



THE LONDON BOROUGH
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DATE: 5 March 2019

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 14 MARCH 2019 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

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

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 17 JANUARY 2019**
(Pages 1 - 10)
- 4 PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

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

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.1	Penge and Cator	11 - 30	(18/02791/FULL1) - 182 Maple Road, London, SE20 8JB.
4.2	Bickley	31 - 46	(18/04267/FULL1) - Bickley Park School, 24 Page Heath Lane, Bickley, Bromley, BR1 2DS
4.3	Farnborough and Crofton	47 - 64	(18/05610/FULL1) - Land Adjacent to 15 Sandy Bury, Orpington
4.4	Shortlands	65 - 72	(19/00067/FULL6) - 212 Mead Way, Hayes, Bromley

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.5	Copers Cope	73 - 92	(17/03898/FULL1) - Crusader Hall, High Street, Beckenham
4.6	Copers Cope	93 - 110	(18/03042/FULL1) - Crusader Hall, High Street, Beckenham
4.7	Bromley Town	111 - 122	(18/05157/FULL1) - 21 Cromwell Avenue, Bromley BR2 9AG

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 17 January 2019

Present:

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

Also Present:

Councillors Ian Dunn and Robert Mcilveen

18 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Mark Brock and Councillor Colin Hitchins attended as his substitute.

19 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest in Item 4.1.

20 CONFIRMATION OF MINUTES OF MEETING HELD ON 15 NOVEMBER 2018

RESOLVED that the Minutes of the meeting held on 15 November 2018 be confirmed and signed as a correct record.

21 STATEMENT FROM THE DEVELOPMENT CONTROL MANAGER

“As of yesterday evening, 16th January 2019, the London Borough of Bromley adopted its new Bromley Local Plan (BLP). This means that the Local Plan now carries full weight as part of Bromley’s Development Plan, along with the adopted London Plan and parts of the Bromley Town Centre Area Action Plan (some policies in the latter are replaced in Local Plan).

Members will need to therefore ignore references to Unitary Development Plan (UDP) policies in the agenda this evening, as the UDP is no longer a development plan document, and give full weight to the Local Plan policies set out in each report. Although these are cited as draft policies, the Policy numbers and content is the same as when the reports were published.

We would also ask that Members agree to allow Officers delegated authority to update

the Policy references in conditions and reasons for refusal prior to issuing any decisions from tonight's meeting to ensure that they are up to date."

MEMBERS AUTHORISED OFFICERS TO UPDATE THE POLICY REFERENCES UNDER THE CHIEF PLANNER'S DELEGATED AUTHORITY.

22 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

**22.1
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 at the meeting. Oral representations from Ward Member, Councillor Robert Mcilveen, in support of the application were received at the meeting. An email dated 14 January 2019 from Councillor David Jefferys had been received and circulated to Members in which he stated his support for the application.

MEMBERS CONSIDERED THAT THE PROPOSAL TO ENHANCE ROAD TRAFFIC SAFETY CONSTITUTED VERY SPECIAL CIRCUMSTANCES THAT WOULD CLEARLY OUTWEIGH THE HARM CAUSED TO THE GREEN BELT.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED AGAINST OFFICERS'**

RECOMMENDATIONS subject to the following conditions and informatives:-

"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 the interest of the visual and residential amenities of the area and in order to comply with

Policy 37 of the Bromley Local Plan.

3. The development shall be implemented in accordance with the details set out in the Arboricultural Statement dated 4th February 2018 (AR/3570a/jq), approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy 73 of the Bromley Local Plan.

4. Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

REASON: To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety and in order to comply with Policy 30 of the Bromley Local Plan.

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

REASON: To ensure a satisfactory means of surface water drainage and to accord with Policy 5.16 of the London Plan.

6. The enlarged area of car parking hereby permitted shall be used as an overflow car park to the main car park only and shall not be used for general car parking other than at peak times of use.

REASON: In order to comply with Policies 30 and 32

of the Bromley Local Plan and in the interest of highway safety.

7. Prior to the commencement of any above ground works, details of the materials to be used for the car parking area, which shall include a porous material and open mesh finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and permanently maintained as such thereafter.

REASON: In order to comply with Policies 37 and 49 of the Bromley Local Plan and in the interest of the visual amenities of the Green Belt.

8. The landscaping scheme as shown on plan ref. 847/5 rev. E shall be implemented in the first planting season following the substantial completion of the development. Any trees or plants which within a period of 10 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

REASON: In order to comply with Policies 37 and 73 of the Bromley Local Plan and in the interest of the visual amenities of the area and the protection of the trees planted alongside the development.”

22.2 CRYSTAL PALACE

(18/01303/FULL1) - 19 Anerley Road, Penge, London, SE19 2AS

Description of application – Demolition of Nos. 19 & 21 Anerley Road and construction of a new build replacement 4 Storey building with basement to create 9 units (4 x 1-bed, 4 x 2- bed and 1 x 3 bed) with associated refuse and cycle stores.

The Chairman had visited the site and was concerned that no provision for off street parking or amenity space had been proposed for the 9 unit development, and it did not conform to Policy 8 of the new Bromley Local Plan.

Councillor Katy Boughey was mindful that a previous permission (17/04076/FULL1) had been granted and she preferred the proposed mix of units.

Councillors Charles Joel and Kira Gabbert disliked the modern design that would not compliment Anerley Road and suggested reconsideration of the elevational treatment.

Members having considered the report and objections, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to address the lack of car parking, lack of amenity space, lack of side space and to reconsider the design and elevational treatment.

**22.3
CHISLEHURST
CONSERVATION AREA**

(18/01469/FULL1) - Beaverwood Lodge Sports and Leisure Club, Beaverwood Road, Chislehurst, BR7 6HF

Description of application – Demolition of the existing Beaverwood Club and maintenance buildings and construction of a two storey replacement sports/leisure and functions/ pavilion building including bar/ kitchen/ function room, indoor leisure, changing rooms, basement storage, ancillary offices, caretakers flat and maintenance building.

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

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED, SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON**, as recommended, and subject to the conditions set out in the report of the Chief Planner with an amendment to Condition 1 and a further condition to read:-

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

Reason: To encourage the start of the development and to comply with Section 91 of the Town and Country Planning Act 1990.

7. Before any above ground works are commenced on site, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to achieve at least a 35% reduction in carbon dioxide emissions on site.

Reason: In order reduce carbon and in compliance with Policy 5.2 of The London Plan.”

**22.4
CRAY VALLEY EAST**

**(18/03395/RECON) - Unit 3, Nugent Shopping Park,
Cray Avenue, Orpington, BR5 3RP**

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

Oral representations in support of the application were received at the meeting. An email dated 9 January 2019 from Councillor Christopher Pierce stated that the Ward Members Cray Valley East supported the application.

MEMBERS CONSIDERED THAT THE HARM WOULD BE LIMITED IN LIGHT OF THE LONG-TERM OCCUPATION OF THE UNIT BY THE CURRENT OCCUPIER AND THE UNILATERAL UNDERTAKING RESTRICTING THE AMENDMENT OF CONDITION TO THE CURRENT OCCUPIER ONLY.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED AGAINST OFFICERS' RECOMMENDATIONS, SUBJECT TO A UNILATERAL UNDERTAKING AND SUBJECT TO THE CONDITIONS ATTACHED TO REFERENCE 17/05868** with an amendment to condition 13 to read:-
"13. 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 square metres with the exception of Unit 3a and Unit 3b which may be amalgamated to exceed 3,000 square metres for the duration of the occupancy by Marks and Spencer. The units shall be returned to within the 3,000 square metres restriction at such a time when Marks and Spencer vacate the units and shall thereafter be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.
REASON: In order to prevent overdevelopment of the site and in accordance with the terms of the original permission."

**22.5
CHISLEHURST
CONSERVATION AREA**

**(18/04122/ADV) - Queen Mary House, Manor Park
Road, Chislehurst, BR7 5PY**

Description of application – Nine non-illuminated railing mounted signs, four non-illuminated post mounted directional signs, one non-illuminated

balcony banner and four non-illuminated hanging signs with posts.

Ward Member, Councillor Katy Boughey, referred to the history of the site and its signage and sympathised with the local residents objections and objected to the proposed non-illuminated balcony banner. Councillor Suraj Sharma agreed with Councillor Boughey and also objected to the non-illuminated balcony banner.

Members having considered the report and objections, **RESOLVED the following:-**

1. ADVERTISEMENT CONSENT be GRANTED for the NINE NON-ILLUMINATED RAILING MOUNTED SIGNS, FOUR NON-ILLUMINATED POST MOUNTED DIRECTIONAL SIGNS AND FOUR NON-ILLUMINATED HANGING SIGNS WITH POSTS subject to the conditions set out in the report of the Chief Planner.

2. ADVERTISEMENT CONSENT be REFUSED for the NON-ILLUMINATED BALCONY BANNER SIGN for the following reason:-

GROUND OF REFUSAL: The proposed sign, due to its size and location would be in conflict with Policy 102 of the Bromley Local Plan, being out of character with the surrounding area and detrimental to the visual amenities of the street scene in this Conservation Area.

**22.6
CLOCK HOUSE**

**(18/04828/FULL1) - 13 Blakeney Avenue,
Beckenham, BR3 1HH**

Description of application – Conversion of single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom flats.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Ian Dunn, in objection to the application were received at the meeting. It was reported that a further objection to the application had been received. Emails dated 15 and 17 January 2019 from the objector 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 and informatives set out in the report of the Chief Planner.

SECTION 3

(Applications recommended for permission, approval or consent)

22.7 HAYES AND CONEY HALL

(18/03610/FULL6) - 2 Tiepigs Lane, Bromley, BR2 7HJ

Description of application - Two-storey front and rear, and first floor side extension and associated elevational alterations.

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

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

22.8 PENGE AND CATOR

(18/04528/FULL1) - 45 Whateley Road, Penge, London, SE20 7NE

Description of application – Form a new 1 person studio flat at second floor level.

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.

