Although she welcomed the reduction in units, in her opinion the proposed development remained ill-suited for the location and she abstained from the vote.

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.

**13.5  
PETTS WOOD AND KNOLL**

**(18/02048/OUT) - 24 Keswick Road, Orpington BR6  
0EU**

Description of application – Demolition of existing dwelling and detached garage and erection of detached two storey 6 bedroom single family dwellinghouse including accommodation in the roof with associated access and parking spaces (Outline application for access, appearance and landscaping).

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

Ward Member, Councillor Simon Fawthrop, referred to his local knowledge and read a statement and requested it be annexed to these minutes with appeal decision (APP/G5180/W/17/3180183) dated 4 December 2017 ('Annex A'). Further objections from local residents had been received by Councillor Fawthrop, and circulated to Members.

The Chief Planner's representative reported that further objections to the application had been received together with comments from the Tree Officer.

The Chairman and Councillor Joel accepted the principle of redevelopment on the site but objected to the application being an overdevelopment.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED AGAINST THE CHIEF PLANNER'S RECOMMENDATION** on the grounds that:-

1. The proposed building by reason of its close proximity to No. 22 Keswick Road and excessive size, bulk and rearward projection would appear overbearing and result in loss of light to and outlook from the neighbouring property at No.22 Keswick Road and its rear garden, detrimental to the amenities of the adjoining occupiers, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposed two storey dwelling with accommodation in the roof space would be an overly dominant and incongruous form of development on this prominent corner plot which would be cramped and overdeveloped and out of keeping; harmful to street scene and the character of the area contrary to



Policies BE1 and H7 of the Unitary Development Plan, adopted SPG1 and SPG2, Policies 3.5 and 7.4 of the London Plan, the London Housing Supplementary Planning Guidance and the National Planning Policy Framework.

**13.6  
BICKLEY**

**(18/02287/FULL1) - 102 Nightingale Lane, Bromley, BR1 2SE**

Description of application – Erection of part subterranean detached 3 bedroom dwelling with associated access road at land at rear of 102 Nightingale Lane (Revision to application ref: 14/01887/FULL1 to include increased accommodation at the lower level beneath the garden level terrace).

Ward Member, Councillor Gabbert, speaking on behalf of all Bickley Ward members, considered the proposed development to be backland development of the worst kind. Notwithstanding that the current application was seeking a relatively minor alteration to the previously approved plans, she objected to the application and abstained from the vote. If the application were permitted she expected Building Control Division to carefully monitor the building process and ensure the development be constructed in accordance with Building Regulations and the approved plans.

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 with an informative to read:-

“INFORMATIVE: The Applicant is advised that Members of the Committee suggested that the Council’s Building Control be notified of the start of works if they are not the appointed Inspector.”

**13.7  
CRAY VALLEY WEST**

**(18/02736/FULL6) - 37 Marion Crescent, Orpington, BR5 2DF**

Description of application - Part one/two storey rear extension, roof alterations to include side dormers, front porch and elevational alterations including front bay window.

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

Councillor Joel had visited the site and supported the application. Councillors Fawthrop and Simon Jeal had concerns at the loss of daylight and the impact on the residential amenity on 35 Marion Crescent.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED AGAINST THE CHIEF PLANNER'S RECOMMENDATION** on the grounds that:-

1. The proposed extension would have a detrimental effect on the amenities of the adjoining occupiers at No. 35 Marion Crescent, contrary to Policies BE1 and H8 of the Unitary Development Plan (2006) and Policies 6 and 37 of the Emerging Local Plan (2016).

**13.8  
HAYES AND CONEY HALL**

**(18/02956/FULL1) - 2 Kechill Gardens, Hayes, Bromley BR2 7NQ.**

Description of application – Demolition of existing dwelling and erection of 1 three bedroom detached dwelling and associated works.

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

“14. 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 change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

REASON: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with policies BE1 and H11 of the Unitary Development Plan.”

**13.9  
CRAY VALLEY EAST**

**(18/02984/FULL6) - 61 Chelsfield Road, Orpington, BR5 4DS**

Description of application – Two storey side addition and vehicular crossover.

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.

**13.10  
PETTS WOOD AND KNOLL**

**(18/02990/FULL6) - 9A Irene Road, Orpington, BR6 0HA**

Description of application – Garden shed  
RETROSPECTIVE APPLICATION.

Ward Member, Councillor Simon Fawthrop, read a statement in objection to the application and requested it be annexed to these minutes ('Annex B'). Councillor Gabbert also objected to the application.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE REFUSED AGAINST THE CHIEF PLANNER'S RECOMMENDATION** on the grounds that:-

1. The proposal by reason of its bulk, size and siting would have a detrimental effect on the amenities of the neighbouring dwellings, contrary to Policies BE1 and H8 of the Unitary Development Plan (2006) and Policies 6 and 37 of the Emerging Local Plan (2016).

**IT WAS FURTHER RESOLVED THAT ENFORCEMENT ACTION BE AUTHORISED FOR THE REMOVAL OF THE GARDEN SHED.**

**13.11  
WEST WICKHAM**

**(18/03273/PLUD) - 166 Langley Way, West Wickham, BR4 0DT**

Description of application – Single storey rear extension. Lawful Development Certificate (Proposed).

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**13.12  
FARNBOROUGH AND  
CROFTON  
CONSERVATION AREA**

**(18/03282/FULL1) - 8-10 Church Road, Farnborough, Orpington, BR6 7DB**

Description of application – Single storey rear extension and new shopfronts.

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

Comments from Ward Member, Councillor Robert Evans, in objection to the application were reported and circulated to Members. Councillor Joel reported that Farnborough Village Society objected to the

application.

The Chief Planner's representative reminded Members that the application only related to the ground floor level and shop fronts.

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 and an informative to read:-  
"6. Details of the proposed shopfront design (including fascia and doors) 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 and shall be retained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan (2006) and in the interest of the appearance of the building and the visual amenities of the area.

7. The southeast flank elevation of the rear extension hereby permitted shall be painted white and shall be retained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan (2006) and in the interest of the appearance of the building and the visual amenities of the area.

INFORMATIVE: It is advisable that the postal number be clearly displayed on the frontage of the property."

**13.13  
PETTS WOOD AND KNOLL**

**(18/03298/FULL6) - 63 Towncourt Crescent, Petts Wood, Orpington, BR5 1PH**

Description of application - Half hip to gable loft conversion to match adjoining property - with rear dormers and front roof lights and elevational alterations.

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 12 September 2018.

Ward Member, Councillor Simon Fawthrop, had circulated an appeal decision (APP/G5180/D/18/3201523) dated 19 July 2018 relating to 1 Priory Avenue, Petts Wood, together with the description of the Area of Special Residential Character.

Councillors Joel had visited the site and he and Councillor Jeal supported the application.

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

“5. The roof light windows hereby permitted shall be conservation roof light windows, they shall fit flush to the underpinning roof tiles and shall be retained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan (2006) and in the interest of the appearance of the building and the visual amenities of the area.

6. 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 change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

REASON: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with policies BE1 and H11 of the Unitary Development Plan.”

**13.14  
CHISLEHURST  
CONSERVATION AREA**

**(18/03409/FULL1) - Jason, Yester Road,  
Chislehurst, BR7 5HN**

Description of application – Demolition of existing bungalow and erection of a three storey pair of semidetached dwellings with accommodation in roof space (RETROSPECTIVE).

It was reported that objections from The Chislehurst Society had been received.

Ward Member, Councillor Katy Boughey, referred to the history of the site and was concerned with the degree of overlooking from the dormer window, the outside staircase, the unbalanced effect and the future potential of the proposed development. Councillors Joel, Fawthop and the Chairman also objected to the application.

Councillor Suraj Sharma supported the application.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE REFUSED AGAINST THE CHIEF PLANNER'S RECOMMENDATION** on the grounds that:-

1. The proposed development by reason of its scale, mass, bulk and design in a prominent location would appear unbalanced and harmful to the visual amenities of the Conservation Area contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.
2. The proximity of the proposed development to neighbouring properties and its size and height would lead to an unacceptably harmful relationship detrimental to amenities of neighbouring properties contrary to Policies BE1 and H7 of the Unitary Development Plan (2006).

**13.15  
PLAISTOW AND  
SUNDRIDGE**

**(18/03513/FULL6) - 3 Hansom Terrace, Freelands Grove, Bromley, BR1 3NL**

Description of application – Roof alterations incorporating rear dormer and front and rear rooflights and elevational alterations, insertion of high rise window on the flank wall.

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)

**13.16  
BROMLEY COMMON AND  
KESTON**

**(18/00871/FULL1) - Keston Parish Church, Church Road, Keston**

Description of application – The enlargement of the existing car park for Keston Parish Church and Church Hall.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor David Jefferys, in support of the application were received at the meeting. Councillor Jefferys also spoke on behalf of his fellow Ward Member, Councillor Robert Mcilveen. Councillor Jefferys informed the Sub-Committee that

there was wide support in the community for the enlargement of the carpark so long as road safety was addressed and that it would enhance the green belt and tidy the site.

Supplementary information from the applicant had been received and circulated to Members.

The Chief Planner's representative said that the applicant has indicated he would be prepared to change the proposed car park material to reinforced grass mesh to reduce its visual impact, and had confirmed that the proposed development was for a parking annex, ancillary to the main parking area.

The Chairman said that for a development of this nature very special circumstances would have to be established that would not harm the Green Belt. Currently the carpark was inadequate for the use of the Church and Hall and people were forced to park on the narrow lanes which was a favourite for cyclists and pedestrians, being a road safety hazard. The Chairman welcomed the proposed change of material to a permeable surface and stressed that site was untidy with some dead and diseased trees and rubbish and that the proposed annex would enhance the area and suggested that a road safety audit be undertaken.

Councillor Fawthrop was aware of traffic congestion in the area and supported the change of material and suggested that if permission were to be granted at a later stage, a personal planning condition for Church use only should be considered.

As trees were proposed to be removed Councillor Mark Brock suggested that the applicant inform the Council of its proposals for the replanting of trees.

Members having considered the report and representations, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, on Section 2 of the agenda of a future meeting of the Plans Sub-Committee for a road safety audit report and tree planting details to be submitted.

**KESTON  
CONSERVATION AREA**

Description of application – Part one/two storey side/rear extensions, loft conversion including hip to gable extensions, rear dormer extension and front rooflights.

Oral representations in objection to the application were received at the meeting. Supplementary information and photographs from the objector had been received and circulated to Members. It was reported that on page 234 of the Chief Planner's report the third paragraph should be amended to read, "Having regard to the form, scale and siting it is considered that the proposed extensions would not complement the host property and would appear out of character with surrounding development or the area generally."

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.

**MINUTE ANNEX A - Councillor Simon Fawthrop's representations relating to Item 4.5 24 Keswick Road, Orpington**  
**MINUTE ANNEX 'B' - Councillor Simon Fawthrop's representations relating to 9a Irene Road, Orpington, BR6 0HA**

The Meeting ended at 9.15 pm

Chairman



## ITEM 4.5 (18/02048/OUT) - 24 KESWICK ROAD, ORPINGTON, BR6 0EU

Madam Chairman and Members

There is a long history of history of recent proposals at this site and that history forms part of the local knowledge that Councillors use to determine, both the proposal and the motivation for the proposal.

Let's be clear this is not a householder application, it is not a local person seeking to enhance their living accommodation or make better use of the space. This is an application on behalf of a predatory development company, whose sole aim is to maximise profits at the expense of the local character of the area.

The history of this site is laid down on pages 83 and 84 of the report, however what that doesn't pick up is the history of this Company and its developments in the area for example just round the corner at 69 Broomhill Road, two applications by this company to demolish houses and replace them with flats 17/00616 and 17/00618 which have both been refused. Then there is 94 Towncourt Lane, where there are multiple applications by this company all of which have been refused on appeal for flats in place of a family home. The Company have also been refused on appeal with applications at 2 Woodland Way.

This application is nothing more than a Trojan horse designed to get a foothold into the site, in the long tradition of unscrupulous developers they can get permission and then come back with their original intention.

Having said that to put this in context as a planning committee we can give some weight to the living conditions of future occupiers, but have to judge this one in the context of an application on its own merits.

The first thing to note is that this is a 3 Storey development, 2 stories with accommodation in the roof space is actually 3 stories being dressed up as not being 3 stories with intent to deceive. The second thing to note is that this application is so minimally different from the previous application as to be perceptively the same. The reduction is a mere 4.6sq.m.compared with the previous application. When looking at the plans it is of course pure coincidence that the design is symmetrical, which couldn't possibly lead to an application for future segregation into flats.

I'll just point out that all the previous applications on this site were also recommended for permission by Council Officers, and then turned down by members at committee when able to consider the facts and then in the case of the last application dismissed on appeal by the inspector.

When you look at the drawings for this application it is quite clear that it would still be a dominant feature in the street scene undermining the character of the area, the frontage with Stanley Road in particular would be intrusive, harsh and bulky on the appearance and character of the area, as highlighted on page 88 of the report. The application is an over development of the site in this outline form, and not conducive, as already pointed

out, with a householder development to improve their accommodation. The proposals are bulky, cumbersome and a cramped over development, just writing that it isn't in the report, without any evidence doesn't change this fact. The proposals are still set significantly forward from no. 22 Keswick Road which was also a concern for the inspector.

The layout and form of the proposed development are such that this revised scheme would dominate its corner location and would not complement the established pattern of development in the locality, or promote local distinctiveness. The report highlights on page 87 that loss of light would occur to the occupants of number 22 and the negative impact it would have. The report also highlights that there is a loss of amenity to neighbouring properties on page 88. Furthermore the standard of design is poor and not of a quality commensurate with the local vicinity.

To conclude I therefore propose that this be refused on the previous grounds taking into account the inspectors comments that "it has not been demonstrated that the development would meet the aims of the National Planning Policy Framework as it would not take the opportunity to improve the character and quality of the area and the way it functions. Moreover, it would not preserve or enhance the character and appearance of the area, contrary to Policies BE1 and H7 of the UDP and the guidance of Council's Supplementary Planning Guidance No 1 and No 2 (2003). It would not accord with Policies 3.5 and 7.4 of the London Plan, which seek to ensure new housing development is of a high quality design that enhances the quality of local places.

Councillor Simon Fawthrop  
Member for Petts Wood and Knoll  
20 September 2018



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## Appeal Decision

Site visit made on 14 November 2017

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4<sup>th</sup> December 2017

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### Appeal Ref: **APP/G5180/W/17/3180183** **24 Keswick Road, Orpington BR6 0EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Rafael Porzycki of Aventier Ltd against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/17/01588/OUT, dated 30 March 2017, was refused by notice dated 15 June 2017.
  - The development proposed is described as "demolition of one existing residential dwelling and erection of 2 semi-detached houses with accommodation on roof level associated access and 4 parking spaces at 24 Keswick Road, BR6 0EU".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline and sought approval for access, landscaping and layout. Details of appearance and scale were reserved for subsequent approval. Consequently, I have treated the Floors Plans (Ref BX08-S2-104, Elevations 1 (Ref BX08-S2-105) and Elevations 2 (Ref BX08-S2-106) as indicative.

### Main Issues

3. The main issues are the effect of the development on: (i) the living conditions of adjoining occupiers with regard to outlook and light, and; (ii) the character and appearance of the area.

### Reasons

#### *Living Conditions*

4. The site layout plan shows that the development would extend beyond the rear wall of the neighbouring house at No 22 Keswick Road. Due to its siting and form, the proposed two-storey development would have a greater impact on the adjoining property than the existing bungalow. I saw from my site visit that No 22 has a rear ground floor window to a main habitable room that would be particularly affected by the development.
5. I have considered the appellant's sun/shadow report, which indicates that there would be a loss of sunlight to the rear of the neighbouring property, especially in the early afternoon during the spring and winter months. This would be

greater than the shadow cast by the existing bungalow. Also, the relatively long side wall of the proposed two-storey development would be more dominant and it would adversely affect the outlook from the rear of No 22.

6. The combination of the loss of light and outlook would have a material adverse effect on living conditions to the detriment of the neighbour's enjoyment of their property. Therefore, the development would be contrary to Policies H7 and BE1 of the Unitary Development Plan 2006 (UDP) which, amongst other things, seek to protect the amenity of occupiers of adjoining buildings.