22.9 COPERS COPE

(18/04888/FULL6) - St Margarets Cottage, Beckenham Place Park, Beckenham, BR3 5BT

Description of application – Part single/part two storey side extension, first floor rear extension including flat rooflight, alterations to elevations.

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 with a further condition to read:-
“5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan.”

**22.10
WEST WICKHAM**

(18/04964/FULL6) - 42 Manor Park Road, West Wickham, BR4 0JZ

Description of application – Single storey rear extension.

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

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

**22.11
HAYES AND CONEY HALL**

(18/05031/FULL6) - 27 Stuart Avenue, Hayes, Bromley, BR2 7JX

Description of application – First floor side extension, garage conversion and elevational alterations.

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.

23

SUPPLEMENTARY AGENDA

23.1

(18/05099/FULL6) - 41 Wickham Chase, West Wickham BR4 08D

Description of application – Demolition of existing garage and erection of a single storey rear extension.

Oral representations in objection to and in support of the application were received at the meeting. Photographs had been received from the objector and

circulated to Members.

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

The Meeting ended at 8.40 pm

Chairman

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

Application No : 18/02791/FULL1

Ward:
Penge And Cator

Address : 182 Maple Road Penge London SE20
8JB

Objections: Yes

OS Grid Ref: E: 535383 N: 170250

Applicant : Mr Benny Hoffman

Description of Development:

Demolition of existing ground floor rear extension and construction of part one/two storey rear extension and dormer together with conversion of existing upper floors to create two x 2 bed flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 32

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 3 held on the 23rd August 2018 and for a second time at the Plans Sub Committee 3 held on the 18th October 2018 in order to seek to seek the submission of further technical details of a ventilation system, cycling parking and refuge arrangements.

The applicant has sent through revised plans showing:

- **Cycle Storage:** This has now been provided for residents of all flats at ground floor level to enable ease of access. The previously proposed internal cycle storage at first and second floor level is also retained so that residents have a choice of where to store their cycles.
- **Refuse Storage:** This is now provided within the rear courtyard area for each flat. The ventilated internal refuse and recycling stores are also retained at first and second floor level. The refuse store for the café is retained within the rear courtyard. This is indicated to reflect the existing arrangement between the café owner and landlord, to prevent rubbish being left on the street adjacent to the café entrance as referred to by Members.

- Ventilation: The applicant has advised that the majority of food prepared within the café is cold, however, some hot sandwiches and breakfasts are available. The plans have been amended to show an internal flue for the café in order to provide reassurance that the café will continue to be appropriately ventilated. A suite of documents has also been received that indicate the technical information of the ventilation system.

The details of the ventilation system as required by Members at Plans Sub Committee 3 held on the 18th October 2018 have been reviewed by the Council's Environmental Health Officer who is satisfied with the details of the technical information supplied.

Taking into account the additional information submitted, the issues raised by Members previously, appear to have been adequately addressed to enable planning permission to be granted.

Proposal

Planning permission is sought for the demolition of the existing ground floor rear extension and construction of a part one/two storey rear extension and dormer together with conversion of the existing upper floors to create two x 2 bed flats and 1 studio flat.

A replacement shop front is proposed to the ground floor commercial use creating a narrower commercial shop front and separate residential entrance. Refuse and recycling provision in the rear garden area and construction of a rear boundary wall is also sought.

This is a revised resubmission application with alterations and justifications to address the Council's previous reasons for refusal as detailed below.

The ground floor rear extension would measure approximately 11.7m from the rear of the existing main rear elevation with the first floor being 5.2m depth. Both levels stretch across the full width of the plot. A small internal courtyard will remain at ground floor with a secondary rear courtyard adjacent to the rear boundary of the site adjoining the rear access way. Materials are indicated as matching facing brickwork and a tile hung dormer to match the existing roof.

The roofscape dormer is indicated at 2.8m width and is set in from roof parapets by approximately 200mm and 1.9m respectively and indicated to adjoin to the ridge of the existing roof.

The application was supported by the following documents:

- Planning and Design Statement

Location and Key Constraints

The site is located on the east side of Maple Road and comprises a four storey terraced building with a commercial ground floor currently used as a café (Use

Class A3). The site is also located within the secondary shopping frontage of Penge District Centre.

The site is not in a conservation area nor is the building listed. The site is however located adjacent to Penge High Street Conservation Area.

Comments from Local Residents and Groups

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

Objections

- Concerns raised by majority of objectors regarding the loss of part of the shop frontage and front courtyard area to provide residential access in respect of conflicts of use and future viability of the café.
- Bluebelle café is an anchor tenant and should be supported. Café is a haven for artists and other local community groups and is a cultural hub.
- Over development and impact on existing local shops.
- Maple Road needs decent commercial enterprises to succeed, not erosion of what makes Penge, Penge.
- Proposal would damage street appeal at this location. Negative effect on streetscape.
- Maple Road businesses need more support, not less in improving the commercial streetscape.
- Cafe is relatively small and to reduce it's size any further may make it uneconomic as a business.
- Concerns that replacement shopfront will be smaller and less attractive.
- Maple Road needs to be supported to maintain its retail and commercial identity, not ruined by overdevelopment.
- A decrease in the physical access for older and disabled residents.
- Maple Road is turning into flats. The road continues to lose its character. Preference to see residential access to rear.

Local Groups

Penge Forum / Penge Town Centre Team:

- Questionable if reduced size and proportions sufficient to form a viable unit. Preference to see another solution to facilitate the scheme.
- Insertion of the residential door into the frontage causes an unsatisfactory mixed use and reduces the outdoor space available to the café.
- Concerns regarding proposed refuse arrangements.
- Lack of details for air extraction unit.

Comments from Consultees

Environmental Health Pollution Officer:

No objections to permission being granted.

Drainage Engineer:

A public foul sewer crosses the area where the new works are proposed, in addition this area of new works is at high risk from surface water flooding which can cause water displacement. The applicant is required to demonstrate the proposed works do not cause flooding to the neighbouring properties.

Highways:

No car parking is offered. However a night time stress parking carried out within vicinity of the area at 15th and 16th of June 2011. The survey had established parking demand for the highway within a walking distance of approximately 200m. The survey indicated that there were on-street parking spaces available for additional demand during the hours of maximum residential parking demand.

In order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits.

A covered and secure cycle storage facility must be provided to encourage cycling as a sustainable transport alternative. The storage area must be satisfactory to store one cycle per unit.

No objection in principle.

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 development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

London Plan Policies:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice

- 3.9 Mixed and Balanced Communities
- 4.8 Retail and Town Centre Development
- 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
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 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.
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Bromley Local Plan:

- 1 Housing supply
- 4 Housing design
- 6 Residential Extensions
- 8 Side Space
- 10 Conversion of non Residential Buildings to Residential
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 42 Development Adjacent to a Conservation Area
- 73 Development and Trees

77	Landscape Quality and Character
94	District Centres
97	Change of Use of Upper Floors
98	Restaurants, Pubs & Hot Food Takeaways
99	Residential Accommodation
101	Shopfronts and Security Shutters
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
121	Ventilation and Odour Control
122	Light Pollution
123	Sustainable Design and Construction

Supplementary Planning Guidance:

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

Planning History

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

01/00432/FULL2: Change of use of ground floor from retail shop (Class A1) to cafe (Class A3) with extractor ducting to rear elevation (Retrospective application). Approved 28.03.2001

17/02382/FULL1 Demolition of ground floor rear extension and construction of part one/two storey rear extension and rear dormer roof extension together with conversion of existing upper floors to create 2 two bedroom flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall. Refused 13.07.2017

- The refusal reasons related to effects on the retail viability and vitality of the existing ground floor premises due the loss of a percentage of commercial floor space and conflicting uses of the front curtilage area resulting in an undesirable impact on the adequate provision of services within the centre.
- The proposed shopfront was deemed detrimental to the appearance of the building and parade of shops.
- The proposed dormer extension by reason of its scale, massing, design and close proximity to roofscape boundaries, was deemed out of character with

the consistent rhythm of the prevailing pattern of roofscapes within the immediate terrace and represented a visually intrusive addition, harmful to the character and appearance of the area, as well as having a serious and adverse effect on the visual amenities enjoyed by occupants of neighbouring property.

17/03536/FULL1: Demolition of ground floor rear extension and construction of part one/two storey rear extension and rear dormer roof extension together with conversion of existing upper floors to create 2 two bedroom flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall. Refused 18.09.2017.

- The refusal reasons related to effects on the retail viability and vitality of the existing ground floor café premises (Use Class A3) due to the loss of a reasonable proportion and functionality of the ground floor premises floor area and conflicting uses of the front curtilage area resulting in an undesirable impact on the adequate provision of services within the centre.
- The proposed shopfront by reason of its design and proportions would be detrimental to the appearance of this building and parade of shops.

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

Resubmission

The application is a resubmission of a previously refused application. The revisions include a revised internal layout and redesigned shopfront for the retained commercial unit on the ground floor to address the proportion and functionality of the ground floor premises floor area and conflicting uses of the front curtilage area. The revised shopfront design has also been altered for similar reasoning.

Principle

The NPPF (2019) 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 an up to date local plan, applications should be

approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Policy 97 of the Bromley Local Plan states that proposals within the Town Centre areas for the conversion of upper floors of shops or commercial premises to residential will be permitted, provided that any physical alteration does not adversely affect the character or appearance of the property, residential or office use is compatible with adjacent/adjoining uses, there is no adverse effect on nearby environmental or residential amenity, a satisfactory living environment and standard of accommodation is provided, and adequate access and car parking can be provided.

In this case the host property is occupied over the upper floor above the commercial ground floor use with a single residential flat at present. A further self-contained flat is located behind the current commercial use at ground level. On this basis the principle of the further conversion of the upper floor unit and reworking of the ground floor unit appears acceptable in principle subject to compliance with other policies as assessed below.

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.