#### *Character and Appearance*

7. The appeal site occupies a prominent corner location at the junction of Keswick Road and Stanley Road. The surrounding area is residential, characterised by predominately detached houses set within spacious plots, which gives an open appearance. The land levels fall away from west to east, with the result that the appeal property sits at a higher level than the road, and the houses opposite.
8. The existing dwelling is a detached chalet style bungalow with dormer windows. Although smaller in scale than other houses nearby, it is highly visible in the street scene due to its corner location and elevated position. It's siting closer to the northern boundary, and the angled orientation, enables the bungalow to blend into the street scene and complement the open and spacious character and appearance of the area.
9. The proposed development is for the demolition of the existing bungalow and its replacement with a pair of semi-detached houses, which would require the sub-division of the plot. The development would be positioned squarely within the site, fronting onto Keswick Road. It would be significantly further forward than the existing bungalow and it would be considerably more prominent in the street scene. I appreciate that matters of scale and design are reserved for subsequent approval. Nonetheless, it is clear from the application that a two-storey building is sought, with accommodation in the roofspace. The proposed semi-detached houses would be incongruous and would stand-out as an overly prominent and uncharacteristic form of development in this location.
10. I have taken into account the scale of other development in the vicinity, especially No 22 which is a substantial property. However, No 22 is not in a prominent corner location. Similarly, No 1 Stanley Road, opposite the appeal site, is well screened and is sited at a lower level than the road. Despite being a large house, it also complements the street scene. The appellant has assessed plot sizes and the separation between properties in Keswick Road. Whilst this shows that the plot size in itself would be comparable with development in the immediate vicinity, the assessment takes no account of the site-specific circumstances and the fact that the appeal site is prominent in the street scene.
11. The layout and form of the proposed development are such that it would dominate its corner location and would not complement the established pattern of development in the locality, or promote local distinctiveness. The landscaping scheme would be unlikely to screen the two-storey development and, in any event, it would take some time to mature. Consequently, I am not satisfied that it would mitigate the adverse effects of the proposal.

12. To conclude on this matter, it has not been demonstrated that the development would meet the aims of the National Planning Policy Framework as it would not take the opportunity to improve the character and quality of the area and the way it functions. Moreover, it would not preserve or enhance the character and appearance of the area, contrary to Policies BE1 and H7 of the UDP and the guidance of Council's Supplementary Planning Guidance No 1 and No 2 (2003). It would not accord with Policies 3.5 and 7.4 of the London Plan, which seek to ensure new housing development is of a high quality design that enhances the quality of local places.

### **Conclusion**

13. I have taken into account the benefits of the development, including that it would make a minor contribution to the local housing supply, and it would be reasonably well located in relation to transport options and access to facilities. However, the benefits are limited and do not outweigh the harm that I have identified above.

14. For the reasons given above, the appeal is dismissed.

*Debbie Moore*

Inspector

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## ITEM 4.10 (18/02990/FULL6) - 9A IRENE ROAD, ORPINGTON, BR6 0HA

Madam Chairman and Members

When permission was granted in December 2014 for this dwelling, condition 6 removed permitted development rights for outbuildings etc.

I was party to that decision in 2014 and indeed was the proposer of that condition.

There were essentially two reasons for this the first and most obvious was to protect the outlook of surrounding residents. The second whilst related was similar in that due to the positioning of the land it was to help protect residential amenity, particularly with regard to water runoff from the surrounding area impacting properties in both Sequoia Gardens and Novar Close.

This is the second retrospective application in relation to garden sheds put in by the owner.

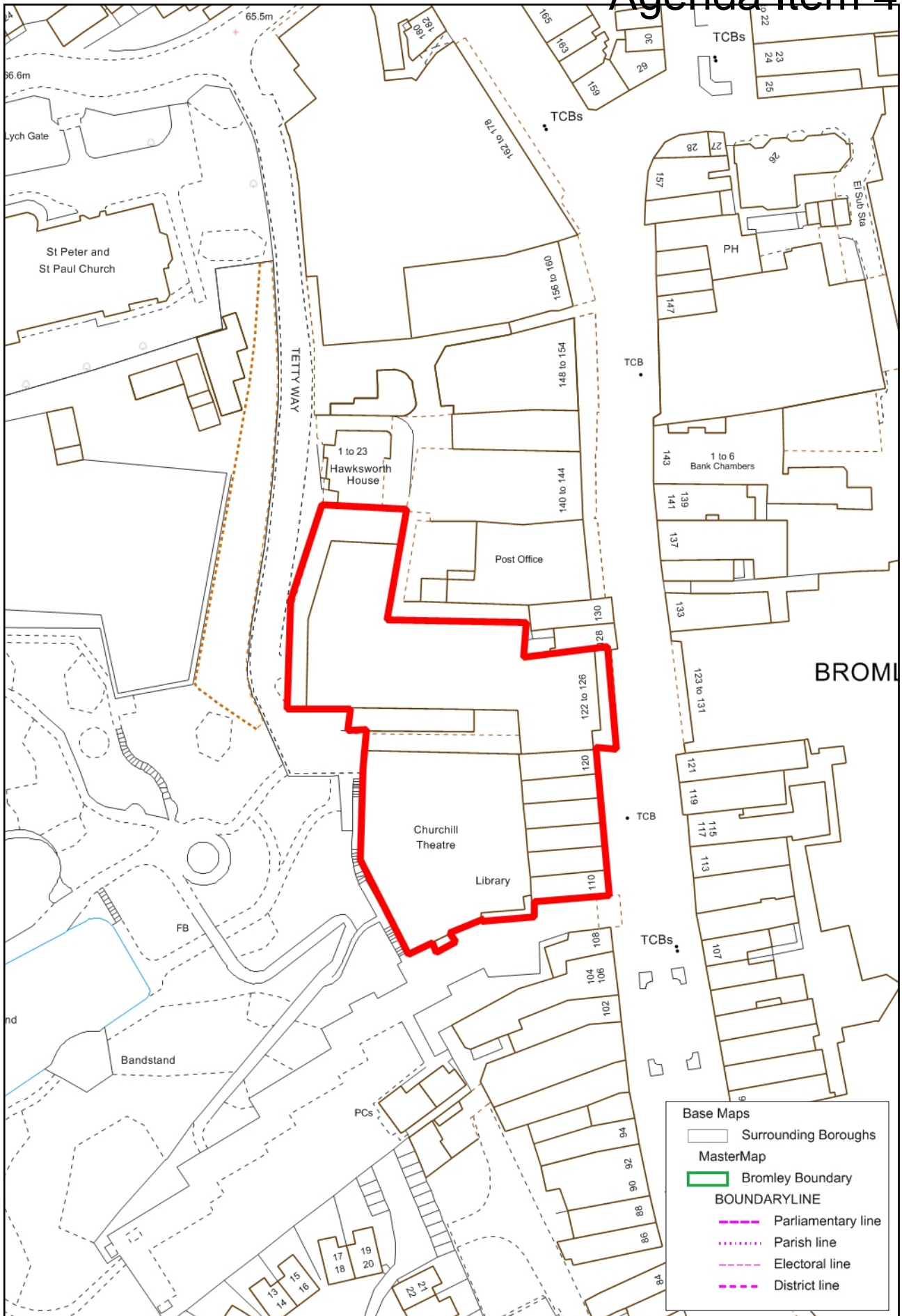
In this context it is by belief that this application due to its bulk size and siting is detrimental to the outlook and amenities of nearby residents, it is also clear that this is close to t in which the application is received. It also has to be taken in context of the development which took place at no. 61 Towncourt Crescent next door. If this application was again taken in the context of no. 63 being typical of the Area of Special Residential Character then again the recommendation to grant permission would be a good one.

I therefore propose that the application be refused.

Councillor Simon Fawthrop  
Member for Petts Wood and Knoll  
20 September 2018


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

**Application No :** 18/03728/FULL6

**Ward:**  
**Shortlands**

**Address :** 56 Overhill Way Beckenham BR3 6SW      **Objections:** Yes

**OS Grid Ref:** E: 538535 N: 167788

**Applicant :** Mr & Mrs O'Reilly

### **Description of Development:**

Loft conversion with hipped barn roof alteration with rooflights to front and addition of dormer to rear.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 21

### **Proposal**

The application seeks consent for a loft conversion with hipped barn roof alterations, roof lights and a rear dormer.

### **Location and Key Constraints**

The application relates to a two-storey semi-detached residential dwelling, which is located on the east side of Overhill Way. The property benefits from a large rear garden and off-street parking to the front. The surrounding area is residential in character and the site is located within the Park Langley Area of Special Residential Character.

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

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

- Concerns about the replacement window on the side elevation. This has been elevated to the roof line of the existing property and now has an unobstructed view into neighbouring garden and property.
- The dormer is rather unsightly and negatively impacts the view from neighbouring gardens. It also impacts the street scene when entering Overhill Way.

## 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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
- 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:

18/01318/FULL6 - The works will consist of the demolition of an existing detached garage and the construction of a new single storey rear extension, landscaped gardens, boundary walls and all ancillary site works. Permission

## Considerations

The main planning considerations relates to the design and scale of the proposed works in relation to house and surrounding area, together with any impact on neighbouring residential amenities.

## 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.

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

In addition, the property lies within the Park Langley ASRC and as such Policy H10 is also relevant. Policy H10 seeks to ensure that development respects and complements the established and individual areas. Appendix I of the UDP outlines the descriptions for each area and states that Park Langley is an area of almost exclusively large detached two storey family houses on generous plots and

represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.

The application property forms one half of a semi-detached pair and both currently retain their original roof profile. In this case the application property is located close to the junction with Brabourne Rise and the site backs onto the gardens fronting this neighbouring road. It therefore has a very exposed flank elevation within the streetscene.

The proposal would extend the existing original roof profile to create a barn hip arrangement. This would however still retain a small set back from the central triangular front roof pitch which sits between the pair of semis.

Of relevance is Policy H8 which seeks to protect the symmetry of semi-detached pairs from inappropriate hip to gable enlargements.

In this case the wider street is characterised by semi-detached properties, which are set back from the road and are situated within generous plots. The applicant has highlighted various examples of extended roofs on neighbouring properties within the immediate vicinity. Some of these appear to have been carried out under permitted development but a number of others have been granted under planning permission. These examples include 37 Overhill Road (15/04680/FULL6) & 35 Overhill Way (16/03706).

It was noted at the time of the site visit that of the closest 15 pairs of semi-detached properties to the application site, 8 of the pairs were no longer fully symmetrical at roof level due to some form of extension. Whilst the hip-to-gable enlargement would result in some harm to the symmetry of this pair of properties, given the variety of roof amendments within close proximity at this end Overhill Road it is considered that in allowing this proposal the harm to the character and appearance of the streetscene would be on balance acceptable, due to the fact that the established roof character has already been altered.

The dormer to the rear would be contemporary in appearance; however it would be set back from the eaves line and from the gable end. The use of zinc is considered to be a high quality material and it would blend with the darker roof tiles. The larger window proportions would only be visible from the rear and as such it is considered that this arrangement is on balance acceptable and would not result in significant harm to the character of the area.

In terms of the ASRC it is considered the development would continue to read as a two-storey dwelling which is set within a generous plot. And in allowing this proposal is it not considered that there would be undue impact on the special character of the ASRC.

Given the above, it is considered that the proposed roof additions are on balance acceptable and the development would not result in significant harm to the character and appearance of the dwelling, area in general or special interest of this ASRC.

## Neighbouring

In relation to neighbouring amenity the main impact would be on the adjoining neighbouring properties.

The adjoining neighbour at number 54 benefits from a ground floor rear extension. Given the location of the dormer and its scale it is not considered that there would be significant harm to the visual amenities of this neighbour.

There is already an established degree of overlooking towards the rear of the site and whilst the dormer would be elevated, it is not considered it would result in a level of overlooking or loss of privacy which is material greater than the established arrangement.

Window are proposed within the upper floor of the side elevation and this faces onto the rear gardens of 73/75 Branbourne Rise. Concerns have been raise by a neighbour regrading overlooking and lost privacy but there is a moderate degree of separation. Notwithstanding, the upper floor windows would serve stairwells and non habitable rooms and as such they could be conditioned to be obscured and non opening below 1.7m in order to protect neighbouring privacy.

## CIL

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

## **Conclusion**

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

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

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

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

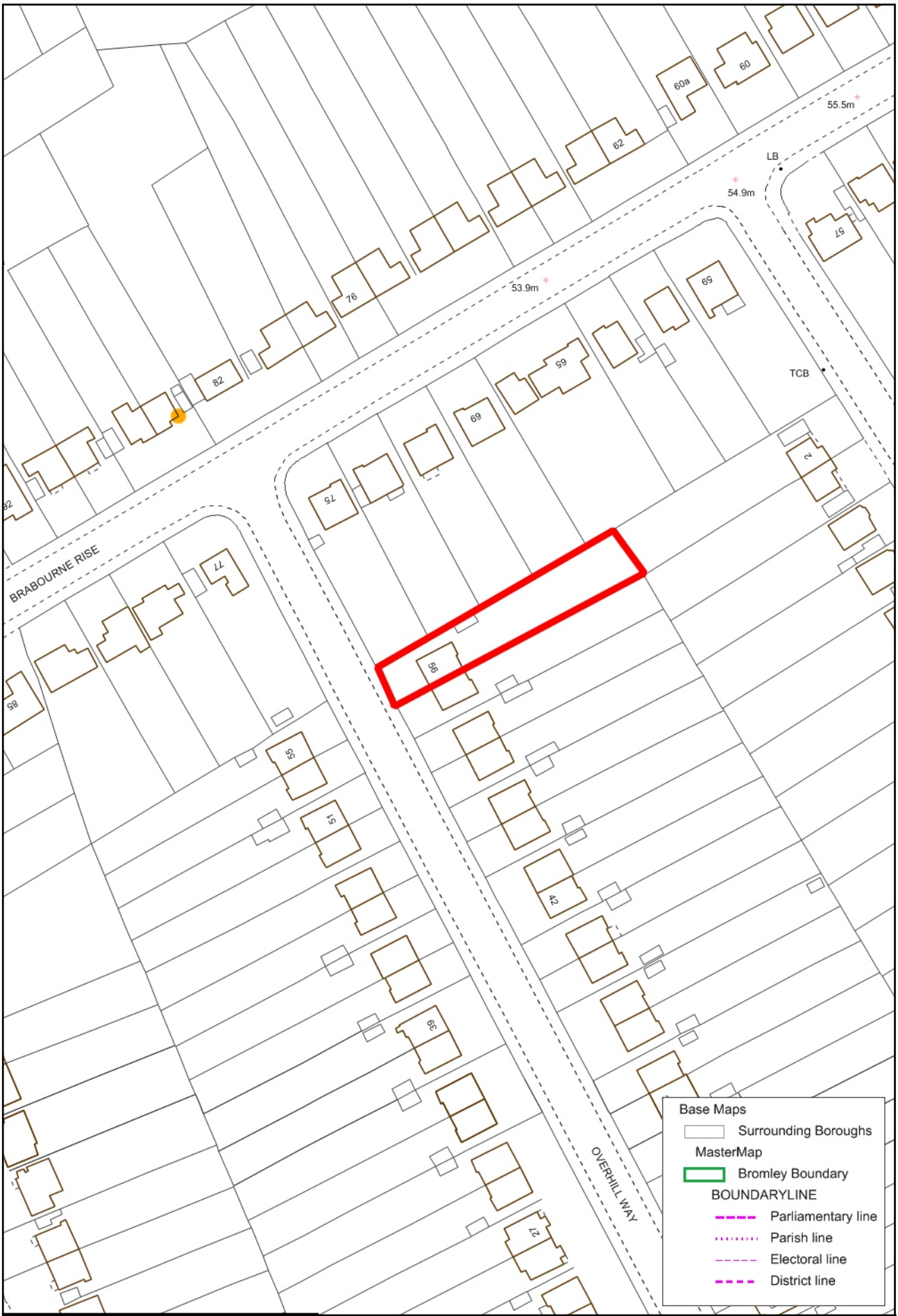
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**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 / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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





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

**Application No :** 18/02491/FULL6

**Ward:**  
**Bickley**

**Address :** Two Jays 38 Highfield Road Bickley  
Bromley BR1 2JW

**OS Grid Ref:** E: 542618 N: 167954

**Applicant :** Mr Gordon Mallors

**Objections :** YES

### **Description of Development:**

Single storey rear/side extension, hip to gable conversion with rear dormer for attic conversion, relocation front door and new front entrance and window alterations, railings and gates.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 12  
Smoke Control SCA 13

### **Proposal**

Planning permission is sought for erection of single storey side and rear extension, hip-to-gable roof extension, rear dormer window extension, relocation of front entrance door, window alterations and erection of approximately 1.8m high railings and gates.

### **Location and Key Constraints**

The application site is Two Jays, No. 38 Highfield Road, Bromley, a detached post war dwelling located on the western side of the highway, between the junctions with Waldegrave Road and Ringmer Way. The land is predominantly level throughout with boundaries marked by a mixture of close boarded fencing, trees and vegetation and a part brick wall and a part picket fence to the highway. The application building has been previously extended. The area is residential in nature and is characterised mainly by detached two storey dwellings; generally set within spacious plots, although there are some semidetached two storey dwellings nearby to the south east. There is a cluster of locally listed buildings in Waldegrave Road. The application site does not lie within a Conservation Area or an Area of Special Residential Character.

### **Planning History**

86/03001/FUL - Erection of single storey side and rear extensions and first floor side extension was approved on 8 December 1986. It is not clear whether this has been implemented.

00/01337/FULL1 - Erection of part single storey/part two storey side extensions was approved on 16 June 2000 and this has been implemented.

### **Considerations**

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

- o Principle
- o Design and landscaping
- o Standard of residential accommodation and neighbouring amenity
- o Heritage Impact
- o Highways
- o CIL

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) 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
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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 shall 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  
T3 Parking  
BE1 Design of new development

Draft Local Plan

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

Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

### **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 Applicant has not discussed the proposal with neighbouring occupiers nor designed the proposal to reduce impact on neighbouring properties,
- The dwelling has already been significantly extended and occupies a lot of the plot,
- The height, width, position and amount of glazing in the proposed roof extension dormer window would overlooking neighbouring properties; harming the privacy amenity of their dwellings and gardens; contrary to the UDP and Human Rights Act,
- The size and scale of the proposed roof extension; creating a third storey, would appear out of scale, dominant and overbearing on the property,
- The design would be out of keeping and would fail to respond to the local character, history, identity and materials,
- The proposal would adversely affect the setting of Locally Listed Buildings,

### **Comments from Consultees**

Conservation Officer: The proposal itself would not obscure any significant public views of the locally listed buildings on Waldegrave Road. Given that the proposal is over 40m away from No. 18 Waldegrave Road there is more than adequate separation.

### **Assessment**

#### Procedural matters

An Applicant is not obliged to inform or discuss a proposal locally or provide a reason for a development unless in a case of very special circumstances in the Green Belt.

#### Principle

The site lies within an urban area and built up residential area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications and the heritage impacts.

### 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.

As mentioned above the dwelling has already been extended. However the currently proposed additions would remain subservient to the size and scale of the existing dwelling and they would not result in an overdevelopment of the plot. The proposal would not consist of a two storey or first floor extension and although the single storey element would be constructed close to the plot boundary with No. 36 it would not enclose the upper floor space around the existing building; it would retain sufficient space around the building and would not have a cramped appearance or detract from the spatial standards of the area. The proposed design and external materials would complement those of the existing dwelling. Indeed the proposed front door and entrance porch would assist in returning some symmetry to the building following the earlier addition of the two storey side extension in the early 2000s. The dwellings in the area have a fairly individual design. The proposed additions would complement the character, appearance and external design and materials of the existing dwelling, and as such would not detract significantly from those around it.

The proposed walls and gates would be relatively substantial however they would be in scale with and would complement the architectural style of the existing and proposed dwelling. There is a variety of front boundary treatments in the local area including hedges, high fences and low walls and similar walls with inserted railings and gates at Nos. 29 and 31 Highfield Road (almost opposite the site), both allowed by the Appeal Inspector who noted the variety of boundary styles in the area, and the improved sense of enclosure that the proposed walls and gates would provide and how they would not appear out of keeping within the area. On this basis and in context to the neighbouring properties this element of the proposal would not detract from the dwelling or the local area.

The proposal would not appear to directly impact trees or landscaping within the site or in the wider locality. Given the scale of the development it is not considered to have an adverse effect on the wider locality and street scene it would not be necessary in this instance to require additional new planting specifically to enhance this particular development.

For these reasons; having regard to the form, scale, siting and proposed materials it is considered that the proposed extension and outbuilding 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.

It is noted that most new developments may be visible from neighbouring properties and may have an effect on their outlook (there is no mechanism in the planning system to protect 'views' per se), however it is the extent of this effect on outlook or the degree of harm arising that is the key issue concerning the acceptability of the development. It is noted that the application site and the land around it is relatively level and as such the application dwelling does not occupy an especially raised up position above another and does not have an especially dominant impact on the street scene or the local skyline.

As mentioned above the proposed extensions, particularly the upper floor elements would be well removed from the site boundaries and the neighbouring dwellings and therefore they would not have a significantly more harmful impact on the amenities of the neighbouring properties by reason of overshadowing or overbearing effect. The main outlook of the extensions would continue to be to the front and rear of the building. There would be some additional overlooking arising from the dormer window; particularly from the proposed bedrooms as compared with the proposed shower room, however given the distance of separation from neighbouring properties, particularly those in Waldegrave Road and the oblique field of vision in that direction, there would be limited harm by reason of any additional overlooking over and above that which may already exist from the existing first floor rear facing windows. Indeed it is possible that some form of dormer window(s) could potentially be constructed or vertical roof light window(s) could potentially be installed in to the existing roof formation through permitted development rights, both with clear glazing, and this would have a similar effect. However as this proposal requires planning permission it is possible and may be prudent in this case to require the upper floor shower room window to be obscure glazed and with restricted opening to limit the potential degree of additional overlooking in the interest of the mutual privacy of neighbours and the future occupiers therein. Notwithstanding this, the insertion of any side flank upper floor windows could have a greater degree of overlooking harmful to neighbouring properties and their future insertion could also be managed by way of planning condition in the event that planning permission is granted.

### Other matters

According to the submitted plans the proposal would not technically or directly increase the size of the household in the dwelling through increasing the number of occupants, as it would only increase the size of the existing rooms and add some additional facilities rather than create additional/new bedrooms. Furthermore the proposal would retain the existing garage and there would remain a substantial forecourt capable of accommodating numerous vehicles, as observed during the site visit. As such the proposal would not appear to result in additional on-street parking or other effect harmful to highway safety or inconvenience to other highway users.

As mentioned above the building itself is not nationally or locally listed and the site does not lie within a Conservation Area or Area of Special Residential Character. Notwithstanding third party comments, according to the Council's Conservation Officer the proposal would not obscure any significant public views of the locally listed buildings on Waldegrave Road and the proposal would be positioned a considerable distance of over 40m from the nearest neighbouring local listed building at No. 18 Waldegrave Road which

would provide more than adequate separation so as to preserve its special historical or architectural interest and setting.

### CIL

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

### Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it 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 BE GRANTED**

#### **Subject to the recommended conditions:**

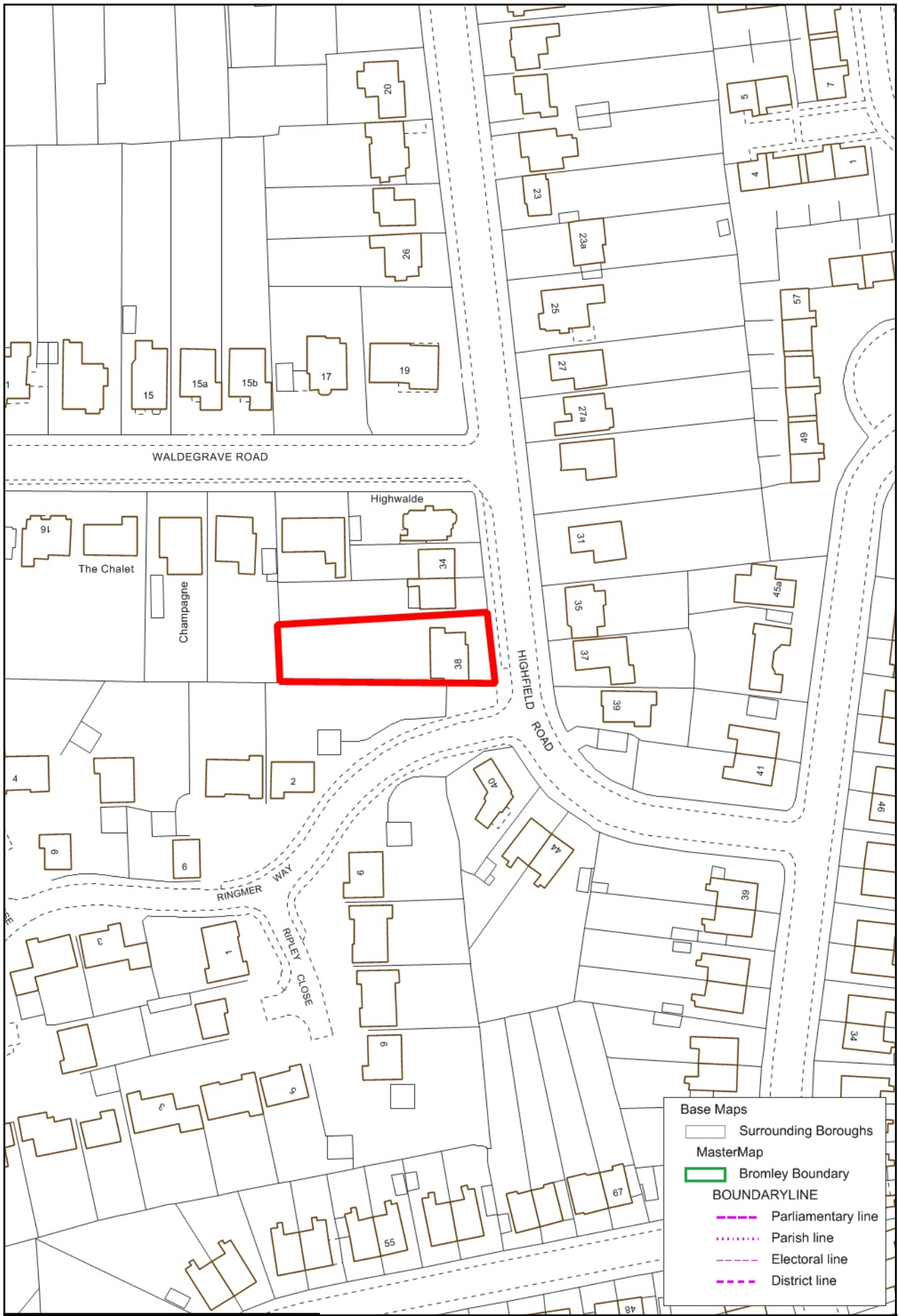
- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.  
**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.
- 2** The development hereby permitted shall not be carried 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 the interests of visual and residential amenity and in order to comply with Policy BE1 of the Unitary Development Plan.
- 3** 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 unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:** In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy BE1 of the Unitary Development Plan.
- 4** Before the development hereby permitted is first occupied, the proposed upper floor shower room window(s) serving the rear dormer window shall be obscure glazed to a minimum of privacy level 3 and non-opening unless the part(s) 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 permanently retained as such thereafter.  
**REASON:** In the interest of the amenities of the adjacent properties and in order to comply with Policies H8 and BE1 of the Unitary Development Plan.
- 5** No windows or doors shall at any time be inserted in the upper floor north and south facing elevations and roof slopes of the extension(s) hereby



**permitted without the prior approval in writing of the Local Planning Authority.**

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

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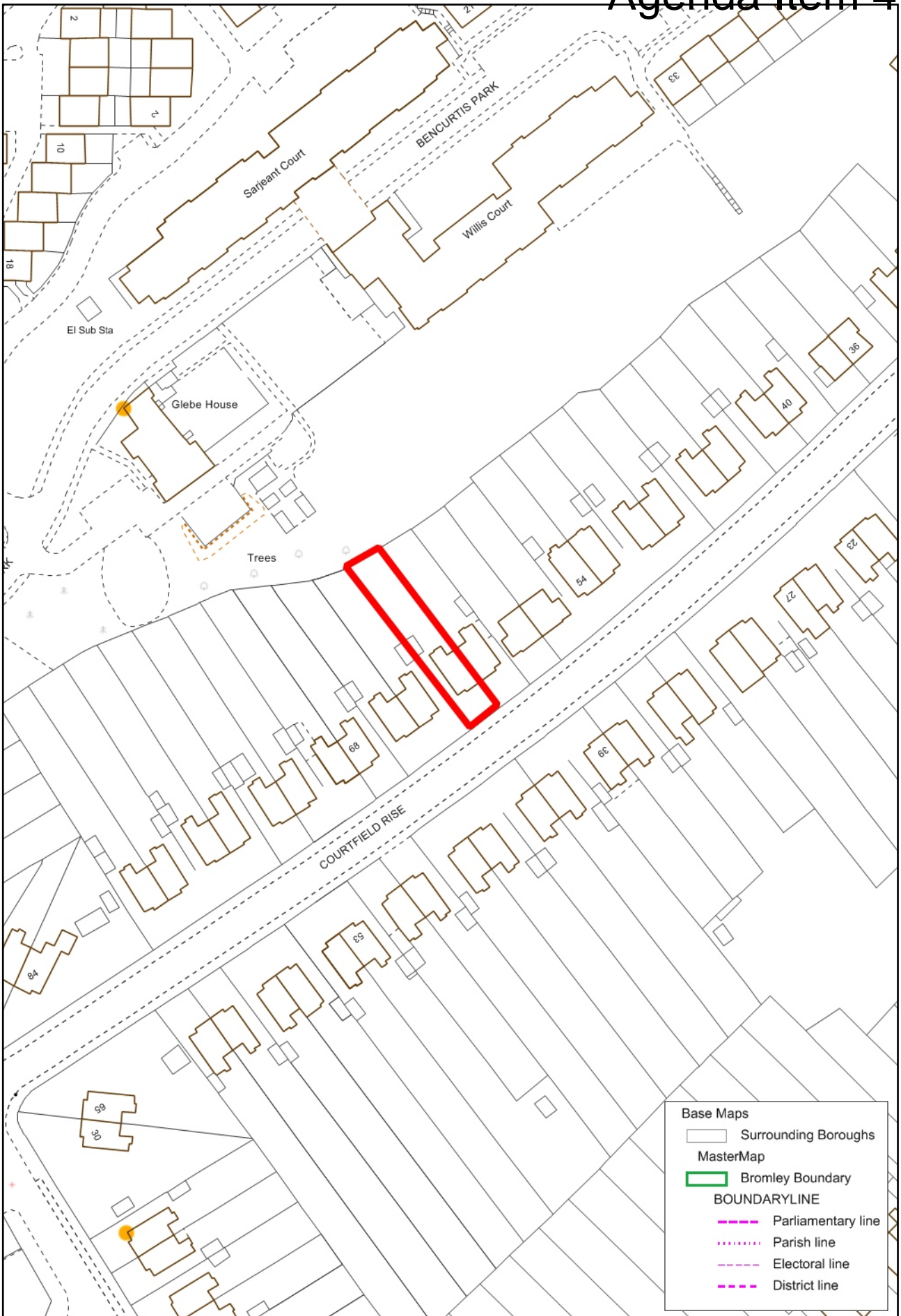
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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/03254/FULL6

**Ward:**  
Chislehurst

**Address :** 2 Walnut Tree Close Chislehurst BR7  
5PF

**Objections:** Yes

**OS Grid Ref:** E: 544495 N: 169947

**Applicant :** Mr & Mrs Cunningham

### **Description of Development:**

Part one/two storey front, first floor side/rear extension, rear dormer and alterations to the front elevation

Key designations:

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

### **Proposal**

Planning permission is sought for the construction of a part one/two storey front, first floor side/rear extension, rear dormer and alterations to the front elevation.

The first floor front/side extension which would be sited above the existing footprint of the single storey side garage. The extension would be approximately 1.5m higher than the existing garage and is designed to have a pitched roof and gable end feature at the front and rear.