Paragraph 124 of the NPPF (2019) 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 (2019) 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

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

Policy 6 of the Bromley Local Plan details that the design and layout of proposals for the alteration or enlargement of residential properties will be required to satisfy all of the following criteria: the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area; space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

Policy 37 of the Bromley Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

Rear Extensions:

The part one/ two storey rear extension would have an extensive depth covering majority of the rear remaining rear curtilage for the full width of the rear elevation with flat roofs. Flat roofs are generally resisted unless they are well set back and unobtrusive. It is noted that a similar scheme was approved in 2009 at No180

Maple Road. The scheme remains under construction (albeit at a standstill) and therefore remains extant. Given the similarities in mass, scale and design to the current application and given the position of the rear elevation and the nature of the use to the rear of this terrace of buildings the overall design of the extension is unlikely to result in harm to the character of the area on the lower levels of the existing building.

The dormer extension to the rear roof has been reduced in size to address a previous reason for refusal. The dormer will build up from the rear wall for a little over half the width of the existing rear roofslope with a set in from No184 of approximately 200mm and 1.9m from No180. The dormer design on balance mitigates the resultant additional bulk and loss of roofscape visible to the public realm at upper level.

The reconstruction of the rear boundary wall is acceptable.

Shopfront and Access Issues.

This site is part of the secondary shopping frontage on Maple Road within Penge District Centre.

Policy 99 of the Bromley Local Plan states that the Council will permit the change of use of ground floor premises in shopping areas to residential uses where the proposed use would not undermine the retail vitality and viability of the centre; the proposal would not be within the primary or secondary shopping frontage of a Metropolitan, Major or District Centre; vacancy of the unit can be demonstrated and that no other commercial or community use is interested in occupying the unit, and the design is in keeping with the character of the centre.

Policy 101 of the Bromley Local Plan states that the Council will expect proposals for new shop fronts or alterations to existing shop fronts to demonstrate a high quality, which complements the original design, proportions, materials and detailing of the shop front, surrounding street scene and the building of which it forms part.

The new shopfront will replace the existing recessed shopfront with a main offset door entrance to the left side of No182 as viewed from the streetscene and middle sliding doors for a full open frontage when weather permits. A right side residential entrance for the proposed upper level residential flats is also indicated. The materials of the replacement framing of the shop front have now been indicated in this revised scheme as an "aluminium shopfront incorporating sliding door to create inside/outside feel".

The proposed residential entrance hallway on the ground floor has been altered in this revised scheme allowing for a larger retained commercial area of 40m² increasing from 33m² as currently laid out for the café. The forward section of the unit will be narrower to facilitate the front entrance but widens out to the rear for the kitchen area and toilet. A previously indicated bin store in the front curtilage has been removed from this area in this resubmission.

It is noted that currently tables and chairs are available inside and outside for customer use occupying the full width of the ground floor commercial area. At the time of the Officer site visit on this application it was also noted, as in the last application, that the premises appeared to be operating as a vibrant and successful business as part of the Penge District Centre.

A letter has been supplied in the submission documents from the business owner of the café that states that the revised layout is satisfactory to the business requirements of the café and support is indicated for this application.

Although some external conflicts of use in the forecourt area would remain, on balance it is now considered that the current proposed layout of the premises and in the entrance/forecourt area will not now undermine the retail vitality and viability of the existing A3 premises that would warrant refusal of the application on this basis.

The replacement shop front will replace a non original installation. The applicant has opined in the resubmission specific emphasis that the shop front is non original and shop fronts in the vicinity display considerable diversity. It shall also be noted that the premises are opposite the boundary of a conservation area where development proposals are expected to preserve or enhance the setting.

The revised design has altered window proportions to more reflect the proportions of the host property. Glazing bars are also used to break up the window into smaller compartments and an enlarged fascia is created in order to reflect the scale and appearance of the building.

It is accepted that there is a mix of shop front types in the locality and on balance the revised shop front design is considered to be in keeping with the proportion, scale and detailing of the host building and acceptable within the context in the wider streetscene.

Standard of residential 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 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out

standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National 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.

The floor space of the proposed flats is 75m², 39m² and 75m² respectively. The nationally described space standard requires a GIA of 39m² (single level 1 bed 1 person flat) and 70m² (double level 2 bed 2 person flat) respectively in relation to the number of persons and bedrooms provided in each unit in this building. On this basis, the floorspace GIA provision for all of the units is compliant with the required standards.

The shape, room size and layout of the proposed flats are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and outlook.

In terms of amenity space sufficient external space is provided for the ground floor flat. None is provided for the upper level flats. However, considering the likely intended tenancy for non-family occupancy and the constraints of conversion of the existing building, the non provision for the upper floor flats is considered acceptable in this case.

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

The Council's Highway Officer has reviewed the application and raised no objections to the zero provision of parking that is provided for the additional flats. On this basis the non-provision for the additional flats is not considered to have a significant impact on the surrounding road network.

Cycle parking

Cycle parking is required to be 1 space per studio/1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of a location for cycle storage within the rear curtilage of the site. A planning condition is recommended for further details of a means of enclosure.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage area for the upper level flats which has been removed from the front curtilage in the resubmission. A planning condition is recommended for further details of a means of enclosure.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also 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 is bounded to the south-west by No180 Maple Road which is a terraced building with a similar part one two storey rear extension under construction (albeit halted at the time of writing). Further south west is large three storey rear building used as the Salvation Army Citadel. In terms of the impact on the occupiers of these buildings there appear to be no windows to the rear of the site at ground floor level (given the new construction) serving habitable rooms so it is unlikely that the proposed ground floor extension would have a significant impact. At first floor level, the proposed extension would abut the common boundary of No180 and would be set lower than the second floor windows at No180 adjoining the extension under construction. It is therefore considered that it would not have a significant impact on the outlook from the rear of the adjacent site at No180. In addition, no first floor flank windows are proposed so the privacy would not be compromised.

To the north-east of the site is a corner plot end terraced building comprising of a ground floor commercial unit and residential above. At ground floor windows on the rear of this building have been blocked up and are located away from the boundary. As such the proposed ground floor extension would be unlikely to have

a significant impact on the amenities of the occupiers of this part of the building. At first floor level windows at No.184 would also be situated above the extension and therefore not have any significant impact on the occupiers of this part of the building.

To the rear of the site is an access path and more residential buildings. At ground floor level it is not considered that the proposed extension would have a significant impact on the privacy of the occupiers of the dwellings to the rear at No.2 Blenheim Road, as there is a boundary wall between the application site and the access path which provides suitable screening between the two sites. At first floor level at No.2 Blenheim Road there is a small window which faces onto the application site. In terms of overlooking from the application site into this window, there would be a reasonable separation of approximately 11m between the rear of the proposed first floor extension and No.2 Blenheim Road. Furthermore, there would be no access onto the external flat roof. It is therefore considered that there is no harmful loss of privacy to adjoining property.

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.

An informative is also recommended to ensure that the development strives to achieve the above sustainability objectives.

Extraction/Ventilation issues

The ventilation/extraction method for cooking fumes for the ground floor café would need to be revised as a result of the scheme. The applicant has submitted full technical details of the proposed ventilation system. The Councils Environmental Health Officer has reviewed the technical information and found the information acceptable.

A compliance planning condition is suggested with any permission to ensure the system is installed as detailed.

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

Taking into account the issues discussed above it is considered that the development proposed would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. The revised commercial unit will not undermine the retail vitality and viability of the town centre. It is considered that the development would not be detrimental to the character and appearance of the area. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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 24.07.2018; 19.09.2018; 22.01.2019

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 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 order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 (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 and Policies 115, 116 and 117 of the Bromley Local Plan

4 (i) Details of the means of enclosure for the area for storage of refuse and recyclable materials as indicated on Drawing 16-0228-02L received 19/9/2018 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.

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

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

5 (a) Details of the means of enclosure for the area for bicycle parking as indicated on Drawing 16-0228-02L received 19/9/2018 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 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

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

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

7 (i) Prior to the use of the of the refurbished café hereby approved (excluding demolition) the kitchen extract system as indicated on Drawing 16-0228-02L received 19/9/2018 and technical details received 22/1/2019 shall be installed in full accordance with the details approved 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 extract system has been installed in accordance with the approved scheme.

(ii) The use hereby approved shall not commence until written approval has been granted under Part (i) of this condition. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no changes to the installed system shall be made without the prior approval in writing by the Local Planning Authority.

Reason: To ensure that satisfactory arrangements can be secured in the interest of protecting residential amenity for adjacent properties and to comply with Policies 98 and 121 of the Bromley Local Plan.

8 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 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

9 The use of the flat roofs on the rear building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.

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

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

You are further informed that:

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

application to the Planning Authority, before any such works of demolition take place.

- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk**
- 3 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

Application:18/02791/FULL1

Address: 182 Maple Road Penge London SE20 8JB

Proposal: Demolition of existing ground floor rear extension and construction of part one/two storey rear extension and dormer together with conversion of existing upper floors to create two x 2 bed flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse



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

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

Application No : 18/04267/FULL1

Ward:
Bickley

Address : Bickley Park School 24 Page Heath **Objections: Yes**
Lane Bickley Bromley BR1 2DS

OS Grid Ref: E: 542205 N: 168862

Applicant : Mr Chris Tompsett

Description of Development:

Demolition of the existing 2 storey theatre building, single storey classrooms and stores and erection of 2 storey performing arts centre together with removal of trees and replacement fencing and temporary classroom building

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 the replacement of the existing theatre building at the school with a two storey performing arts facility. The proposal consists of the following elements:

- Demolition of the existing two storey theatre building and attached single storey classrooms and store room.
- Erection of a replacement two storey performing arts building including auditorium, classroom and associated rehearsal room and facilities. The building will have a length of 34.4m and a width of 14.8m. The building will have a flat modern roof design with a height of 8.2m.
- Replacement hooped fence to front of existing sports hall and improvements to access
- Removal of two horse chestnut trees and replacement planting
- Installation of single storey temporary classroom for duration of the works only – sited to the west of the existing structure. The classroom will have a length of 12.0m and a width of 12.3m. The roof will be flat with a height of 3.0m. The classroom is indicated to have an open plan arrangement.