The part one/two storey front element would be located centrally within the main dwelling. At ground floor level it would enlarge the existing footprint of the garage by 1.2m deep and 1.2m wide and allowing at first floor level and enlarged bedroom (combining with the first floor side element). Centrally the first floor element would allow for internal alterations to in order to provide a new hall and landing area together with the relocation of the stairs. This element would project 0.8m at first floor level and create a double height glazed gable ended central feature.

At the rear it is proposed to enlarge the rear dormer and alter the window arrangements. Front and rear elevational alterations are also proposed by creating a front door and replacing the central window with a full height window and replacing an existing rear window with a Juliet balcony.

In terms of materials to be used, it is proposed that windows and doors are UPVC/Aluminium and the extensions are to be finished in facing brickwork and tiles to match the host building.

## **Location and Key Constraints**

The host property comprises of a detached bungalow with accommodation within the roof space. The property is located on the northern side of Walnut Tree Close within the Chislehurst Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

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

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

- Concern that this development is to further convert a bungalow into a house;
- Development would impact greatly on privacy;
- Impact on value of neighbouring property;
- Loss of light and outlook from neighbouring property.

Please note the above is only a summary and full text is available on the Council website.

## **Comments from Consultees (Summarised)**

Conservation Officer: The hip does help somewhat and in terms of the bulk and scale perhaps it is now in the balance. Concern is still raised over the double height porch is very dominant and out of character feature for this Close.

## **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);



- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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:

National Planning Policy Framework (NPPF) (2018):

- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

London Plan Policies (2016):

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

Unitary Development Plan (2006):

- H8 Residential extensions
- H9 Side space
- BE1 Design of new development
- BE11 Conservation areas

Draft Local Plan (2016):

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

Supplementary Planning Guidance:

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- SPG for the Chislehurst Conservation Area

## **Planning History**

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

88/01618/FUL - Planning permission was granted for a single storey front extension to the detached bungalow.

97/01123/FUL - Planning permission was granted for a single storey rear extension.

98/00651/FUL - Planning permission was refused for a single storey rear extension.

04/02805/FULL6 - Planning permission was granted for a pitched roof over existing garage.

06/03526/FULL6 - Planning permission was granted for a first floor front extension with dormer and three rear dormers to form roof accommodation.

07/00775/FULL6 - Planning permission was granted for a first floor front extension with dormer and three rear dormers to form roof accommodation (Amendment to application 06/03526 to include relocation of entrance way to side and alterations to front elevation).

08/00519/FULL6 - Planning permission was granted for a first floor rear extension with alterations to main roof.

17/02862/FULL6 - Planning permission was granted for a single storey rear extension.

## **Considerations**

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

- Design
- Heritage Assets
- Impact on Adjoining Occupiers
- 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.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 of the UDP and Policy 37 of the Draft Local Plan (DLP) sets out criteria which proposals for new development will be expected to meet and requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas. Importantly these policies state that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their amenities are not harmed by noise or disturbance.

The site is located within the Chislehurst Conservation Area; therefore Policy BE11 of the UDP and Policy 41 of the DLP are relevant to this application. These policies require new developments to respect and complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of an area and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character of appearance of the area.

The proposed extensions would be of a design and proportions sympathetic to the host property, utilising appropriate materials. The existing form of the dwelling would broadly remain, with the projecting first floor front element being positioned centrally within the dwelling, retaining the general proportions and visual emphasis of the host property.

Policy H9 of the UDP and Policy 8 of the DLP state that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots and Conservation Areas. The host dwelling as existing incorporates an attached single storey side extension that is 1.1m from the western boundary of the site and the first floor flank extension would be sited above this existing element. Whilst the Council would generally seek a greater degree of separation in a conservation area given the extension would retain an overall separation of 1.1m to the boundary at first floor level together with the revised hipped roof design, and taking into account the position of the dwelling in relation to the street and neighbouring property, and the extent to which the first floor side extension is a continuation of the existing roof, it is considered that the proposal would not result in unrelated terracing or a loss of spaciousness.

The front part one/two storey projection which would be the main visual focus of the extended dwelling would be inset. Whilst this would be of a modern design, it is noted that the properties within Walnut Tree Close are of varying designs and styles. On balance it is considered acceptable in the context of the site and surroundings.

The property already benefits from rear dormers; it is considered that the enlarged rear dormer would not be out of context in this instance.

The elevational alterations as set out above are considered acceptable in the context of the host building and surroundings and would not be out of character within the street scene or conservation area generally.

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.

#### Heritage Assets:

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

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

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

The proposed extensions would be of a design and siting that would complement the host dwelling and it is noted that the neighbouring dwellings along Walnut Tree Close are of varying designs and styles. The host dwelling is not considered to be of architectural merit and in view of the position of the dwelling in relation to the front boundary of the site, the development next door and the screening afforded by the mature landscaped setting of the conservation area it is considered that the proposals would preserve the character and appearance of the conservation area.

### Impact on Adjoining Occupiers:

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.

The proposed first floor element would be sited towards the western boundary with No. 1 Walnut Tree Close and in assessing the impact of the proposal it falls to consider in particular the impact of the proposals on the amenities of the occupants of that property. The proposed first floor side would be located above the existing garage and would not project any further towards the rear. The extension would be approximately 1.5m higher than the existing situation; revised plans show a hipped roof which will reduce any potential impact on the neighbouring property. There is also a separation of approximately 5m between the first floor side element and the windows at No. 1 Walnut Tree Close. On balance given the orientation, separation and design of the extension it is considered that the proposal would not have any significant impact on the neighbouring property in terms of loss of light or increased sense of enclosure.

With regards to loss of privacy, no windows are proposed in the flank elevation and one window is proposed in the front and rear of the first floor side extension and the enlarged rear dormer and enlarged window is to provide a bathroom. There are already windows at first floor level of the existing house and as such the proposal would be bringing the new rear window closer to the flank boundary by 0.7m - 2.4m, however, would still be 2.8m from the common boundary. A Juliet balcony is proposed to the eastern boundary; however this is simply replacing an existing window. As such it is considered that there would be no significant impact on the neighbouring property in terms of loss of privacy over and beyond the existing situation.

In terms of the part one/two storey front and front elevational alterations, the extension is located centrally within the main dwelling and the fenestration alterations are mainly cosmetic and as such it is considered that the proposal would not have any significant impact on the neighbour's amenities in terms of loss of light, increase sense of enclosure or outlook over the current situation.

Given all of the above and having regard to the scale, siting, separation distance and orientation of the development, it is considered that there would not be a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise from this development.

### 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 or impact detrimentally on the character of the area. The design, scale and materials of the extension would preserve the character and appearance of the conservation area within which the application property is sited.

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 04.10.2018**

### **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.**

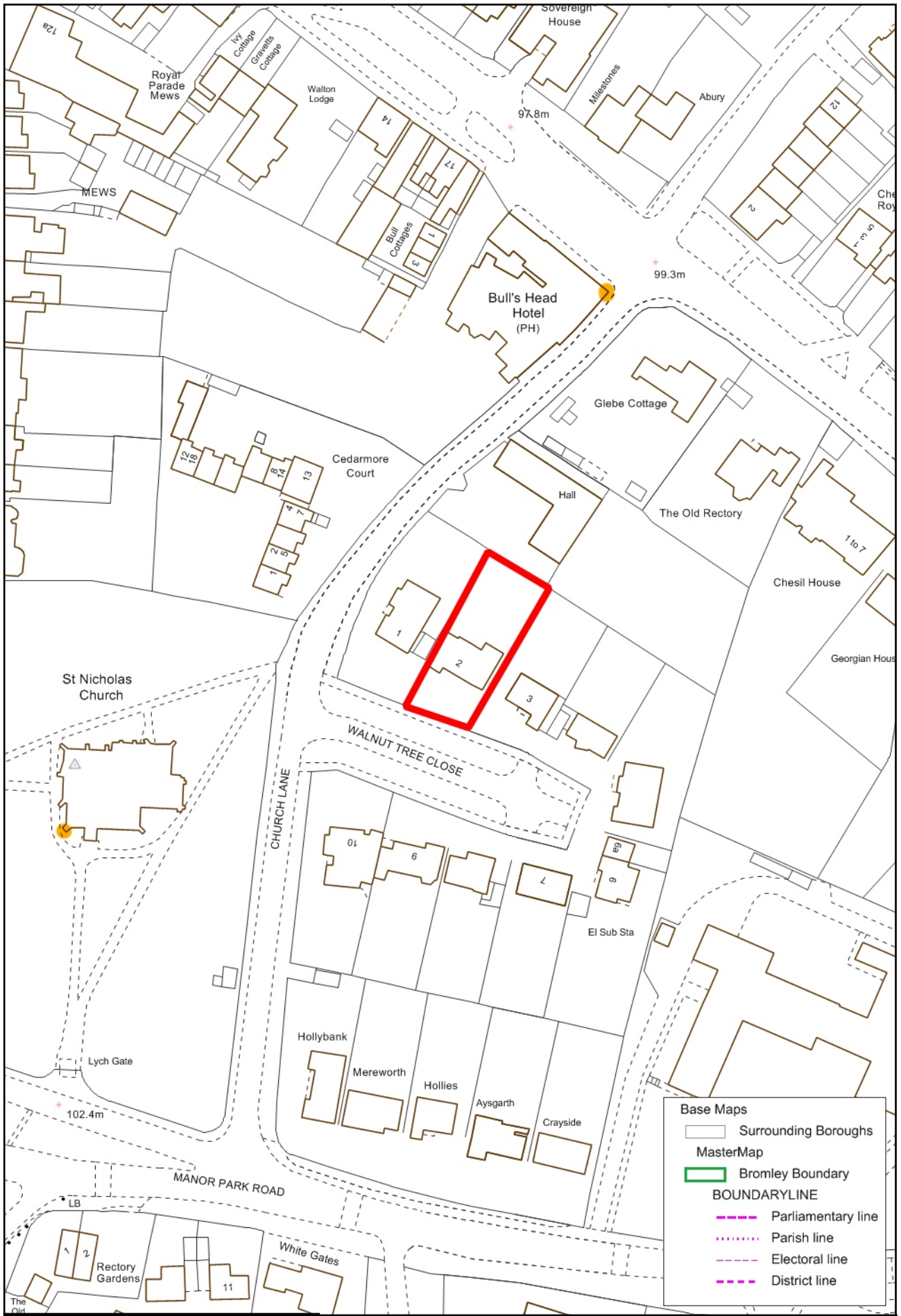
**REASON: Section 91, Town and Country Planning Act 1990.**

- 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.**




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Tuesday, November 06, 2018




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

**Application No :** 18/03419/FULL1

**Ward:**  
Cray Valley East

**Address :** Stanbridge Limited Cray Valley Road  
Orpington BR5 2UB

**OS Grid Ref:** E: 546743 N: 168070

**Applicant :** Dajon Data Management Ltd

**Objections :** No

### **Description of Development:**

Demolition of existing building and erection of a new two storey building to be used as a data/records processing/management centre (use class B1/B2/B8)

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 23

### **Proposal**

Planning permission is sought for demolition of the existing building and erection of a new two storey building; measuring approximately 933sqm, and between 7.8m-8.5m in height, to be used as a data/records processing/management centre (Use Class B1/B2/B8). The company is described as operating a scanning and recording function (mainly electronic records) and then a storage function of those records in racking units. There is stated to be no requirement for large commercial vehicles such as HGVs, moreover smaller commercial vehicles and only a few staff vehicles.

The application was supported by the following documents:

- Application forms,
- Application drawings,
- Planning Statement

### **Location and Key Constraints**

The application site is Beaumont House, Cray Valley Road, Orpington, (otherwise known as Stanbridge Ltd), a roughly rectangular site located on the northern side of the highway between the junctions with Lynton Avenue and Faraday Way. The land is predominantly level with boundaries marked by a mixture of 1.8m high chain link fencing, close boarded fencing, trees and vegetation. The site is currently occupied by a part single storey/part two storey building measuring approximately 909sqm; the part to the front nearest the highway is a single storey brick construction with a part flat roof and corrugated sheet dual pitched roof measuring a maximum of 5mm in height, and the part nearest the back is a two storey brick construction building with a flat roof measuring approximately 7.8m in height. The building almost occupies the entire plot with the remaining area around the

front (south) mainly comprising a service/delivery yard and side (west) mainly comprising staff car parking. At the time of the current Case Officer's visit the building appeared to be in use as a light industrial manufacturing purpose and Stanbridge Ltd. is described as manufacturing and supplying washing/cleaning/sanitary equipment including specialist taps, sinks, disinfectors, sterilisers and sluices to hospitals and care homes. According to the Council's planning records it has a lawful B1 light industrial Use. The area is residential in its general nature however the application site lies within and at the western edge of the St Mary Cray Business Area which is generally occupied by and is encouraged to be occupied by B1 and B8 Uses.

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

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

### **Comments from Consultees**

Environmental Health Pollution Officer: No objection.

Highways: There appears to be some conflict in the swept path analysis for the cars with the building and some of the parking bays. However some of the parking spaces have been repositioned at the front of the site where manoeuvring is easier and there is also parking space at the rear. Overall it would appear that at least 10 spaces could be provided and on balance this would be acceptable although the detailed layout should be provided for approval through planning condition together with cycle parking, and provisions for construction traffic during construction.

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) 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
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

- 2.6 Outer London: vision and strategy
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 6.14 Freight
- 7.4 Local character
- 7.5 Public Realm
- 8.3 Community Infrastructure Levy

#### Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- EMP4 Business Areas
- NE7 Development and Trees
- ER7 Contaminated Land
- ER10 Light Pollution
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T10 Public Transport
- T15 Traffic Management
- T17 Servicing of Premises
- T18 Road safety

#### Emerging Local Plan

- 13 Renewal Areas
- 17 Cray Valley Renewal Area
- 30 Parking
- 37 General design of development
- 73 Development and trees
- 80 Strategic Economic Growth
- 81 Strategic Industrial Locations (SIL)
- 84 Business Improvement Areas
- 118 Contaminated Land
- 122 Light Pollution
- 120 Air Quality
- 119 Noise Pollution
- 123 Sustainable design and construction

## Supplementary Planning Guidance

LBB SPG 1: General Design Principles

MoL SPG: "Accessible London: Achieving an Inclusive Environment" (2014)

MoL SPG: Sustainable Design and Construction

National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account.

### Planning History

The relevant planning history relating to the application site is summarised as follows (to be listed in date order with oldest first):

There is a limited planning history which includes application WK/7/59/690 which was granted in February 1960 for an extension to a printing works. It is understood that a printing works was opened on the site prior to 1960 but no planning history can be traced. The printing company is believed to have operated at the site until approximately 2006.

09/00894/ELUD - Use of premises for Class B1 light industrial purposes (unconditionally) was granted on 4 June 2009 and this existing according to the current Case Officer's site visit this use still appears to be being carried out.

Sun Chemical (adjoining and opposite Stanbridge Ltd.)

17/00279/FULL3 - The redevelopment of an existing 2.38 hectare site for 13,975sqm of B1b (research and laboratory), B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) use, with associated parking, service area and landscape. (Including adjacent plot on corner of Cray Valley Road and Faraday Way - Car Park Cray Valley Road Orpington BR5 2EY) was approved on 17 August 2017. According to the Council's records many of the associated planning conditions have been approved and at the time of the current Case Officer's site visit the adjoining site on the corner of Faraday Way was enclosed by construction hoarding and works appeared to be underway on the site opposite at the corner of Lynton Avenue indicating that this permission is likely to be implemented if not already implemented.

### Considerations

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

- Principle
- Use
- Design and landscaping
- Neighbouring amenity
- Highways
- Sustainability
- Other (drainage/flooding/noise/pollution)
- CIL

## **Assessment**

### Principle

The site lies within an urban area and a Business Area where there is no objection in principle to new development subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications and the heritage impacts.

### Land Use

As mentioned above there is no objection in principle to new development and furthermore according to Policy EMP4 in the Business Areas Use Classes B1, B2 and B8 may be permitted. The proposal would partially utilise the exiting lawful B1 Use for the ancillary office functions however the main activity of the business would entail the B2 processing and B8 storage functions. Nonetheless, as mentioned in Policy EMP4 all these of these Uses would be permissible within this Business Area and therefore there would be no conflict with this Policy.