The proposal forms part of the school's wider plans to relocate classrooms and improve the facilities and arrangements at the school, including the relocation of the geography and history classrooms in the existing building to other parts of the school and the consolidation of performing arts facilities into one building. The proposal would

not lead to any increase in pupil numbers or intensification of the use of the site. The theatre facility will continue to be used by the community on Saturdays and outside of term times in a similar manner to the existing theatre and swimming pool facilities.

The application is accompanied by the following documents:

- Design and Access Statement
- Transport Assessment
- Noise Impact Assessment
- Sustainability Appraisal
- Arboricultural Impact Assessment

A revised Noise Impact Assessment (Rev C) and Planning Compliance Review has been submitted dated 31/01/19 along with together with amended coordinating building elevations indicating fixed glazing with no opening lights and 2m high acoustic screens to plant.

Location and Key Constraints

Bickley Park School is located over two sites along Page Heath Lane. The site close to the junction with Bickley Road is the main prep school site, with the site bounded by Clarence Road providing accommodation for pre-prep children of nursery and reception school age.

The pre-school site is located close to the junction with Bickley Road, bounded on all sides by residential properties. Parking is to the front of the site. None of the buildings within this site are locally or statutory listed. The sites are also not located within any conservation areas.

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 school has failed to reduce the high level of noise emanating from its swimming pool, especially at weekends. The proposal would increase noise levels to the detriment of local residential amenity.
- The proposed facilities will be offered for sale or rent outside the normal school hours. This will impose a severe impact on the local neighbours right to have some respite from school activities outside of school time. Despite the application saying this will not happen recent use of facilities proves otherwise. The current theatre has recently been used for parties as well as Kendo lessons out of hours and at weekends. I cannot see this changing. More facilities more opportunities. Parking will be affected locally if this happens.
- Excessive noise generation. They have shown a consistent inability to manage noise levels. For example they have sold off the use of their Swimming Pool on both Saturdays and Sundays. They are now in use outside school hours for 4 hours on each day. I have had to ask the Public Protection Office to intervene and this is an ongoing constraint.
- Lack of need for the facility. The facility seems way over the top for the existing pupils, not to mention the financial strains it will place on the school in

such unpredictable times. If it were scaled down it could readily be placed in an area to the front of the site. We had to object to the Science Wing on similar grounds.

- In recent years the school has made every effort to commercialise its privately funded facilities. It has sold time to private companies and individuals for use of its theatre and swimming pool facilities. Combine this with recent planning applications and its no surprise that the current management team has totally destroyed neighbour relations. Just recently they have moved some 50+ storage lockers from inside the school to a site next to my neighbours house. All we can hear now throughout the day is the constant slamming of locker doors, from 07.50 to close of school at 17.30 There is a total disregard for the impact their decisions have on their neighbours. We have to object now as recent complaints from neighbours shows that once in place our arguments for "change of use", "excessive noise" or "outside normal school hours" are never enforced by the Planning Office.
- The disruption to the local neighbourhood would be horrendous and unnecessary. Can we be confident that the facilities will not be rented out for outside use and outside of school hours? My other concern is access for the works. St Michaels Close is exactly that and there is no access to the school grounds beyond the end of the Close - this is a totally dead end for traffic.
- This is a residential area which happens to have a small private school in the middle of it. The development is not in keeping with the local area. I am concerned that the proposed development is also excessive for the school itself and will be used to generate additional income for the school. The schools neighbours are entitled to some respite outside of school hours. If the facility is rented out then there will be no respite for neighbours and there will be additional traffic and parking problems outside of school hours. There is also the question of the blockage of light to nearby properties. The school already shows a flagrant disregard for its neighbours in relation to its swimming facilities and this will increase with this development. The school also does not seem to maintain the trees on site and I am concerned that this development will be used as an excuse to remove mature trees and shrubs
- I have read the responses to objections. They naturally are in favour of the school plans and have total disregard for the neighbours. I particularly object to the sweeping statement that st Michaels Close will be used as site access to install the "temporary" classroom and again at the end of the project. The Close should NOT be considered at all for site access. The school, planners and designers should be thinking about inconveniencing the school to find access and not the local residents. The pavements in St Michaels Close, after years of asking have finally been replaced and our crossovers block paved. Subsidence of the road due to heavy vehicle access has been repaired.
- Temporary classrooms will create additional noise and disturbance and may become permanent structures. These should be positioned elsewhere on the site.
- Temporary classrooms will impact on light and privacy to neighbouring houses
- Noise and disturbance during building works
- Impact on wildlife and loss of trees

Comments from Consultees

Environmental Health Pollution Officer: Report 17816.EBF.01.Rev.C is broadly similar to the previous submission. I am satisfied that with the assessments

conclusion regarding noise breakout from the proposed development which shall have non-openable windows and mechanical ventilation as stated in section 5.2. Report 17816.PPCR.01 assesses the mechanical ventilation and confirms that the proposed system is capable of meeting the Council's criteria. To ensure that this is undertaken and permanently maintained I would recommend a condition.

Tree Officer: Significant trees are retained as part of the scheme and protection methods have been indicated. More detail is invited under condition as part of the Arboricultural Method Statement (AMS). I am satisfied that Council policies relating to trees are not negated subject to a condition.

Drainage Engineer: We accept the proposed use of cellular storage crate to dispose of surface water run-off. Please impose PC06.

Highways: The proposals do not therefore involve an increase in the intensification in the use of the site. There will be no increase in the number of classes per year group and there is no intention to increase pupil numbers. As there will be no increase in the intensity in the use of the site so there will consequently be no increase in traffic movements to and from the School and its environs so I would have no objection to the application. The applicant has also confirmed in his email dated 13 December 2018 that the existing Theatre is currently let out by the School to a local Theatre group on Saturdays and during holiday periods, but this has no impact on local traffic or parking as this takes place outside normal school hours and all parking is accommodated on the School's site. This arrangement is also proposed for the new facility. This is good and I have no further comments or concerns.

Education: No comments made

Leisure: no comments made.

Policy Context

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

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

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

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 development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.18 Education Facilities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes

Bromley Local Plan

- Policy 27 Education
- Policy 28 Education facilities
- Policy 30 Parking
- Policy 31 Relieving congestion
- Policy 33 Access to services for all
- Policy 37 General design of development
- Policy 112 Sustainable waste management
- Policy 115 Reducing flood risk
- Policy 116 Sustainable urban drainage systems
- Policy 119 Noise pollution

Policy 120 Air quality
Policy 123 Sustainable design and construction
Policy 124 Carbon reduction, decentralise energy networks and renewable energy

Supplementary Planning Guidance

Supplementary Planning Guidance 1 – General Design Principles

Planning History

There is a considerable planning history to this site, with the most recent applications including:

06/00642/FULL1 - Two storey detached building for sports hall and classrooms – Permitted

08/03748/FULL1 - Single storey extensions to changing rooms – Permitted

08/03750/FULL1 - Single storey extension to provide 1 additional classroom and associated facilities and recladding of existing gymnasium building – Permitted

15/01205/PLUD - Conversion of 2nd floor attic to ancillary flat for teaching staff - Proposed development is lawful

15/01035/FULL1 - Demolition of two storey detached building and replacement with detached, single storey flat roofed, timber framed 252sqm building for EYFS use on independent school site – Permitted

16/05430/FULL1 - Detached single storey flat roofed timber building for relocation of years 5 and 6. Single storey side extension to science block. – Permitted.

Considerations

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

- Principle
- Design
- Neighbouring amenity
- Highways
- Trees
- Sustainability
- CIL

Principle of development

Local Plan Policies 27 and 28, London Plan Policy 3.18 and paragraphs 91-95 of the National Planning Policy Framework (2018) set out requirements for the provision of new schools and community facilities.

The NPPF, para 91 states that:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

'Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.'

Para 94 states:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.'

London Plan Policy 3.18 encourages new and expanding school facilities particularly those which address the current predicted shortage of primary school places.

Draft Policy 6.5 of the emerging Local Plan defines existing school sites as 'Education Land.' Policies 6.5 and 6.6 of the Draft Local Plan support the delivery of education facilities unless there are demonstrably negative impacts which substantially outweigh the need for additional education provision, which cannot be addressed through planning conditions or obligations. In the first instance, opportunities should be taken to maximise the use of existing Education Land. Paragraph 216 of the NPPF enables due weight to be given to emerging policies depending on their degree of consistency with the policies in the Framework. In this instance it is considered that there is significant compliance with existing policies and so greater weight can be given to the emerging policies.

Local Plan Policies 27 and 28 support applications for new educational facilities or extensions to existing schools, provided they are located so as to maximise access by means other than the car. It is also noted that the school intends for the facility to be used by the wider community as well as the school, and this aspect of the proposal is also supported.

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.

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

It is clear from the supporting Design & Access Statement that there is a need for a replacement of the existing theatre building with an improved performing arts facility along with the creation of a central hub to include drama, music and other related modern facilities for the school.

The proposed structure will occupy broadly the same position and footprint as the existing theatre building at the site and will be wider and longer than the building it replaces, increasing the footprint from an existing 300m² to a proposed 445m². The proposal would not therefore impede significantly into existing open areas of the site. It is therefore considered that the proposal would not result in a structure that would overdevelop the site or appear overly cramped in comparison with the existing structure.

The proposal incorporates a modern design with a flat roof with different heights and articulation designed to minimise the bulk of the building. When viewed in context with the wider school site, the structure will be comparable in height and bulk to the main school building fronting Page Heath Lane and the newer sports hall building permitted under ref. 06/00642. The building will also not be prominently visible from Page Heath Lane due to its siting to the rear of these buildings. The use of sympathetic materials will help to minimise any visual impact and the proposed materials palette is considered to assist in this regard.

The proposed temporary classroom building will be used at the site for the duration of the construction of the new facility and a condition can be imposed to ensure that it is removed upon completion. The temporary classroom will take the form of a modular building that would not have a detrimental impact on the character of the site and wider area, given its design and short-term siting at the school.