### Design and landscaping

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposal would consist of a large 2 storey commercial warehouse type facility finished in a grey cladding type material. This would differ somewhat from the existing low scale part single storey/part two storey brick building however the proposal is viewed in the context of the site location within the Business Area and indeed in relation to other commercial buildings including the recent permission 17/02279/FULL3 at the adjacent and

opposite site(s). Nonetheless the proposal would not enlarge the existing building footprint significantly which, as described by the Applicant, would essentially be squared-off infilling some of the existing niches. As such the main difference would be the erection of the two storey building in the place of the existing single storey element. Nonetheless, the building would be relatively well separated from its boundaries such that it would not lead to an overdevelopment or a cramped appearance having regard to the neighbouring properties and buildings including the approved neighbouring commercial scheme which appears to be under construction. The proposed design would be more modern and would integrate well with those of the existing and approved neighbouring units as well as the Orpington Gateway site mentioned by the Applicant. The general principle of the external material composition would appear to be acceptable subject to the detailed design and specification which could be managed by planning condition.

As mentioned the application site is mainly covered by building(s) or hard surfacing. There are some trees and some vegetation around the boundaries however it appears to be generally positioned outside the site. The proposal would incorporate some additional planting particularly at the site frontage which is currently relatively sparse and this would assist in softening the appearance of the building within the street scene and providing some visual enhancement and could be managed by planning condition.

#### 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 application site abuts the Business Area and commercial units to the north, east and south (on the opposite side of Cray Valley Road) and as such the closest buildings to the application site are mainly other commercial and business units. In this respect, and taking into account the approved scheme 17/02279/FULL3, the site and the proposed new building would not abut residential properties on those sides and consequently the resulting impacts would be different to those experienced by residential properties.

The closest neighbouring residential dwellings at Nos. 24-30 Lynton Avenue are separated from the application site boundary by between 10m-17m, and the other residential properties in Lynmouth Rise which generally have longer gardens; are separated from the application site boundary by more than 20m. According to the submitted drawings the proposed building would measure between 5m-7.5m from the eastern site boundary and therefore it would be separated from the dwellings at Nos. 24-30 Lynton Avenue by between 16m-28m from and from the properties in Lynmouth Rise by between approximately 26m-28m.

The majority of the existing building is single storey with a dual pitched roof measuring approximately 5m high and the remaining part nearest the rear has a flat roof measuring approximately 7.8m high. The proposed replacement building would measure approximately 7.8m to the eaves and the shallow pitched roof measuring an additional 0.7m in height would be relatively imperceptible however given the distance of separation from the neighbouring properties and the use of relatively subtle external materials the additional increase in height and bulk, over and above that of the existing building would not have a significantly greater impact in terms of overbearing effect or overshadowing. Given its proposed use there would be minimal windows in the proposed new building and the windows in the proposed office areas could be fitted with obscure glazing and restricted opening and/or high level positioning as necessary in order to preserve the privacy amenities of the neighbouring residential properties.

There is no objection from the Council's Environmental Health Department with regard to other potential impacts of the building and the proposed Use(s) within it on the amenities of the neighbouring properties. Notwithstanding this and although it is noted that the nature of this particular business is unlikely to lead to noise and disturbance other B1/B2/B8 Uses could be more disruptive and as such it would be prudent to manage the hours of operation in the interest of the neighbouring privacy amenities, by planning condition.

### 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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.

Although the intended business is stated not to require significant on-site parking it is possible that other B1/B2/B8 Uses may have greater requirement. Notwithstanding some discrepancy in the proposed parking layout, orientation and manoeuvring the Council's Highway Department considers that the site appears to be capable in principle of providing sufficient parking and the detailed design (and bicycle parking) could be managed and its provision secured by planning condition.

### 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.

By its nature the proposed Use is likely to have a significant energy demand and in any event the London Plan encourages all new development to minimise carbon dioxide emissions. For non-domestic buildings Policy 5.2A and the GLA's monitoring indicates that at present a 35% reduction in carbon dioxide emissions through on-site technology/techniques is achievable. The proposal does not specify such details and as such it would be prudent to manage this by planning condition.

## CIL

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

### **Conclusion**

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

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 BE GRANTED**

#### **Subject to the following conditions:**

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

**Reason: 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 Prior to commencement of above ground works 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:**

**(i)**

- 1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;**
- 2. Proposed hardstanding and boundary treatment;**
- 3. A schedule detailing sizes and numbers of all proposed trees/plants;**
- 4. Sufficient specification to endure successful establishment and survival of new planting.**

**(ii) 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.**

**(iii) 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: In order to comply with BE1, NE7 and NE8 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

4 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

5 Prior to the commencement of the development hereby approved (including demolition and all preparatory work) provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme 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.

6 Prior to commencement of the development hereby approved (excluding demolition), a scheme showing the distribution of light on and around the site, as well as details of the lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to the Local Planning Authority.

(ii) After written approval has been granted Under Part i, the scheme of lighting shall be installed in full accordance with the approved details; and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include

photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that lighting has been installed in accordance with the approved scheme.

(iii) The use shall not commence until written approval has been granted by the Local Planning Authority under Part ii of the condition, and thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: Required prior to commencement of development in order to ensure that adequate lighting including provision for cabling can be achieved, in the interest of amenity and public safety and to comply with Policy ER10 of the Unitary Development Plan.

7 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

8 Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) 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.

9 Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) 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 T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

10 Prior to commencement of any above ground works a scheme for reducing 35% of the predicted carbon dioxide emissions of the development from decentralised renewable and/or low carbon sources (as defined in the GLA Guidance: Energy Planning) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

**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.

- 11** a) 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 prior to the commencement of above ground works.  
(b) The approved scheme shall be self-certified to accord with BS 5489 - 1:2003.  
(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.  
**Reason:** In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.
- 12** Before the development hereby permitted is first occupied the proposed upper floor west facing window 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 as such.  
**Reason:** In the interests of protecting residential amenity in accordance with Policy BE1 of the UDP.
- 13** (a) Details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority.  
(b) Such provision as approved under part (a) shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use.  
(c) No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.  
**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.
- 14** Parking bays shall measure 2.4m x 4.8m and there shall be a clear space of 6m in front of each space 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 in the interest of pedestrian and vehicular safety.
- 15** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.  
**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

**16** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) the building hereby permitted shall only be used for purposes within Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose. There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.

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

**17** No additional floor space shall be provided within the building hereby permitted without the prior written approval of the Local Planning Authority.

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

**18** The Use hereby permitted shall not operate outside the following hours:  
0700hrs to 1900hrs from Monday to Friday,  
0900hrs to 1700hrs on Saturdays, and  
At no time on Sundays and Bank Holidays.

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

**19** Prior to commencement of development (excluding demolition) 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 . The development shall be completed strictly in accordance with the approved levels.

**Reason:** Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.

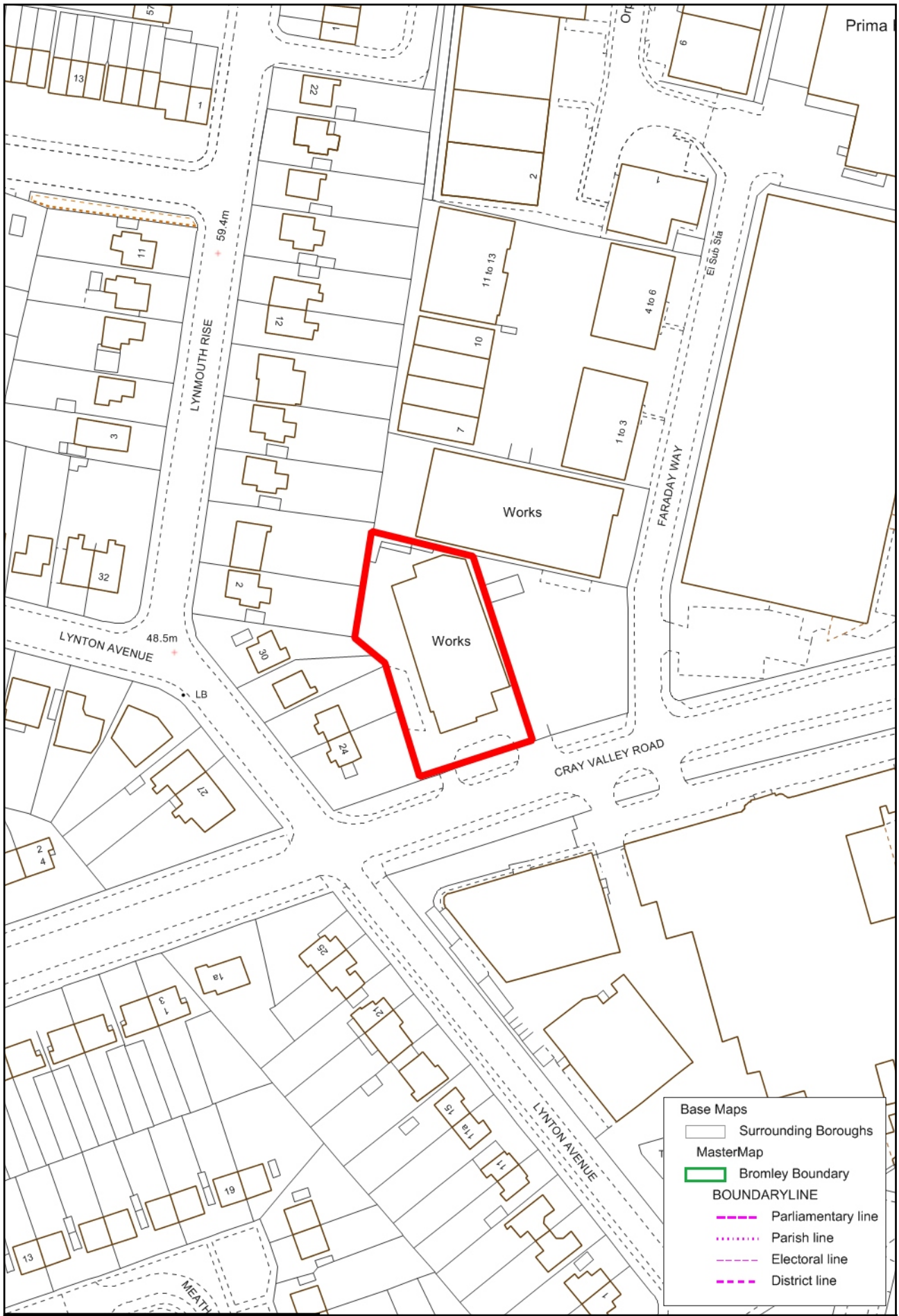
**You are further informed that:**

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

**2** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 3**      **The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:  
[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/16](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16)**

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

**Application No : 18/04199/OUT**

**Ward:  
Bickley**

**Address : Phoenix Lodge 14A Woodlands Road Bickley Bromley BR1 2AP**     **Objections: Yes**

**OS Grid Ref: E: 543126 N: 169382**

**Applicant : Mr Martyn Avery**

### **Description of Development:**

Demolition of existing dwelling and erection of a three storey building comprising 8 two bedroom and 1 three bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping OUTLINE APPLICATION

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
River Centre Line  
Smoke Control SCA 10

### **Proposal**

Outline planning permission is sought to demolish the existing two storey detached dwelling at Phoenix Lodge and erect a three storey structure comprising 8 two bedroom and 1 three bedroom flats. 3 flats will be provided on the ground floor and first floor, with two in the roof space and a further flat split over two floors. The proposed building will have a width of 34m and a length of 22m. The overall height will be 10.9m. The existing house has a height of 9.6m.

Access will be provided utilising the existing vehicle access to the site, and provision for 11 car parking spaces to the front and rear of the building. A cycle store building will also be provided to the rear of the building and a refuse store to the front. The ground floor flats will be provided with a private amenity area, with a communal amenity area at the rear of the site.

The application is accompanied by the following documents:

- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Bat Building Assessment and Emergence Survey
- Arboricultural Report
- Highways Access Statement
- Design and Access Statement
- Sound Insulation Testing Report

Matters reserved for later consideration relate to landscaping only. Details of access, appearance, layout and scale are to be considered at outline stage.

## **Location and Key Constraints**

The area of Woodlands Road is characterised by large detached residential dwellings set within generously sized plots. The site falls within the Bickley Area of Special Residential Character and within Flood Zone 2 and 3.

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

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

- Intensification of the use of the site and loss of the family home would impact harmfully on local character of the Bickley Area of Special Residential Character
- Overdevelopment of the site
- Excessive scale, height and massing
- Loss of privacy and overlooking of neighbouring properties
- Insufficient car parking and dangerous access arrangements
- Increase in parking and traffic on Woodlands Road
- Traffic noise to adjacent residential gardens
- Permission would set a damaging future precedent for further flatted schemes on Woodlands Road
- Loss of mature trees at the site would impact harmfully on the amenities of the area.
- Impact on wildlife and bird species/habitat
- The building should not significantly exceed the height of surrounding development.
- No windows should face Rosemullion and boundary detail/acoustic fencing conditions should be imposed.

## **Comments from Consultees**

Drainage Officer: The submitted FRA carried out by Forge Engineering Design Solutions to incorporate permeable paving as well as soakaways/Crates to attenuate for surface water run-off are acceptable. Please impose PC06.

Environmental Health (Pollution) – no objections raised to the previous application subject to a condition that the recommendations of the Acoustic Assessment prepared by Falcon Energy Ltd (Report Ref 13896) are implemented.

Environment Agency – previously commented that the existing building footprint is partly within Flood Zone 3 and within Flood Zone 2. The closest distance to the River Kyd Brook is approximately 3m. As a residential dwelling the development is classed as 'more vulnerable'. Floor plans show ground floor sleeping, which is advised against. Wherever possible, floor levels should be situated a minimum of 0.3m above the 1% with climate change flood level, determined as an outcome of the site-based FRA. If no climate change data is available then a precautionary freeboard of 600 mm above the 1% annual probability peak flood level should be used as outlined within the Bromley SFRA. Since November 2016 when the Product 4 used within the submitted FRA was produced, the climate change levels have been updated and the proposed development would be situated within the new Climate Change 35% flood outline. Therefore the EA would require a new P4, a revised FRA and Finished Floor Levels (FFL) to be raised

accordingly, in line with the new modelled levels. On the basis of this advice, a revised FRA was submitted and reviewed by the Environment Agency, however the revisions did not address the principle concerns in terms of proximity to the Kyd Brook and FFLs being raised using the incorrect policy. A design change was provided that creates a larger buffer to the Kyd Brook and this is considered acceptable subject to a condition to retain this buffer.

Highways: The application is basically the same as the previous one which was dismissed at appeal. The site has a low (2) PTAL assessment. The application is outline for access, appearance, layout and scale. Woodlands Road is recorded as an unadopted highway and the application indicates there is no change to the access arrangements. There are 8 x 2 bed and 1 x 3 bed flats proposed together with 11 parking spaces, one for each flat and 2 visitor spaces. The property access is from a 90° bend and parking around the bend should not be encouraged. Examining the 2011 census data, the car ownership in the area was 1.5 vehicles per household. Although the provision meets the standards in the UDP, the standards contained within the Draft Local Plan shown a minimum of 1 space per 2 bed unit and 1.5 spaces per 3 bed unit. The Inspector did not uphold the highway ground of refusal regarding the parking provision for the previous application and so I assume there is nothing further we can say about that. The cycle parking is too far from the main building and is not overlooked. It needs to be relocated and should accommodate 18 bikes and be enclosed, lit and secure. The refuse storage shown is more than 18m from the highway, which is the maximum collection distance for flats. It also should be confirmed it is large enough for the Eurobins required.

Arboricultural Officer – The application site is free from any protective legislation in respect of trees. The proposed replacement building will occupy a similar position to the current building. The tree report details the positions of existing trees and the survey data can be referred to for categorisation. Chislehurst Conservation Area abuts the eastern boundary of the site, although trees here are of limited significance. The proposals appear well designed and will have a minimal impact upon third party trees. It is expected that a level of landscaping should be incorporated into the scheme and a level of protection offered to the existing trees on site. Standard conditions are recommended.

Natural England – no comments previously made and the Council is referred to its Standing Advice.

Network Rail – No comments received. No objections raised to the previous application subject to the development being undertaken without encroachment onto or damage to Network Rail land and infrastructure.

West Kent Badger Group – no comments received.

Waste Services – no comments 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.