Neighbouring Amenity

Policy 37 of the Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of impact upon neighbouring amenity, the proposed structure would be located within a relatively centralised position within the school site, however it will be sited to the north of the nearest residential property at No. away from most neighbouring boundaries. The application would have the most impact upon the neighbouring property at No. 7 Stratford House Avenue. The proposal will replace the existing building that has a height of 5.8m with a replacement one that will have a height of 8.2m, however the roof height will be at its lowest at the south eastern corner adjacent to the boundary of the site (4.9m). It is noted that there is some mature vegetation along the southern boundary of the site, much of which is located outside of the site within the garden of No. 7. This vegetative screen obscures the

view of the existing building and therefore it is considered that there would not be any additional visual impact as a result of the proposal. As the structure will be sited to the north of this house, it is not considered that the proposal would result in a loss of sunlight.

In regard to noise and disturbance, a Noise Impact Assessment has been submitted with the application to assess the impact of the relocation of the classrooms to this part of the site, including the acoustic qualities of the proposed performing arts building. The building will also perform the same function as the existing theatre building at this part of the site. The report concludes that the survey informed the robust glazing specification and that neighbouring residential properties are not likely to be affected by noise breakout from the auditorium or the classroom. No objections are raised from an environmental Health perspective in regards to the Noise Impact Assessment accompanying the application, which includes details of non-openable windows and mechanical ventilation to alleviate noise break-out.

The proposed temporary classrooms will have a low height and will be sited adjacent to the western side boundary of the site on the existing tennis courts. This part of the site is adjacent to properties on St Michael's Close however there will be a retained separation of 6.5m to the side boundary of the site. The result is that the classroom will not have a detrimental impact on residential amenities in terms of visual impact. The classroom will also not generate significant noise and disturbance over and above the existing use of this part of the site, which is used for outdoor recreation.

The proposal includes the replacement of the fencing at the front of the sports hall building and associated improvements to pedestrian access. These aspects of the proposal are considered to be acceptable and would improve the appearance of the school by providing an open frontage including hooped non-solid metal fencing.

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

The proposals do not involve an increase in the intensification in the use of the site. There will be no increase in the number of classes per year group and there is no intention to increase pupil numbers. As there will be no increase in the intensity in the use of the site so there will consequently be no increase in traffic movements to and from the School and its environs so the proposal is considered unlikely to impact in terms of highway safety.

Trees

The Council's Arboricultural Officer has commented that significant trees are retained as part of the scheme and protection methods have been indicated. More detail is invited under condition as part of the Arboricultural Method Statement (AMS). The Tree Officer is satisfied that Council policies relating to trees are not negated. A planning condition is recommended to ensure the protection of trees at the site.

Sustainability

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

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

The application is accompanied by a Sustainability Appraisal that demonstrates that the proposed development addresses the requirements of national planning guidance, the London Plan Chapter 5 / Building Regulation Part L baselines for non residential developments, and relevant policies of the London Borough of Bromley draft Local Plan. The Sustainability strategy focusses on the implementation of sustainable systems for energy, CO2, water, waste management, and construction management. Much attention has been given to reducing the environmental impact throughout the lifetime of the building, during construction, refurbishment and operation. The site's potential environmental impacts have been considered, and this report details how those impacts will be managed and mitigated. The approach to assessing, designing and constructing a sustainable scheme, will result in a development which addresses the identified policies discussed above, whether national, London wide or local.

CIL

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

Conclusion

It is considered that the proposal is acceptable in that it would provide an upgraded facility for the school and wider community that would not impact harmfully on the character of the area or the amenities of neighbouring properties. No impact on significant trees would result from the proposal.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: To comply with Section 91 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 order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 (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 development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

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. In order to comply with Policies 37, 30, 31 and 33 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.

5 (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.

6 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 37 of the Bromley Local Plan.

7 The temporary classroom hereby permitted shall be removed within 3 months of the completion of the arts facility development hereby permitted.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to prevent the overdevelopment of the site.

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

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

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

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality. Required to ensure that all existing trees to be retained are adequately protected and to comply with Policy 73 of the Bromley Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

- 9 At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Following installation, but before the new plant comes into operation, measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy 119 of the Draft Local Plan and in the interest of the amenities of the area.

You are further informed that :

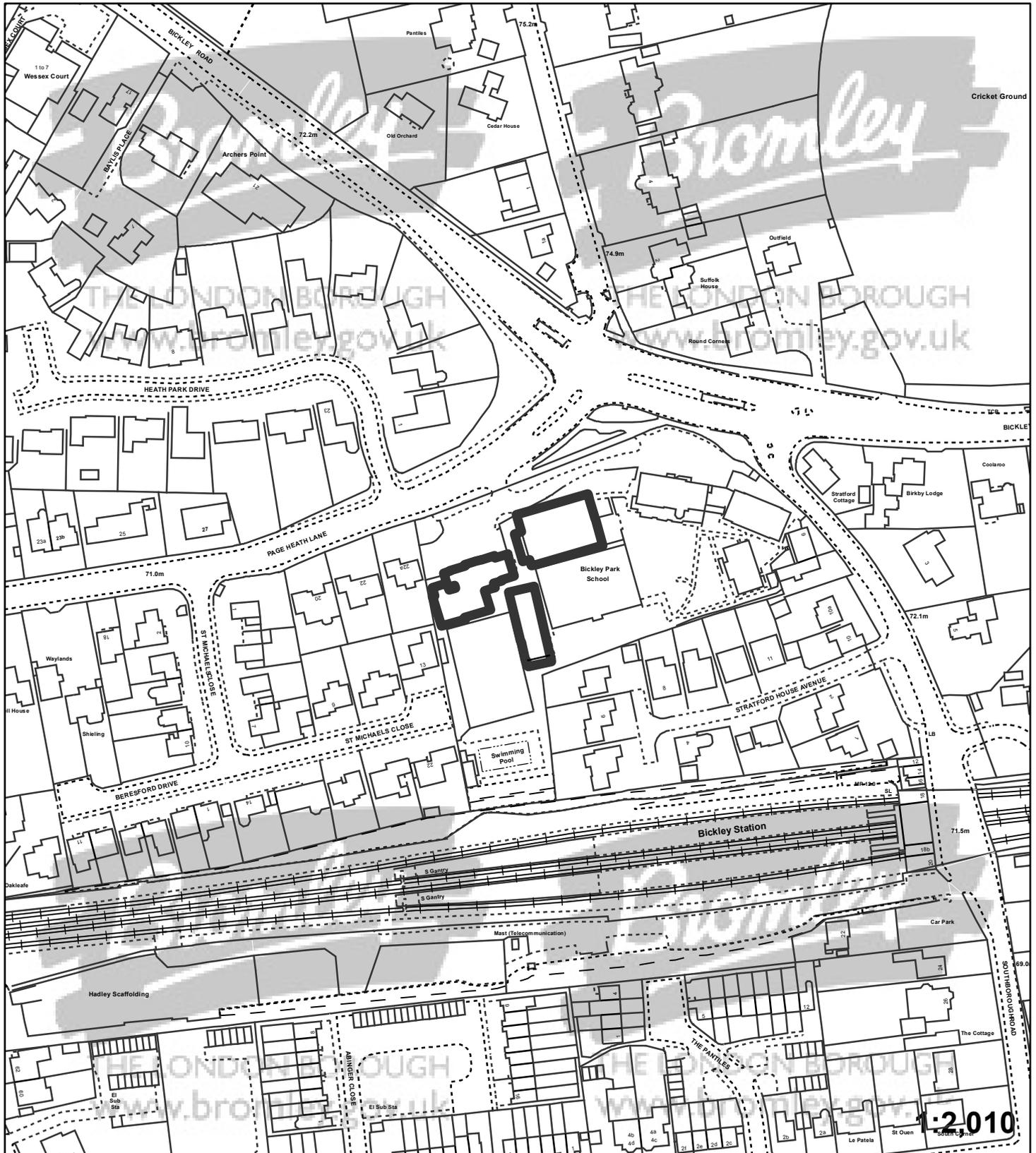
- 1 The following British Standards should be referred to:
- a) BS: 3998:2010 Tree work - Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
- 2 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

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

Application:18/04267/FULL1

Address: Bickley Park School 24 Page Heath Lane Bickley Bromley BR1 2DS

Proposal: Demolition of the existing 2 storey theatre building, single storey classrooms and stores and erection of 2 storey performing arts centre together with removal of trees and replacement fencing and temporary classroom building



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

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

Application No : 18/05610/FULL1

Ward:
Farnborough And Crofton

Address : Land Adjacent To 15 Sandy Bury
Orpington

Objections: Yes

OS Grid Ref: E: 544927 N: 165060

Applicant : Mr Rana

Description of Development:

Erection of a three bedroom detached dwelling.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 14

Proposal

Planning permission is sought for the construction of a three bedroom, two storey house on land that currently forms the side residential amenity space for the dwelling at 15 Sandy Bury.

The development proposes the addition of a two storey building sited on the area of land to the south of No. 15 and sited such that a section of the house will project in front of the building line of Nos. 15 and 17. The dwelling will have a single storey appearance from the front, with a dual pitched roof and basement level with lower terraces to the front and rear. The principle elevation will be facing the rear amenity space of number 11 Sandy Bury and has no main frontage to the road. Parking is proposed to the front of the new dwelling, with access to this area via a driveway to the front of 15 Sandy Bury where an existing garage is sited. The topography of the land is steeply sloping towards the south-east, as such the proposed new dwelling will be sited at an elevated position when viewed from Tubbenden Lane. A cycle shed and bin store are proposed to be sited on the hardstanding.

The application is submitted supported by a Planning statement.

Location

The site is located at the southern end of Sandy Bury and currently forms part of the residential garden space for the property at 15 Sandy Bury. The property will be accessed to the front of numbers 17 and 15 Sandy Bury, which are orientated to the north-east, differing to the west facing properties

on the south side of Sandy Bury. Sandy Bury is a predominantly residential road, characterised by two storey, semi-detached houses and a few two storey detached houses.