The National Planning Policy Framework was published on 24<sup>th</sup> July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4<sup>th</sup> December 2017 and the Inspectors 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 (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Self-Sufficiency
- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment

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

#### Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density & Design
- H9 Side Space
- H10 Areas of Special Residential Character
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- NE5 Protected Species
- NE7 Development and Trees
- ER16 The Water Environment

#### Emerging Bromley Local Plan:

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 30 - Parking
- Draft Policy 31 - Relieving Congestion
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 44 - Areas of Special Residential Character
- Draft Policy 72 - Protected Species
- Draft Policy 73 - Development and Trees
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 79 – Biodiversity and Access to Nature
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 115 – Reducing Flood Risk
- Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 117- Water and Wastewater Infrastructure Capacity
- Draft Policy 119 - Noise Pollution
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

## Additional Guidance

Housing: Supplementary Planning Guidance. (March 2016)  
Technical Housing Standards - Nationally Described Space Standard (March 2015)  
Supplementary Planning Guidance 1 - General Design Principles  
Supplementary Planning Guidance 2 - Residential Design Guidance

## **Planning History**

Planning permission was granted under ref. 87/02021 for a side extension to form garage and swimming pool enclosure.

Planning permission was granted under ref. 90/03041 for a first floor side/rear extension.

Outline planning permission was refused under ref. 17/00843 for demolition of existing dwelling and erection of a three storey building comprising 8 two bedroom and 1 three bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping. The refusal grounds were as follows:

‘The proposed flatted development of the site, in particular the size of the development and amount of hard surfacing would be out of character with the form and appearance of Woodlands Road and would impact detrimentally on the special character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies BE1, H7 and H10 of the Unitary Development Plan.

The proposal would fail to provide an acceptable amount of off-street car parking within this area of low accessibility to public transport and would lead to further on-street parking stress in the surrounding highway network, contrary to Policies T3 and T18 of the Unitary Development Plan, Policy 30 of the emerging Local Plan.’

The application was subsequently dismissed on appeal. The Inspector concluded that the proposal would have no detrimental impact on the character of the Area of Special Residential Character or on highway safety, however he concluded that the potential of the appeal site to support suitable habitat for bats resulted in an unacceptable application in the absence of a suitable bat survey.

The key points of the Inspector’s decision in relation to the main issues are as follows:

### Bats

The Preliminary Ecological Appraisal (‘the PEA’) accompanying the planning application states that habitats present on the appeal site provide suitable habitat for specified species including bats. It concludes that the main building at Phoenix Lodge may have potential for bat roosting and further surveys are recommended in the form of a bat building assessment.

The applicant comments that the PEA identifies features suitable for roosting bats rather than their presence. The appellant also points to the living accommodation within the roof of Phoenix Lodge and the current residents’ lack of awareness of bats at the appeal site as reasons for their presence being unlikely.

I consider that the combination of habitats present on the appeal site being suitable for bats together with the potential for bat roosts in the main building provides evidence as to the reasonable likelihood of the presence of bats. As no survey has been carried out the presence of bats and the extent to which they may be affected cannot be assessed. In the absence of such information consent for the removal of the main building at Phoenix Lodge through the grant of outline planning permission could have an adverse effect on bats or their habitat. Adequate mitigation may not be able to be provided through the scope of a condition or Habitat Regulation License as the appellant suggests. Consequently, I am not satisfied that exceptional circumstances exist that justify dealing with this matter by a condition.

### Character and Appearance

Although the appeal proposal would contain 9 apartments, its external appearance would be very similar to that of a large dwelling. The scale and spacing of fenestration and use of external materials are all reflective of those seen on other dwellings in the area. Overall, its external appearance would not appear out of character in the area. No policies that restrict the type of housing provision in the area have been drawn to my attention. In light of this, I consider that the flatted nature of the appeal proposal would not be harmful to the character of the area.

The appeal site forms a corner plot and is significantly larger than many other plots in the area. Phoenix Lodge is also set back further from Woodlands Road than many other properties in the area. It is partly screened by trees and vegetation and Rosemullion when viewed from Woodlands Road. Consequently, Phoenix Lodge is not as highly visible from Woodland Road as many other nearby properties that are sited closer to it. The appeal proposal would be sited further back from Woodlands Road than Phoenix Lodge. It would be of a similar height to Phoenix Lodge and present a similar width of front elevation to Woodlands Road. In light of this I consider that the main building forming part of the appeal proposal would have a very similar visual effect on the appearance of the area as Phoenix Lodge. This would not be harmful to the appearance of the area.

Phoenix Lodge has a large area of hardstanding to its frontage to Woodlands Road. This is visible from the driveway linking it to Woodlands Road. The appeal proposal would have a similar area of hardstanding to its frontage, linked by a driveway to Woodlands Road. This would therefore have a similar effect on the appearance of the area. The appeal proposal would also include a driveway to the side of the apartment building leading to a parking area behind it. Whilst this would create more hard surfacing than currently exists, it would not be highly visible when viewed from Woodland Road or any nearby properties. The main proposed parking area to the rear of the appeal site would be screened by the proposed apartment building itself. Existing trees and vegetation already provide significant screening to other boundaries. If I were minded to allow the appeal further landscaping could be required by condition.

In light of the above I conclude that the appeal proposal would accord with Policies BE1, H7 and H10 of the UDP. These require development proposals to be of a high standard and take account of local character and appearance with particular regard to density, design and Areas of Special Residential Character.

### Parking

Policy T3 of the UDP and its associated Appendix II contain maximum parking standards. The Council consider that the appeal proposal would meet these standards but would not meet the standards of Policy 30 of the emerging DLP. As I have

explained above, I can afford the emerging DLP only limited weight. There is insufficient evidence before me to demonstrate that the appeal proposal should not be determined in accordance with the adopted development plan. The evidence before me leads me to conclude that the appeal proposal would be acceptable and unlikely to lead to additional to additional on-street parking. As such it would accord with the road safety aims of Policy T18 of the UDP.

## **Conclusion**

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

- Resubmission
- Design
- Density and Standard of Residential Accommodation
- Impact on Neighbouring Amenities
- Flood Risk and Drainage
- Highways and Traffic Issues
- Ecology and Trees
- Sustainability
- CIL

### Resubmission

Following the dismissed appeal under ref. 17/00843, the current application is identical to that previously considered. The application is however supported by a Bat Building Assessment and Emergence Survey that was carried out on 28<sup>th</sup> August 2018. The report concludes that no bats were recorded within the building.

### Design

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

The NPPF sets out in paragraph 11 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.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.



Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

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

The site is located within an Area of Special Residential Character. In this case it is considered that the principle of development is acceptable in light of the Inspector's decision. The Inspector considered that the building would have the appearance of a large house and concluded that flatted development in this part of the ASRC could not be precluded. The visual effect of the building was considered to be similar to the existing dwelling at Phoenix Lodge and therefore it was concluded that the development would be acceptable in principle.

The site falls within the Bickley Area of Special Residential Character (ASRC) where the Council will seek to preserve the special character and spatial qualities of the area. Woodlands Road is characterised by detached residential properties with only one nearby block of flats at No. 2 Denbridge Road, which was converted from a care home. The principle of a flatted scheme was previously objected to, however the Inspector's decision raised no concern in regards to the character of the area.

#### Density and Standard of Accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area

is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 30 dwellings per hectare with the table giving a suggested level of between 35-65 dwellings per hectare in suburban areas with a PTAL rating of 2. The proposals would therefore result in a density marginally lower than the recommended density for the site, however this figure should not be applied mechanically and should take account of the character and density of the general area. In light of the site's location within a spacious ASRC, this minor shortfall in density is not considered an under-development in terms of the efficiency of the use of the site.

The London Plan suggests that the minimum size of a two bedroom four person flat should be 70 sq.m and a three bedroom five person flat should be 86 sq m. (93 sq m when over two floors). The submitted plans indicate a floor area of between 102 sq.m and 149 sq.m for each flat and therefore the dwellings are considered to comply with the requirements of the Technical Space Standards.

The proposal will provide suitable bedroom sizes, living areas, natural light and a mix of private and communal amenity/play space in the form of balconies, private and communal gardens. It is considered that the standard of accommodation provided for future occupants would be suitable.

The proposed development will be sited in close proximity to the railway track to the north of the site. This will impact on the amenities of the future occupants. The application has been submitted with a Sound Insulation Testing Report. No objections raised subject to a condition that the recommendations of the Acoustic Assessment prepared by Falcon Energy Ltd (Report Ref 13896) are implemented.

#### Impact on Neighbouring Amenities

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

The site is located to the north of the nearest residential house at Rosemullion. Due to the siting and orientation of Rosemullion, it is not considered that there would be a harmful impact on the amenities of this property. Rosemullion is sited on higher ground than Phoenix Lodge and the proposed balconies are not considered to result in a loss of privacy. A landscaping condition could be imposed to ensure adequate additional boundary vegetation where necessary. To the west of the site, Skogly is separated from the site of the proposed block by a considerable distance. The provision of 9 flats, utilising the existing vehicle access to the site, would introduce additional noise and disturbance as a result of vehicle traffic, however this is not considered to be significantly harmful.

### Flood Risk and Drainage

Policy 5.12 of the London Plan requires development proposals to comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Policy 115 of the Emerging Plan requires developers to work with the Environment Agency to deliver a reduction in flood risk compared with the existing situation.

The site lies within Flood Zone 2 and 3 and the Kyd Brook runs through the western part of the site. The application has been submitted accompanied by a Flood Risk Assessment.

The Environment Agency has previously commented that the existing building footprint is partly within Flood Zone 3 and within Flood Zone 2. The closest distance to the River Kyd Brook is approximately 3m. As a residential dwelling the development is classed as 'more vulnerable'. Floor plans show ground floor sleeping, which is advised against. Wherever possible, floor levels should be situated a minimum of 0.3m above the 1% with climate change flood level, determined as an outcome of the site-based FRA. If no climate change data is available then a precautionary freeboard of 600 mm above the 1% annual probability peak flood level should be used as outlined within the Bromley SFRA. Since November 2016 when the Product 4 used within the submitted FRA was produced, the climate change levels have been updated and the proposed development would be situated within the new Climate Change 35% flood outline. Therefore the EA would require a new P4, a revised FRA and Finished Floor Levels (FFL) to be raised accordingly, in line with the new modelled levels. On the basis of this advice, a revised FRA was submitted and reviewed by the Environment Agency, however the revisions did not address the principle concerns in terms of proximity to the Kyd Brook and FFLs being raised using the incorrect policy. A design change had been provided that creates a larger buffer to the Kyd Brook and this is considered acceptable subject to a condition to retain this buffer.

### Impact on Highway Safety

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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.

In light of the recent appeal decision, it is considered that the car parking provision, access arrangements and on site turning areas are acceptable. Conditions have been recommended by the highways engineer in regards to cycle and refuse storage.

### Ecology and Trees

The application is accompanied by a Preliminary Ecological Appraisal and Bat Building Assessment and emergence survey. These documents conclude that the site has a moderate ecological value with the development likely to have some potential impact on badgers, birds and bats. It is recommended that the brook and woodland area at the site is protected and further biodiversity enhancement measures are also recommended. The surveys conclude that the main building at Phoenix Lodge may have potential for bat roosting and an emergence survey should be carried out prior to commencement of the development.

Following the Inspector's decision, a re-entry survey was carried out prior to dawn on the 28<sup>th</sup> August in fair weather by two qualified surveyors on opposite sides of the building. Pipistelle bats were recorded foraging and commuting in the area, however no re-entry into Phoenix Lodge was recorded. Whilst ideally the site would be surveyed at dawn and dusk on several consecutive days, when adding this evidence to the previously recorded lack of evidence of bats using the building and the lack of evidence recorded internally or externally, it may be reasonably concluded that the building is not being used by bats for roosting in the summer months. It is therefore considered that the demolition of the building would not impact on protected species habitat.

The Preliminary Ecological Appraisal outlines a list of recommendations for biodiversity enhancements. In light of the moderate ecological value of the site as a whole, coupled with the recording of foraging and commuting bats at the site, it is considered reasonable to impose a condition for such details to be submitted for Council approval and implementation thereafter.

### 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 not payable on this outline 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 impact detrimentally on the character and appearance of this part of the Bickley Area of Special Residential Character in light of the Inspector's decision. The proposal would provide a suitable number of car parking spaces to serve the development, would not impact detrimentally on the amenities of neighbouring properties and would not impact detrimentally on trees or ecology subject to appropriate conditions.

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

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

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

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

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

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

- 3 (i) Prior to commencement of above ground works 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:**

**A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;**

**Proposed hardstanding and boundary treatment;**

**A schedule detailing sizes and numbers of all proposed trees/plants;**

**Sufficient specification to endure successful establishment and survival of new planting.**

**(ii) 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.**

**(iii) 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: In order to comply with BE1, NE7 and NE8 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.**

**4 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

**(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.**

**(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:**

**i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water**

**(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved**

**Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.**

**5 Prior to commencement of development (excluding demolition) 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 . The development shall be completed strictly in accordance with the approved levels.**

**Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.**

- 6 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.**

**(b) 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.**

- 7 (a) 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 prior to construction of any above ground works**

**(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

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

- 8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

**(b) The arrangements as approved under part (a) 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 T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle**

parking facilities at the site in the interest of reducing reliance on private car transport.

9 (a) 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 prior to the commencement of above ground works.

(b) The approved scheme shall be self-certified to accord with BS 5489 - 1:2003

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) 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.

10 (a) Details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority.

(b) Such provision as approved under part (a) shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use.

(c) No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

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

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

12 Prior to commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local



**Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.**

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

- 13 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.**

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

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

**The statement shall include details of:**

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

**Type and siting of scaffolding (if required);**

**Details of the method and timing of demolition, site clearance and building works**

**Depth, extent and means of excavation of foundations and details of method of construction of new foundations**

**Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;**

**Location of bonfire site (if required);**

**Details of the location of underground services avoiding locating them within the protected zone**

**Details of the method to be used for the removal of existing hard surfacing within the protected zone**

**Details of the nature and installation of any new surfacing within the protected zone**

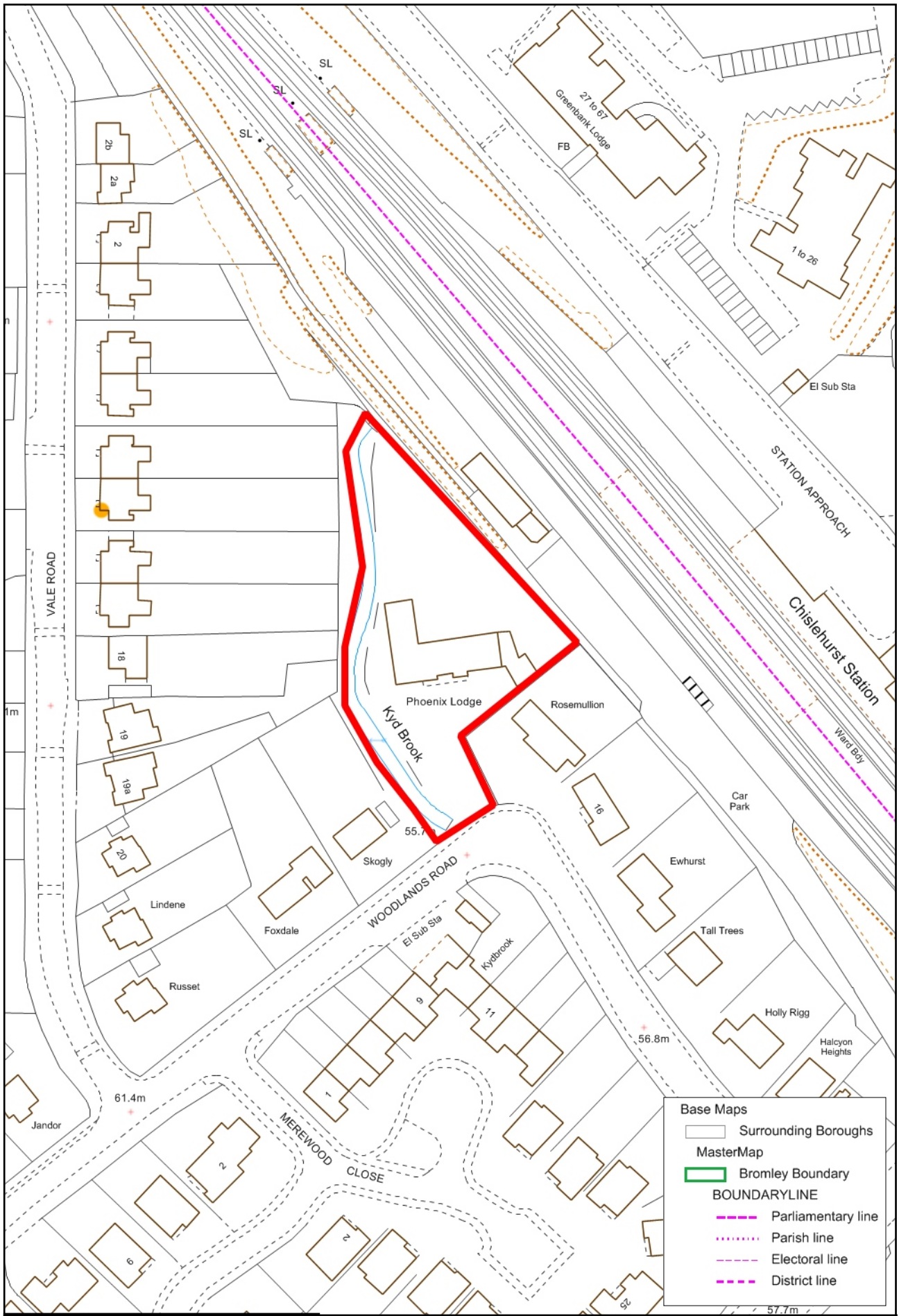
**Methods proposed for the watering of the trees during the course of the project**