Comments from Local residents and Groups

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

Objection:

- Out of character with surrounding development, poor external appearance and design
- Overdevelopment of the site – site is too small for a new house and would be too cramped
- Harmful visual impact and loss of outlook
- Excessive scale and massing - lack of any consultation by the developer, particularly given that this is the third application in respect of the site.
- As with previous applications it is out of keeping with other properties in this road and will increase the traffic in a road leading up to a very busy school and cause more parking problems.
- Concerns regarding sewerage and foul drainage and damage to existing sewers
- Increase in traffic and congestion in the road with disruption due to building work and parking
- Lack of privacy to neighbouring houses and loss of light
- Harmful visual impact
- The proposed site of the construction used to be the side garden of 15 Sandy Bury and inserting a new dwelling in such a cramped space will distort and disrupt the landscape as currently enjoyed by neighbours
- Concerns regarding landslide and stability of the ground at the site
- Quality and depth of foundations may not be sufficient and excavation will be substantial
- Poor quality of accommodation and lack of natural light reaching the rooms
- Lack of acceptable side space
- Green roof is unsuitable at the angle proposed
- Landscaping scheme is poor quality
- The proposed building extends outside the building line of No's. 15 & 17 Sandy Bury and will now also extend across the end of neighbouring garden.
- Discrepancies & inaccuracies in the application.

Comments from Consultees

Drainage Officer: Looking at the submitted photos, the applicant is proposing the use of green roofs as well as permeable paving which we encourage strongly. Please impose condition regarding surface water drainage.

Highways Officer: The site is within a very low (1a) PTAL area. There is parking shown for 2 vehicles which I would accept. The occupants of No 15 will need to drive over the area shown as the “6m turning circle” on the site plan to access the parking in their front garden. As long as they have the right to do that there would be no objection to the application and this has been confirmed by the applicant.

Environmental Health (Pollution) Officer: No objections subject to an informative.

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 and updated on 19th February 2019.

The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

London Plan (2016)

- Policy 3.3 Increasing Housing Supply.
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

Bromley Local Plan

Policy 1 – Housing Supply
Policy 3 – Backland and Garden Land Development
Policy 4 - Housing Design
Policy 8 - Side Space
Policy 30 - Parking
Policy 32 - Road Safety
Policy 37 - General Design of Development
Policy 113 - Waste Management in New Development
Policy 115 - Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems
Policy 122 - Light Pollution
Policy 123 - Sustainable Design and Construction

Additional Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance
The Mayor's Housing Supplementary Planning Guidance (March 2016)
DCLG Technical Housing Standards (March 2015)

Planning History

93/01627/FUL - Single storey front extension - approved
97/00297/FUL - Proposed double garage and access to Leasons Hill - refused
06/04131/FULL6 - Proposed first floor side extension - approved
14/04491/FULL1 - Proposed three bedroom dwelling - Refused
15/01311/FULL1 - Proposed new 3 bedroom dwelling house - refused

Reasons for refusal:

1. The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of

character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

2. The proposed development would be out of character and scale with the surrounding area and would form backland development contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

3. The location of the proposed dwelling contributes to an overbearing form of development detrimental to the amenities of the owner/occupiers of 162 and 164 Tubbenden Lane contrary to Policies H1, H7 and BE1 of the Unitary Development Plan.

4. The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

The application was dismissed on appeal (APP/G5180/W/15/3137163), with the Inspector making the following comments:

- Number 15 and 17 are built sideways on to the road and the flank wall of number 17 stands next to the pavement on Sandy Bury, forward of the building line of the properties which face the road. Consequently, the houses do not reflect the prevailing pattern of development in the local area.
- The appeal plot stands on higher ground to the neighbouring properties on Tubbenden Lane to the east.
- Because of its size, blank design of its easterly facing wall and elevated position, the new house would appear very stark and prominent when viewed from the nearby properties
- Whilst the dwelling will be detached, it would be of a similar general style to number 15 when viewed from the road. In contrast to the generally spacious pattern of development on Sandy Bury, the new house would only be about 0.8m from the side wall of number 15. Whilst this is less than the minimum distance which UDP Policy H9 indicates would be required normally, taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with number 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.
- Evidence has not been presented to demonstrate that there would be sufficient good quality and convenient internal living space for future occupiers of the development.
- Overall the front elevation of the proposed new house would reflect the general character and appearance of the development on Sandy Bury

- Whilst the new building would be an unattractive feature which would detract from the general amenity of the gardens on this part of Tubbenden Lane, because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens.

17/00280/FULL1 - Proposed chalet bungalow on land adjacent to 15 Sandy Bury – Refused

Grounds of refusal:

1 The proposed development would be out of character and scale with the surrounding area contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

3 The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

The application was dismissed on appeal (APP/G5180/W/17/3185241), with the Inspector making the following comments:

An Inspector writing in 2016 on appeal reference APP/G5180/W/317163 did not appear over-concerned by that proposal failing to provide the separation, stating that *'taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with Nos 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.'*

That proposal appears to have been for a two storey, three-bedroom 5-person house as opposed to a chalet bungalow with less accommodation now proposed, and it could be that being similar in height and style to numbers 15 and 17 it would have appeared as an extension of those dwellings when seen along the front line, albeit having a gap between. The current proposal would have the low eaves and large sloping roof of a chalet bungalow in order to accommodate rooms within the roof and the effect relative to number 15 would be of a

significantly different building form in too close a proximity. Taking account of the large dormer near the boundary, the form appears as two storey high and more than the 1m gap in this instance would be reasonable to reconcile the differences in scale and form.

In fact, it is the form of the proposed building that causes the main identifiable harm to the character and appearance of the area. Not only is a chalet bungalow not part of the local building form, but the near-coincidence of the roof planes of the dormers and those of the main roof could lead to an unattractive flashing detail and the dormers appear over-large for the area of roof within which they are placed.

It has been decided to place the eaves at the level of the first floor window cills to numbers 15 and 17, where there is a change from brick to render. This is higher than the proposed window head level of the ground floor, leaving an unattractive area of brickwork between. This may well suppress the overall roof size while providing headroom on the first floor, as indicated on the cross section drawing, but would appear disruptive to the street-scene.

As a result the building would not sit comfortably adjacent to number 15 and would cause visual harm to the character and appearance of the area, failing to reach the standard of design sought in the Framework or the Development Plan policies previously cited.

with regard to the living conditions of prospective occupiers, whilst the Gross Internal Area sought in the London Plan Policy 3.5 for only a flat appears to be met, doubts must remain over the space lost by the stairs and the quality of the accommodation relative to the requirements of Unitary Development Plan Policy BE1.

the Inspector for the 2016 appeal concluded that due to the distance and position of neighbouring dwellings on Tubbenden Lane, the proposal would not unduly affect the living conditions of those occupiers. As then though, they would experience the shortcomings identified in the first main issue, as would other occupiers nearer the site.

The proposal would provide housing in an urban area and make better use of land that appears underused. However, the design of the proposal would fail to reach the standard sought in Development Plan and national policy and in a Local Authority area that can demonstrate a 5 year supply of housing land, there is no overriding reason to allow the development as proposed. For the reasons given above it is concluded that the appeal should be dismissed.

Considerations

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

- Resubmission
- Design
- Standard of Residential Accommodation
- Highways
- Neighbouring Amenities
- Sustainability
- CIL

Resubmission

Following the dismissed appeal under ref. 17/00280, the current proposal has altered the design of the dwelling to incorporate a single storey appearance from the front with lower ground floor/basement area leading out to the main amenity space which is at a lower land level to the rear of the house. The design change results in a low eaves and ridge height, giving the dwelling a genuine single storey appearance with no dormers or roof accommodation when viewed from Sandy Bury. The siting of the house will remain adjoining the flank boundary next to No. 15, as previously proposed and the development will retain the access and parking arrangements previously proposed.

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.

Paragraph 124 of the NPPF (2019) 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 (2019) 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 Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties. Policy 4 requires the design of new residential development to be of a high quality and to recognise as well as complement the qualities of the surrounding areas.

Policy 8 of the Bromley Local Plan states that when considering applications for new residential development, including extensions, the Council will normally require a proposal of two or more storeys in height to retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building. Where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The site is prominently situated to the eastern elevation of the property at No. 15 Sandy Bury and appears as flank garden land comprising an enclosed area of grassland in a poor state of upkeep with various low level shrubs and litter prominent. The site has restricted views from Sandy Bury due to the sites location away from the main highway and to the eastern flank elevation of No. 15 however it has been noted through correspondence that the fencing along the boundary with number 15 is to be removed should the application be permitted, exposing the front of the site. The site is highly visible from the rear garden space at Nos. 162 and 164 Tubbenden Lane exacerbated by the sites elevated position. The site would not be considered to contribute to local visual amenity due to the restricted views from the main highway however does allow a degree of openness when viewed from the rear amenity space of the properties facing Tubbenden Road.

When considering the previous appeals, the Inspectors have not raised concerns with the principle of the development, rather the visual appearance of the proposals, their relationship with No. 15 and their impact on the character of the area in two storey form. Similarly, the positioning of the dwelling adjoining the flank boundary of the site has not been objected to as the dwelling would not appear unduly cramped in the street scene, subject to a modest height and scale.

Previous Inspectors have raised concerns over the stark flank wall facing properties on Tubbenden Lane and the relationship of a two storey dwelling or chalet roofed dwelling with the neighbouring house at No. 15. Previous appeals have focussed on these issues, concluding that the relationships would be unacceptable due to the bulk of the building and blank elevations. Both Inspectors considered that the resulting relationship would create harm to the character of the area.