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

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

- 15 The recommendations outlined within the Preliminary Ecological Appraisal, including the suggested biodiversity enhancements including bat boxes, shall be incorporated into the permission hereby granted. Details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter.**

**Reason: In order to comply with Policies NE5 and NE7 of the Unitary Development Plan and in order to preserve and enhance the biodiversity value of the site.**



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## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 18/03395/RECON

**Ward:**  
Cray Valley East

**Address :** Unit 3 Nugent Shopping Park Cray  
Avenue Orpington BR5 3RP

**Objections:** Yes

**OS Grid Ref:** E: 547094 N: 168200

**Applicant :** c/o Agent

### **Description of Development:**

Variation of Condition 13 pursuant to permission ref. 17/05868 to permit the linking of Units 3a and 3b

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 26

### **Proposal**

Approval is sought for the variation of Condition 13 pursuant to permission ref. 17/05868 to permit the linking of Units 3a and 3b

Units 3a and 3b are currently both occupied by Marks and Spencer however they form two independent units in compliance with the original condition relating to the maximum unit sizes at the shopping centre, which states:

'Within the development hereby permitted there shall be a restriction on the size of any one unit, or subdivision or amalgamation, so that the maximum size is no more than 3,000 sq. metres.'

The proposal would allow for an internal link in order for both units to operate as a single unit for Marks and Spencer only.

The application is accompanied by a Report on the change in Orpington town centre health, 2009-2017.

### **Location**

Nugent Shopping Park is an established retail park located to the North of Orpington. It is an out of centre site.

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

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

## **Comments from Consultees**

Highways Officer: In terms of trip generation to the retail park I do not think there would be a significant change if M&S operated as 2 adjacent units or as a single one. Concern would however be raised if a different occupier were to move into the premises as this could result in an increase in transport demand.

## **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.

The National Planning Policy Framework was published on 24<sup>th</sup> July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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

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

## **London Plan Policies**

Policy 2.15 Town Centres

Policy 4.7 Retail and Town Centre Development  
Policy 4.8 Supporting a Successful and Diverse Retail Sector and related Facilities and Services  
6.3 Assessing the Effects of Development on Transport Capacity  
6.9 Cycling  
6.10 Walking  
6.11 Smoothing Traffic Flow and Tackling Congestion  
6.13 Parking

#### Unitary Development Plan

BE1 Design of New Development  
S7 Retail and Leisure Development - Outside Existing Centres  
T2 Assessment of Transport Effects  
T3 Parking  
T18 Road Safety

#### Draft Local Plan

37 General Design of Development  
30 Parking  
31 Relieving Congestion  
32 Highway Safety  
91 Proposals for Main Town Centre Uses

#### Additional Guidance

National Planning Practice Guidance (2014)  
Town Centres Supplementary Planning Guidance (2014)

### **Planning History**

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

03/01807 - Redevelopment to provide a mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units (Class B1), residential units (Class C3) and associated highway works and car parking OUTLINE. Permitted

04/04583/DET Details to enable the installation of mezzanine floorspace pursuant to conditions 24 and 26 attached to outline permission granted under ref. 03/01807 for the redevelopment to provide a mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units (Class B1), residential units (Class C3) and associated highway works and car parking. Approved

04/04740/DET Details of siting, design, appearance (retail units only), access, landscaping, external materials and parking layout pursuant to conditions 1, 2, 3 and 5 of 03/01807 granted outline permission for redevelopment to provide a mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units (Class B1), residential units (Class C3). Approve

05/00216/DET Details of siting, design and appearance of residential units and landscaping pursuant to conditions 1 and 2 of 03/01807 granted outline permission for redevelopment to provide a mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units

(Class B1), residential units (Class C3) and associated highway works and car parking.  
Approve

05/00663/VAR - Variation of conditions 22, 24 and 30 of outline permission ref. 03/01807 for redevelopment comprising mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units (Class B1), residential units (Class C3) and associated highway works and car parking to allow (i) a maximum 363 car parking spaces within the development for the retail and residential uses (condition 22), (ii) an increase in unrestricted retail floor space from 2,322sq.m to 5,822sq.m and a minimum of 4 smaller units, each with a maximum floor space of 400sq.m. (condition 24), (iii) provision of 69 residential flats comprising 10 one bedroom and 59 two bedroom (condition 30). Approve

06/00495/VAR - Variation of conditions 24 (i) (iii) of permission ref 05/00663 for mixed use redevelopment to allow 6715 square metres unrestricted retail floorspace. Approve

07/02689/VAR - Variation of conditions 12 of planning permission DC/06/00495 to allow for a 74 square metres increase in allowance of retail floor space. Approved

07/02997/VAR - Variation of condition 17 of planning permission ref DC/06/00495 to allow the use of Units 3A and 3B as a single Retail Unit - Refused

08/01802/VAR - Variation of condition 17 of planning permission ref 06/00495 to allow increase in maximum unit size for units 3A and 3B - Refused

12/03879/VAR - Appeal allowed for planning permission for the variation of condition No. 8 of planning permission DC/07/02689/VAR, as applied to unit 4A

14/03950 - Variation of Condition 8 of planning permission reference 07/02689 to enable health and beauty / pharmacy operation at Unit 12. Approved

17/05868 - Variation of Condition 8 of Planning Permission ref. DC/14/03950/VAR - Approved

### **Considerations**

The main issues relating to the application are as follows:

- Impact on Orpington Town Centre
- Highway Safety

#### Impact on Orpington Town Centre

Policy S7 of the UDP states that proposals for new or extension to existing retail or leisure development outside the centres to which Policy S6 relates will be expected to meet the following criteria:

(i) there is a need for the proposal;

(ii) all potential sites within the town, district, local or neighbourhood centres and parades have been thoroughly assessed, followed by an assessment of edge of centre sites within easy walking distance of the primary shopping area; and

(iii) the applicant can demonstrate that they have been flexible about the format, scale, design, car park provision and the scope for disaggregation in the sequential search for sites.



If the sequential test above is met the proposal will be expected to:

(iv) be easily accessible to those cycling or walking and is, or will be, well served by public transport;

(v) not harm the vitality or viability of existing centres, either by itself or in conjunction with other proposals; and

(vi) the scale of the proposal will be appropriate to the size of the centre within which it is to be located.

There have been two previous applications to amalgamate the units as set out in the planning history section above.

When dismissing appeal ref. 07/02997, the Inspector states:

“by conjoining two adjacent units of limited size, the appeal proposal would enable a single operator of relatively large scale to dominate the Nugent Shopping Park, changing the character of the development and potentially attracting more customers and retailers from the town centre. The proposed development should therefore be subject to the well established principle of national policy in Planning Policy Statement 6, as applied generally in the adopted UDP, that town centres should be protected. In my judgement, the established 3000sqm size limit should be retained unless there is evidence that it is no longer necessary to safeguard retail viability and vitality in central Orpington. I consider this justified on the basis of the professional advice on which the Council rely in their evidence, notwithstanding it predates the physical removal of M&S to the appeal site, as the principle of avoiding decentralisation of the primary retail function still applies.”

The Inspector in dismissing appeal ref. 08/01807 also attached significant weight when considering the amalgamation of units to the potential undermining of confidence in the policies geared to encouraging town centre retailing.

The application is accompanied by a report on the change in Orpington town centre health, 2009-2017 that summarises that the overall vacancy rate within Orpington Town Centre has fallen to 7.7% since 2013, the lowest level since 2009, thereby evidencing recovery across the retail sector.

Para 89 of the NPPF also states that such development outside of a town centre is subject to an impact assessment that should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

No Impact Assessment has been submitted and no sequential test has been submitted to evidence the lack of suitable sites in the nearby Orpington town centre, as required by Policy S7.

Policy 91 of the Draft Local Plan states that the Council will require main Town Centre uses to be located within designated Town Centres or, if no in-centre sites are available, sites on the edge of centres. Only if suitable sites are not available in Town Centres or in edge of centre locations should out of centre sites be considered.

Proposals for new main Town Centre uses outside of existing centres will be required to meet the sequential test as set out in the NPPF.

Proposals for retail, leisure and office development outside of the Town Centres, over 2,500 sqm should include an assessment of:

- a - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and
- b - the impact of the proposal on Town Centre vitality and viability, including local consumer choice and trade in the Town Centre and wider area, up to five years from the time the application is made.

The proposal involves the removal of a wall separating Units 3a and 3b to create a single retail unit amounting to 3,650 sqm GIA. The key policy issue is whether the proposed amalgamation would result in an unacceptable adverse impact on the viability and vitality of the surrounding town centre network. This potential impact formed the central argument for refusal in similar previous applications on the site (07/02997/VAR and 08/01802/VAR). Whilst the proposal would not create any additional floorspace, the significant size of the amalgamated unit has the potential to alter the nature of the site's use. The sequential and impact assessment requirements under paras 86, 87 and 89 of the NPPF arguably apply in this instance.

The applicants have failed to carry out either assessment, but have provided an updated retail assessment. This contains two main observations in support of the proposal: firstly, that retail conditions have improved substantially in Orpington town centre since the previous application (08/01802/VAR) and secondly, that there is a general preference by retailers towards smaller units across the UK. The applicants claim these observations demonstrate that the current occupant (M&S) can remain at an amalgamated Unit 3 without affecting the vitality or viability of Orpington centre. Further, the applicants contend that the occupant will remain at the site for the foreseeable future and propose that a condition be imposed allowing the unit to revert to a divided format in the event that the occupant vacates.

The NPPG makes clear that robust justification must be provided where it is argued that the use has particular market and locational requirements and that land ownership is not a justification. This guidance could be interpreted to mean that an existing tenure should not in itself be a factor in any decision. Irrespective of this, granting a special exemption to the current occupant would likely precipitate new applications at the end of the occupancy, given that the Council, should it grant permission, would have agreed that the proposed use was acceptable in principle. Therefore, the Council is obliged to consider all possible outcomes resulting from an amalgamated unit, including future occupation by other large-scale retailers.

Nugent Shopping Park comprises one site in a loose cluster of town centre uses currently operating in the St Mary Cray locality. Other sites include Springvale Retail Park (incorporating Argos Extra and Currys PC World) and Orpington Retail Park (currently occupied by Sports Direct and Home Bargains) to the north, Pilgrim House (currently occupied by TK Maxx and Nike Factory Outlet) to the west and two Class D2

uses including a trampoline park immediately to the south. This cluster occupies a corridor of about 800m and comprises over 36,000 sqm of retail and related floorspace. By way of comparison, Orpington town centre consists of around 86,000 sqm of retail and related floorspace. Whilst the cluster is not at parity with Orpington town centre quantitatively, further diversification of the retail offer here may encourage more casual shoppers to travel to this area instead of the centre and eventually threaten the retail primacy of the centre.

Individually, Units 3a and 3b are among the largest in Nugent Shopping Park. An amalgamated Unit 3 would be by far the largest unit in the shopping park and also the largest retail unit in the wider St Mary Cray area. Regardless of the apparent existing preference among retailers for smaller units, the proposed unit size, and floor plate, would clearly represent a step change in the St Mary Cray area's retail offer. Whilst conditions are in place restricting the overall quantum of floorspace used for unrestricted retail and specifically for the sale of food and drink products in the shopping park, the proposed unit is nonetheless likely to be an attractive location for a greater range of large anchor tenants providing both comparison and convenience goods, whose presence could themselves attract further investment interest in the shopping park. The full potential impact of these effects has not been assessed in the applicants' submission. On a practical level, assuming the existing quantities of comparison and convenience goods remain at the unit, the preferred formats of some potential future tenants may make the current trade and floorspace restrictions extremely difficult to enforce.

The NPPF and London Plan provide the strategic support for the Council to explicitly promote a 'town centres first' policy. The Council is currently undertaking major regeneration initiatives in Orpington Town Centre as part of its Town Centres Development and Growth Programme. On 18 September 2018, the Cushman and Wakefield "Orpington Town Centre: Stage 1 (Evidence Base)" report was considered by the Council Renewal, Recreation and Housing Committee. This report, endorsed in full by members, provides the Council with an evidence base to inform decisions about future investment and development in Orpington Town Centre. A health check of the centre found that vacancies are declining (consistent with the applicants' retail assessment), but that the centre had fallen in the overall national rankings since 2012 (whereas Nugent Shopping Park had risen). It also found that occupancy was heavily weighted towards service-based retail, with a clear underrepresentation of major retailers and specific comparison retail sectors. The report urges the Council and town centre stakeholders to be proactive and work together to influence, rather than react to, future drivers of change, noting as an example the strong membership established by the Orpington First Business Improvement District. It identifies a need for qualitative improvements to the centre including greater provision of modern, larger units and better conditions to attract underrepresented comparison retail sectors and improve convenience retail choice.

In the absence of more thorough assessments by the applicant, the full consequences of a merged unit are unclear. It is clear however that the proposal is aimed at retaining the existing occupant and would certainly attract the type of major retailers that the Council is actively seeking to lure to Orpington Town Centre. Further, it is likely that the granting of permission will set a precedent to further encourage incremental qualitative improvements at this out of centre site, at the expense of the existing town centre network. For these reasons, the proposed development is unjustifiably inconsistent with current and proposed town centres policies.

Highway safety

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.

Whilst the operation of the two units by the current operator would not necessarily impact significantly in terms of traffic generation as it would be insignificantly different from the current operation, concern would be raised if an unrestricted A1 use were to operate from the conjoined units as this could in future attract different retailers with different traffic generation. Also, the potential change in retail offering possible by the current occupier, including a larger food hall, may have different traffic impacts to the current split operation between food and clothing. Both scenarios would need to be considered and supported by suitable assessment of traffic impacts.

The application is not supported by evidence to demonstrate that an unrestricted A1 use across both joined units would not have a potentially harmful impact in terms of additional traffic generation, parking and general conditions of highway safety. The proposal is therefore contrary to Policies T2, T3 and T18 of the Unitary Development Plan.

### 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 not payable on this application and the applicant has not completed the relevant form.

### **Conclusion**

Having had regard to the above it was considered that the proposal is unacceptable in that it would result in a potentially detrimental impact on the retail functioning and viability of Orpington Town Centre and would have the potential to impact detrimentally on parking and highway safety.

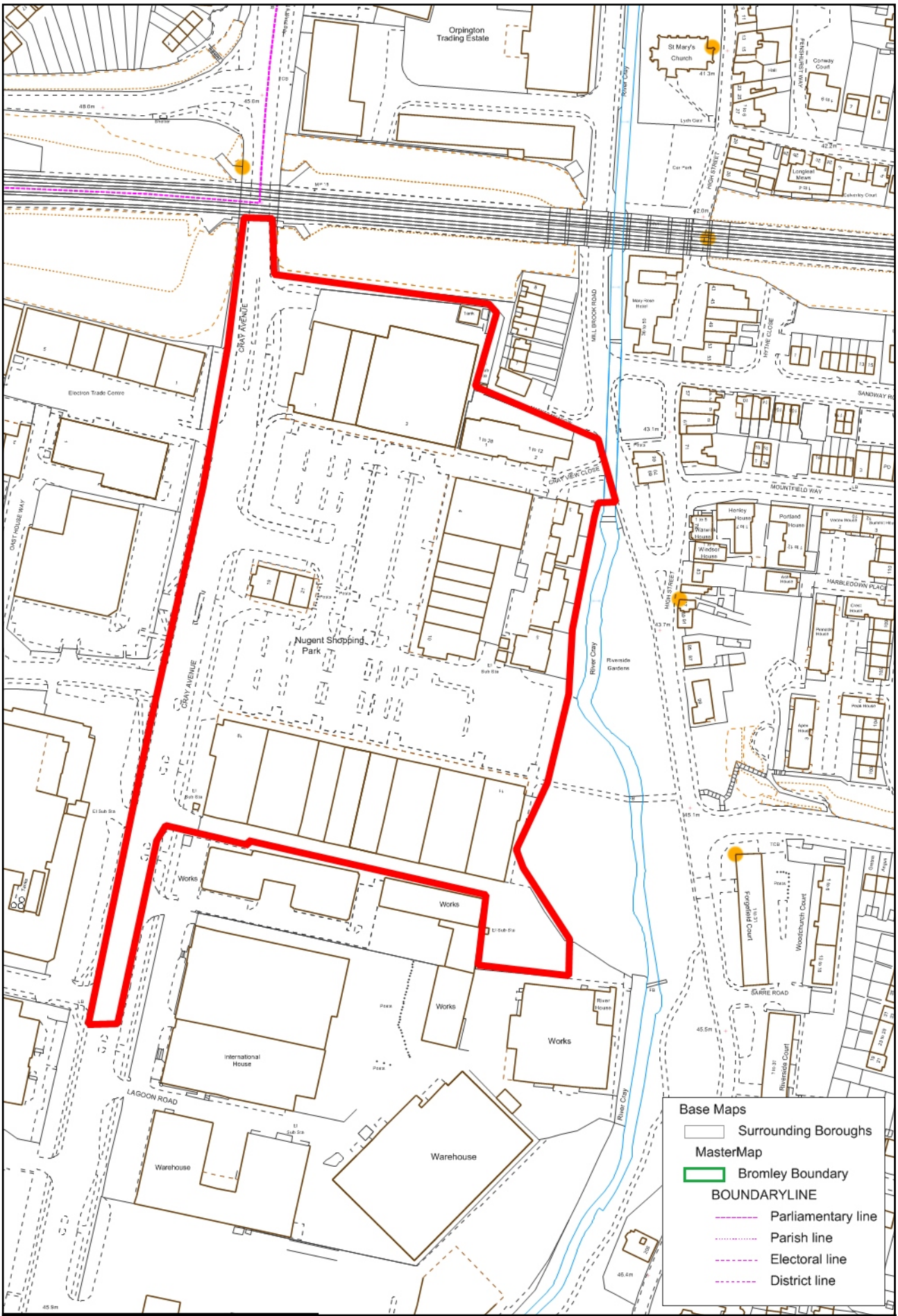
Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**Recommendation: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1. In the absence of sufficient evidence, including sequential and impact assessments, the proposed variation of Condition 13 would result in a single retail unit of inappropriate size in relation to the retail function of the Nugent Shopping Park and would cause potential harm to the vitality and viability of Orpington Town Centre and potential for further such amalgamations within the development, contrary to Policy S7 of the Unitary Development Plan, Policy 91 of the Draft Local Plan and the guidance in Paras 86, 87 and 89 of the NPPF.**
  
- 2. In the absence of evidence to demonstrate otherwise, the proposal has the potential to introduce different parking demands and traffic generation at the site that may be detrimental to conditions of highway safety, thereby contrary to Policies T2, T3 and T18 of the Unitary Development Plan and Policies 30, 31 and 32 of the Draft Local Plan.**

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## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 18/03719/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 37 Birchwood Road Petts Wood  
Orpington BR5 1NX **Objections: Yes**

**OS Grid Ref:** E: 544981 N: 168126

**Applicant :** Mrs Ridgeway

### **Description of Development:**

Conversion of existing garage to form habitable space, single storey rear extension, first floor rear/side extension to incorporate juliet balcony and raised gable roof

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4

### **Proposal**

The proposal seeks permission for a single storey rear extension, first floor side/rear extension with Juliet balcony at rear, raised gable roof and conversion of garage to form habitable accommodation. The resulting ground floor and first floor habitable accommodation above the converted garage will form a separate one bedroom unit.

The structure of the existing ground floor integral garage will remain, as will the front garage door. Directly behind the garage door an internal wall will be built which will allow for the habitable accommodation to be built within the existing garage space. A single storey extension is proposed to the rear of the existing garage structure, which will measure approx. 1.5m in depth by approx. 3.1m in width, with the rear and flank elevation being built in-line with those of the host dwelling, and this element will form a sun room to serve the newly created separate unit.

At ground floor level, there will be a separate kitchen, lounge / dining room and sun room to the rear which will be formed by the single storey rear extension element of the proposal. A new staircase leading to the first floor level is also proposed at ground floor, within the front area of the existing garage space.

At first floor level, the existing en-suite bathroom will be converted to a new bedroom with en-suite, and the first floor side/rear extension element of the

scheme, which will measure approx. 3.4m in depth by approx. 3.2m, will form a new en-suite for an existing bedroom within the host dwelling. French doors and a Juliet balcony is proposed to the rear elevation of the first floor extension to serve the new en-suite bathroom.

The resulting accommodation at ground/first floor will have no internal link to the host dwelling - the elevation alterations proposed to the flank elevation of the existing garage will result in a new single door entering into the new lounge/dining room, along with 3 new windows to serve the habitable accommodation at ground floor, and one new window in the first floor flank elevation to serve the new en-suite for the separate unit.

The front and rear elevations of the first floor side extension will both have gable end features.

The proposal will result in the loss of the internal car parking space within the existing garage, but will not alter the car parking layout to the frontage of the property.

### **Location and Key Constraints**

The application site hosts a detached dwelling on the southern side of Birchwood Road, located within the Petts Wood Area of Special Residential Character.

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

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

- Proposed bathroom will impact negatively on the light to neighbouring dwelling;
- Proposed Juliet balcony and clear glazed double door would overlook patio and garden, affecting privacy;
- Would object to any further windows being added to this room.

Local residents association, Petts Wood & District Residents' Association (PWDRA), provided the following comments:

- The front gable proposed on the eastern side looks odd and disconnected with the main roof;
- The side space on the proposed build i.e. over the existing garage, would be 1100mm. As this property is situated within the Petts Wood Area of Special Residential Character (ASRC), wider side spaces should be sought, particularly where these exist already. Currently, views through to the woodland at the rear can be seen from the street scene. This public amenity would be closed off by this proposal;
- The proposed Juliet balcony at the rear would increase the overlooking and affect the privacy and amenity of the neighbouring residents at number 35 Birchwood Road;

- There appear to be errors in the plans as submitted. On the submitted drawings plan detailing front/side/rear elevations - the existing and proposed rear elevations show the bay window on opposite sides plus the proposed side elevation states 'when viewed from 39' - this should read 35? Also top right states 'View from 33 Birchwood Road' - the application property does not share a boundary with 33 Birchwood Road.

### **Comments from Consultees**

The Council's Highways Engineer stated that as the property has an "in and out" driveway with parking for a number of vehicles, no technical objection is raised to the conversion of the garage to habitable accommodation.

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) 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
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

H10 Areas of Special Residential Character

T3 Parking

T18 Road safety

BE1 Design of new development

## Draft Local Plan

6 Residential Extensions

7 Additional Accommodation for Family Members

8 Side Space

44 Areas of Special Residential Character

30 Parking

37 General Design of Development

## Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

## **Planning History**

There is no planning history at the application site.

## **Considerations**

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

- Petts Wood Area of Special Residential Character
- Design
- Highways
- Neighbouring amenity
- CIL

## Petts Wood Area of Special Residential Character

When considering applications for new development in Areas of Special Residential Character (ASRCs), it is important to not only apply the general housing policies in Chapter 4 of the UDP, but also pay particular regard to Policy H10 and the following development control guidelines for such areas:

- i. developments likely to erode the individual quality and character of the ASRCs will be resisted. Reference will be made to the description of areas given below for a determination of individual quality and character;
- ii. residential density shall accord with that existing in the area;
- iii. spatial standards of new development (plot width, garden depth and plot ratio) shall accord with the general pattern in the area
- iv. the general height of existing buildings in the area shall not be exceeded;
- v. the space between a proposed two or more storey development and the side boundary of the site should accord with that prevailing in the area;
- vi. backland development will not be permitted;
- vii. new development will be required to take account of existing front and rear building lines;
- viii. existing mature trees and landscaping shall be retained wherever possible;
- ix. conversions, where appropriate, will only be acceptable where they do not alter the external appearance of the building;
- x. proposals, including conversions that are likely to significantly increase the proportion of hard surfacing in front of existing properties, will be resisted unless accompanied by satisfactory landscaping proposals;
- xi. materials shall match or complement those in adjoining existing developments; and
- xii. areas of land indicated as Urban Open Space on the Proposals Map will not be developed for any purpose.

The original plans for Petts Wood date from the late 1920s and early 1930s. While the houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the Conservation Areas of the Chenies and Chislehurst Road already stand out.

The Petts Wood ASRC has an open, suburban and semi-rural feel, predicated by low boundaries and visible front gardens set back from the road as well as the width of the separation between the houses which is of a particularly high standard. This allows many of the trees and greenery which prevail throughout the area to be seen from the street. Large rear gardens also provide the area with a high level of amenity.

The emerging Local Plan provides further detail with regard to the overall character of the Petts Wood ASRC, however it should be noted that when considering future development within the Petts Wood ASRC, the main focus should be on the impact of any proposed development upon the ASRC, taking into account the design and spatial standards, including the low density of exiting development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated.

### 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 development would appear incongruous with the host dwelling. The front gable proposed on the eastern side appears disconnected with the main roof of the host dwelling; the gable feature to the main roof of the host dwelling is towards the right hand side of the front elevation (western side), whereas the new first floor side extension with front gable feature would be to the opposite side of the front elevation of the host dwelling (eastern side), and it is considered that this would not complement the overall design or character of the host dwelling.

In addition, as a result of the proposed first floor side extension, the separation between the flank elevation and the property boundary would measure approx. 1.1m. Whilst Policy H9 of the UDP requires a minimum of 1m separation in order to preserve the spatial standards of an area, where greater standards of separation exists such as within an ASRC or conservation area, a greater degree of separation would be required.

Whilst it is appreciated that the ground floor aspect of the garage is already in position at 1.1m away from the property boundary, the introduction of the first floor aspect with the front gable feature results in not only a form of two storey development within a close proximity to the property boundary that would not comply with the requirements of Policy H9 within areas of greater standards of separation, but the front gable feature would add additional bulk to the property within close proximity to the boundary and further exacerbate the reduction in spatial standards. The ultimate result of the proposal would therefore be a bulky form of development close to the eastern property boundary that would not only be out of keeping with the host dwelling itself, but would also result in a cramped form of development within close proximity to the property boundary that would have a seriously detrimental impact upon the overall character of the Petts Wood ASRC that the host property lies within.

There are properties within the vicinity that have the benefit of an enlarged roof to the original dwelling, however the positioning of the roof enlargement / addition results in a more symmetrical appearance, or is sited closer to the main gable feature of the host dwelling, as opposed to the current proposal at No.37 where the new gable feature would be on the opposite side of the host dwelling to the existing main gable feature.

Turning to the proposed single storey rear extension element of the scheme, which will have a rearward projection of approx. 3.1m and result in the rear and flank elevations of the extension matching the rear and flank elevations of the host dwelling, effectively 'squaring-off' the host dwelling, this element is not considered to cause harm to the overall design and appearance of the host dwelling.

## 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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.

Whilst the proposal involves the loss of the integral garage by the conversion to habitable accommodation, there is sufficient space to the frontage of the site to allow for vehicles to park and therefore there will be no detrimental impact upon highways conditions.

## 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, separation distance and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise when assessing the development to the front of the host dwelling, however when looking at the first floor extension to the rear, concerns are raised with regard to the impact that the development may have upon the amenities of the occupiers of No.35.

The additional first floor rear extension would increase the rearward projection of built development at first floor level, and given the addition of the gable end feature to the rear, this will further increase the overall level of bulk, that given the minimal separation to the shared property boundary, may result in harm to the visual and residential amenities of the occupiers of No.35.

Concerns have been raised with regard to the Juliet balcony by neighbouring dwellings. Whilst these concerns are taken into consideration, it is felt that whilst the Juliet balcony proposed to the rear elevation would allow for a great level of outlook through the French doors as proposed, the Juliet balcony would not afford

users of this new bathroom a terrace area, and as such, this element is not considered to result in undue loss of privacy to occupiers of neighbouring dwellings so as to warrant a refusal ground. There is sufficient separation between the application site and dwellings to the rear so as to prevent undue harm to occupiers of dwellings at the rear of the application site.

The proposed single storey rear extension element of the scheme is not considered likely to give rise to any detrimental impact upon the visual or residential amenities to the occupiers of No.35.

With regard to the introduction of a separate unit within the host dwelling, by way of converting the existing ground floor garage, introducing a new staircase within the resulting accommodation, and providing no internal link from the new unit/annexe into the host dwelling, it is considered that this is entirely unacceptable in principle and would result in a form of overdevelopment within the site that would be out of keeping with the character and use of properties along the road and within the vicinity, which is substantial of single family dwellings.

Policy H8 of the UDP (para 4.47) states in effect that whilst 'granny annexes' can provide accommodation which enables a family member to care for an elderly or disabled relative, issues can arise where a self-contained unit would result that could potentially be severed from the main dwelling. This policy states effectively that if this were to occur, then it could result in sub-standard accommodation with inadequate privacy, parking, and amenity space, and it is also likely to be out of character with the surrounding area, and ultimately detrimental to residential amenity. Such extensions should be designed to form part of the main dwelling. The current application has not designed the extension to form part of the dwelling but to be easily severed from the original dwelling, particularly with the provision of the new access to the front of the property which provides a separate staircase leading to the first floor bedroom and en-suite bathroom, with no internal link to the host building at either ground or first floor level.

The proposal therefore is considered to result in an extension to the original dwelling that could be easily severed to form a new unit entirely separate from the host dwelling, which would result in an overdevelopment of the site at an excessive residential density, contrary to Policies H8 and H7 of the Unitary Development Plan and draft policy 7 of the emerging Local Plan. The proposal to subdivide the host building would also likely result in a detrimental impact upon the amenities of local residents and the character of the ASRC in general by severance of the host dwelling into two units, which would increase the residential density of the plot and be contrary to the general character of the properties within the ASRC which as previously described consists of large single family dwellings on substantial plots.

## **CIL**

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



## **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is unacceptable. The proposed first floor side extension would appear incongruous within the host dwelling itself which in turn would have a detrimental impact upon the character of the streetscene and the ASRC in general. Concerns are also raised that the first floor side/rear extension and conversion of the garage will result in a self-contained unit utilising the converted garage and part of the first floor element as a separate unit, which would result in an unsatisfactory overdevelopment of the site which would increase the density on the site and contravene the aims of the ASRC designation of the area that the host property lies within.

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 design of the first floor side-rear extension indicated on the submitted drawings would be out of character with the host dwelling and detrimental to the visual amenities and spatial standards of the Petts Wood Area of Special Residential Character, contrary to Policies BE1, H8, H9 and H10 of the Unitary Development Plan, Policies 37 and 44 of the emerging Local Plan, and SPG 2.**
- 2 The proposed first floor side extension and conversion of garage, having no internal link to the host dwelling, would result in a separate unit severed from the main dwelling which would result in an undesirable overdevelopment of the site prejudicial to the amenities of the area and contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 7, 37 and 44 of the emerging Local Plan.**

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**Base Maps**

- Surrounding Boroughs
- MasterMap**
- Bromley Boundary
- BOUNDARYLINE**
- Parliamentary line
- Parish line
- Electoral line
- District line

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