The current proposal introduces a design amendment following the two refused applications and will present a single storey appearance to the front of the site and in relation to the neighbouring house at No. 15. The design includes a basement level that will provide lower level accommodation and access to the rear garden. The changes result in a single storey appearance within the street scene with a low pitched roof that will have a height of 4.0m when viewed in context with the adjacent dwelling at No. 15. The proposed eaves height will be 2.9m, sited adjoining the side boundary. In contrast to the previous proposals, the southern side elevation will have a low eaves height of 2.3m with a landscaped area and fencing to the side, and this is considered to reduce the visual impact of the dwelling when viewed from the neighbouring houses on Tubbenden Lane. The overall bulk and massing of the dwelling has been significantly reduced by the introduction of the basement level and it may therefore be considered that the relationship with No. 15 would not be awkward or detrimental to the character of the area. The proposal omits all roof accommodation and replaces it with a shallow low pitched roof, thereby removing the conflicting relationship with No. 15.

The new dwelling is sited adjacent to the boundary with number 15, 1m from the flank elevation of the neighbouring house. The first Inspector noted that taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with number 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and would not stand out as unduly cramped. The second Inspector considered that a larger gap would be required to reconcile the scale and relationship of the buildings. The current application includes a low eaves height that would be lower than the first floor windowsill height at No. 15 and would appear as a single storey development in the street scene as a result of the basement level design. The development would therefore read in a similar manner as an extension to No. 15. Given that the side space policy is intended to avoid a cramped appearance and unrelated terracing, it is considered that the design of the proposal would result in an acceptable relationship, given the 1m, single storey appearance from street level and the Inspectors' collective views.

As such, it is considered that the dwelling, whilst constituting a technical breach of side space policy, would not appear as a cramped form of development within the street scene and would not contravene the objectives of Policy 8 of the Bromley Local Plan.

Standard of Residential 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 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National 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.

The London Plan suggests that the minimum size of a three bedroom five person dwelling over two levels should be 93 sqm. The submitted plans indicate a floor area of in excess of 100 sqm and therefore the dwelling is considered to comply with the requirements of the Technical Space Standards. Each of the double bedrooms will have a minimum floor area of 11.5m and the third bedroom will have a floor area of 10 sqm and therefore the third bedroom is suitable for single occupation. Each bedroom will have a minimum width of 2.75m and 2.15 m for the double and single rooms respectively.

The shape and layout of the rooms in the proposed building is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and the development would be compliant with the London Plan Housing Standards.

In terms of amenity space the depth of the rear garden is of sufficient proportion to provide a usable space for the purposes of a three bedroom dwelling house that would likely be occupied by a family. Similarly the remaining area to No15 is considered to be of sufficient size to provide a useable amenity space, if smaller than the neighbouring residential properties.

Accordingly, it is concluded that the new house would meet the requirements of London Plan Policy 3.5 and Bromley Local Plan Policy 37.

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

The site is within a very low (1a) PTAL area. Policy 30 requires a minimum of 1.5 spaces per unit. There is parking shown for 2 vehicles which given the size of the unit proposed and the locality would be acceptable in this instance. The access and parking arrangements are satisfactory, and the applicant has confirmed that No. 15 has rights to share the access with the new development.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of the impact on neighbouring residential amenity, the Inspector considered that because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens on Tubbenden Lane. The Inspector did, however, consider the design to cause visual harm to the character of the area. The current design proposes a lower flank wall facing Tubbenden Lane, a lower chalet style hipped roof and a lower overall bulk, including a genuine single storey appearance with basement level. The result of the design change is a less visually intrusive and incongruous feature that may be considered to have an acceptable visual appearance and an acceptable impact on the amenities of neighbouring properties as a result.

Sustainability

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

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

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

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it has fully addressed the previous reasons for refusal, would not result in a significantly detrimental impact on the character of the area and would not impact on highway safety or neighbouring amenity.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: To comply with Section 91 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 order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

3 (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 and Policies 115, 116 and 117 of the Bromley Local Plan

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

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient

to other road users and would be detrimental to amenities and prejudicial to road safety.

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

Reason: In the interests of protecting residential amenity in accordance with Policy 37 of the Bromley Local Plan.

- 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 buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

You are further informed that :

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

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

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Application:18/05610/FULL1

Address: Land Adjacent To 15 Sandy Bury Orpington

Proposal: Erection of a three bedroom detached dwelling.



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

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

Application No : 19/00067/FULL6

Ward:
Shortlands

Address : 212 Mead Way Hayes Bromley BR2 9ET **Objections:** Yes

OS Grid Ref: E: 539476 N: 167405

Applicant : Mr Yi Bao Chen

Description of Development:

First floor side extension & ground floor rear extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 2

Proposal

The application proposes the following extensions:

- First floor side extension over the existing garage, kitchen and entrance lobby areas. This would measure 3.5m wide, 7.2m deep and the proposed gable pitched roof height would be subservient to the existing ridge line. The side extension would be set back 1.1m from the front elevation of the host dwelling and would not project beyond the rear elevation of the host dwelling. It would be set in 0.8m from the side elevation of the garage. The proposal would provide two bedrooms and a bathroom.

The proposed first floor extension would be positioned above the existing ground floor of the house which lies 0.7m from the flank boundary and the first floor extension would be set back 1.5m from the shared boundary.

- A rear single storey rear extension, measuring 4.6m wide and 3.5m deep with a maximum height of 3m. It would be located to the rear of the existing dining room and would provide a new kitchen.

Location and Key Constraints

The application site comprises of a two storey detached dwellinghouse located on the north side of Mead Way, close to the junction with Pickhurst Lane. The site does not lie within any conservation area and the property is not a listed building. The character of the area is residential in nature.

Comments from Local Residents and Groups

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

Comments from Consultees

No consultees were contacted for comment on the application.

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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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

Bromley Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

18/04711/FULL6 - First floor side extension over existing ground floor and rear extension - 11.12.2018 (Refused)

Considerations

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

- Resubmission
- Design
- Side Space
- Neighbouring amenity
- CIL

Resubmission

A similar proposal has previously been refused (planning ref: 18/04711/FULL6) and the reason for refusal was:

"The proposed first floor extension, by reason of its bulk, size and design, would constitute a cramped overdevelopment of the site, out of character with the streetscene and host building, contrary to Policies BE1, H8 and H9 of the Unitary Development Plan and Policies 6, 8 and 37 of the Draft Local Plan."

In the previous scheme, the proposed first floor side extension was above the garage in-line with both the front and rear elevations of the host dwelling with a ridge height the same as the host building. In the current scheme, the proposed first floor extension now provides a 0.8m set in from the side elevation of the garage and 1.1m set back from the front elevation of the host dwelling. The proposed roof height has also been reduced to 0.3m lower than the existing ridgeline.

The proposed rear extension would be similar and remains unchanged.

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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 6 and 37 are relevant to this application. Policy 6 states that development proposals will be expected to be of a high standard of design and layout and should be attractive to look at, complementing the scale, form, layout and materials of adjacent buildings and areas. Policy 37 requires that the design including the

scale, form and materials of construction should respect or complement the host dwelling, being compatible with development in the surrounding area.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The overall scale and design of the proposed first floor side extension would be in keeping with the host dwelling and would not be considered bulky and incongruous. The first floor element would be set back from the front elevation together with the ridge height lower than the host building to provide subservience. As such it is considered that the extension would not appear overly bulky or dominant within the street scene, and would not detract from the character and appearance of area generally.

The extensions are to be finished in matching materials therefore resulting in a seamless finish blending the extension with the original building.

The single storey rear extension has proposed a flat roof resulting in a modern and contemporary design approach to the extension and this element would not be visible from the highway and would have a modest depth.

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

Side Space

Policy 8 states that when considering applications for new residential development, including extensions, the Council will normally for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary of the site should be retained for the full height and length of the building. Furthermore, where higher standards of separation exist, proposals are expected to provide a more generous side space.

Members should be aware that a similar proposal for a first floor side extension at No. 266A Pickhurst Lane has previously been approved (planning ref: 14/00288/FULL6). Under this approved scheme, the width of the first floor extension was 1.7m.

The proposed first floor side extension would be located above the extension garage and set in 0.8m. The garage itself is located 0.7m from the western boundary with the rear garden of No. 266 Pickhurst Lane. Whilst the proposal would not provide the full 1m side space for the full flank elevation as normally required under Policy 8, the proposal would not result in a terracing effect between the extension and any neighbouring property, the proposed extension would also not cause a cramped appearance within the wider streetscene given that the extension is adjacent to the rear garden of No. 266. It is considered the separation distance retained allows for high spatial standards and a high level of visual quality to be maintained. Therefore does not conflict with the reason for the side space policy.

Neighbouring amenity

Policy 37 of the Bromley Local Plan 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.

With regards to the nearest neighbouring property, the proposal is 0.7m away from the shared boundary with No. 266 Pickhurst Lane and this neighbouring dwelling is some 10m away from the application site. A window on the first floor flank wall is proposed which is shown to serve the landing and be obscure glazed. It is therefore considered that the proposed extension would not impact on the amenities of this neighbouring property with regards to loss of light, outlook or visual amenity.

With regards to the neighbouring property to the east, No. 210 Mead Way, the proposed side extension would not be visible from this neighbouring property as the proposal would not project beyond the existing first floor rear elevation. The single storey rear extension would be 7m away from the shared boundary and it is well-screened. Therefore, it would not have any detrimental impact on No. 210. 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.

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.

as amended by documents received on 27.02.2019

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 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 order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 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.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

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

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies 6 and 37 of the Bromley Local Plan

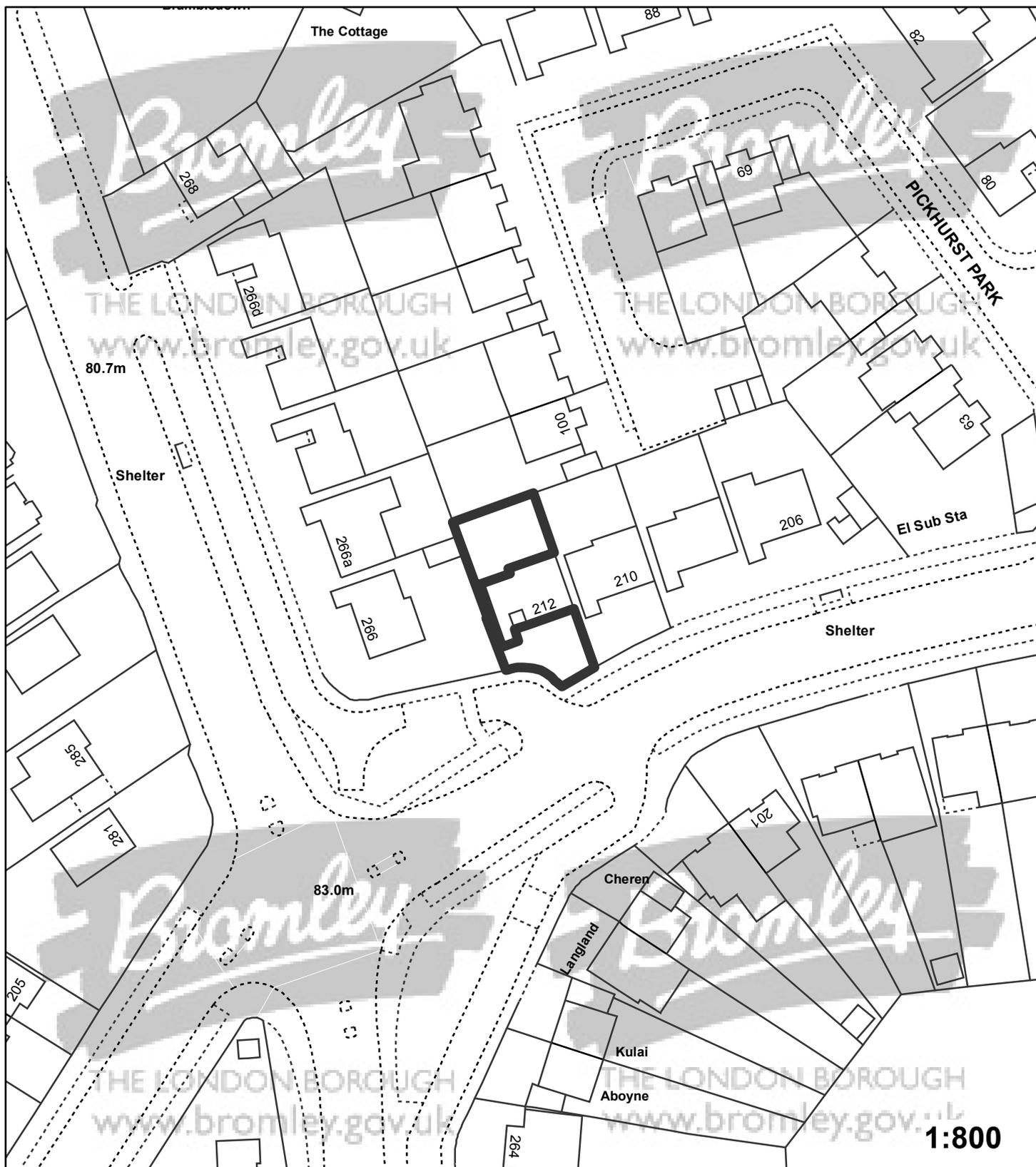
- 5 The proposal hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.**

Reason: In order to comply with Policies 6 and 37 of the Bromley Local Plan and in the interests of the residential amenities of the area.

Application:19/00067/FULL6

Address: 212 Mead Way Hayes Bromley BR2 9ET

<BOL>Proposal:</BOL> First floor side extension & ground floor rear extension



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

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

Application No : 17/03898/FULL1

Ward:
Copers Cope

Address : Crusader Hall High Street Beckenham **Objections:** Yes

OS Grid Ref: E: 537312 N: 169520

Applicant : Mr ADLER

Description of Development:

Demolition of existing private clubhouse (Class D2) and redevelopment of site for 2 No.1 bed flats and 7 No. 2 bed flats with associated parking.

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Background

Members should note that there are two applications on this agenda for the same site under refs: 17/03898/FULL1 and 18/03042/FULL1. The main difference between the two applications is that the 2017 provides 9 car parking spaces whilst the 2018 application is car free.

Proposal

This proposal is for the demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments.

Surrounding the block are communal gardens, with each unit also benefiting from private amenity space. The proposal also includes the provision of nine car parking spaces, cycle storage to the south together with a refuse/ recycling store at the east of the site adjacent to the substation.

The new proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of brick and render.

The application was supported by the following documents

- Design and Access Statement
- Planning Statement

- Arboricultural Report
- Flood Risk Assessment
- Energy Statement
- Transport Statement
- Archaeological Desk Based Assessment
- Daylight and Sunlight Assessment
- Preliminary Ecological Appraisal
- Geoenvironmental Desk Study

Location and Key Constraints

The application site consists of a single storey community hall, known as Crusader Hall. Access to the site is obtained via an existing vehicular and pedestrian access between 132 and 134 Beckenham High Street.

The site falls outside of the Beckenham Conservation Area, but the access to the site does fall within the Conservation Area. It is also located within an Area of Archaeological Significance and a Flood Zone 2.

The site is within an area rated as having a public transport accessibility level (PTAL) of 4.

Consultations

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

Objection:

- Concern over ownership of the land
- Development will be visible from rear gardens of surrounding houses
- Loss of privacy
- Concern over the lighting will be detrimental to wildlife
- The building should be lowered by two stories
- Will spoil the natural sight lines over the trees and St Georges church
- The external materials proposed would not fit with the character of the area and should be less obtrusive
- Concern over the impact on the trees and local wildlife
- Proposed development not in keeping
- Building works will be noisy and create dust and pollution
- Concern that the alley is not large enough to accommodate vehicles required for buildings
- Development will put pressure on existing drainage network
- Concern over loss of trees
- Increase in noise and light pollution with additional residents
- Existing bins are already overflowing it is unclear how the new arrangement would be managed
- The plans do not indicate any new fencing along boundary
- Concern over pedestrian and vehicular safety with the increase in residents

- There is Japanese knotweed at the site and will require proper removal
- Overdevelopment of the site
- Development will encroach onto the Conservation Area and should not be allowed
- If allowed will set a precedent for further developments
- Concern over increase in flooding
- The site should be retained for a community use

Central Beckenham Residents' Association (CBRA):

The CBRA objects on the following grounds:

1. It is UNACCEPTABLE for these plans to be approved as they were drawn up before December 2016, when the re-development plans for Beckenham High Street were finalised. The traffic surveys and modelling, CO2 pollution reports, ecology and site surveys are wholly out of date as they do not take into account the re-development of Beckenham High Street, these reports are based on what Beckenham looked like in 2015 and 2016 before plans were finalised. There is no mention whatsoever of the development plans in any of the report. This in itself makes the surveys null and void.

2. The traffic survey by Highway Associates recommends that the bus stop on Beckenham High Street, at the junction of the new development (outside the Card Factory/Miso) should be moved to accommodate drivers turning out of the proposed Crusades development. Under the new Beckenham High Street Development plan, this will be reduced to one lane of traffic in each direction therefore making it impossible to move the bus stop, and impossible for traffic to exit safely.

3. In addition, the Highway Report by the Highways Association details problems with the single track entrance/egress, the traffic island which limits turning capacity and the position of the bus stop which would prevent entrance/egress. All of these matters are not dealt with in the report, merely referring to 'further investigation needed'. The reduced visibility of the bus stop does not take into account how the bus stop will be extended into the road with the new High Street Development, therefore obstructing the sightline complete. This report by the Highways Association was completed in October 2016, before the High Street Development plan was finalised and therefore does not take into account the changes already made, and which are continuing to be made to the street layout.

4. The proposed development only has one exit/egress route which is single file. This means that should a fire block the entrance to the development, there is no other route for fire vehicles to enter the area as the development is completely locked in by housing.

5. The entrance/egress alleyway is single track. Therefore, if two cars meet on the (very steep) alleyway, one will have to reverse onto the main highway (which we have established is going to have blocked vision due to the bus stop) and the other car will have to reverse into a blind turning point at the bottom of the hill.

6. The reports make mention of this site being a Flood 2 risk zone, flooding every 100 years. This is not the case. The area floods an average of every 10 years, the last time being July 2014, and the major floods in 1978 at this area which is particularly susceptible due to the low-lying land, and the river in the vicinity. The area is also over developed with the addition of Rokewood Apartments in the same area.

7. The development is out of proportion and 'look' with the rest of the area being a Conservation Area.

8. There is no safe pedestrian access to the development as there are no pavements and no room for pavements.

9. Extra lighting will be needed to the rear of the High Street, impacting on the houses of The Drive and the High Street where residents have already seen an increase in noise and light pollution from the Rokewood Apartments.

10. These additional apartments constitute an over-development of the area since the Rokewood Apartments have been built.

Comments from Consultees

Highways:

The site is located in an area with a PTAL rate of 4.

Vehicular/ pedestrian access - this would be from the existing access point between 132 and 134 High Street, Beckenham. High Street, Beckenham (A222) is a London Distributor Road. However the access to the site has poor visibility splays. A Stage 1 Road safety Audit has been carried out and a Stage 2 should be completed if planning permission is forthcoming.

Cycle Parking - No cycle parking is indicated. The applicant should provide the following secure and sheltered spaces:

1 space per 1 bed unit

2 spaces per all other units

Demolition / construction - This will be an issue but I assume it can be dealt with by condition and will need to take account of the limitations of the vehicular access.

Refuse - The storage is located should be closer to the highway boundary, the proposed arrangement looks small for 9 flats and any increase in storage area could further squeeze the parking layout. The main concern is refuse vehicle(s) ability to service the site the access road is too narrow for LBB refuse vehicle to enter and exit in a forward gear. This needs to be addressed.

The swept path analysis clearly indicates that the fire appliance(s) would have difficulty gaining access onto the site; furthermore the issue of refuse vehicles access to the site should also be addressed.

In response to this the agent has stated that:

“A RSA Stage 1 has been undertaken and this is provided with the planning application. It is dated the 30/09/2016. Stage 2 Road Safety Audits are normally undertaken at completion of the detailed design stage of the works. We have not reached this stage and ordinarily would expect a condition to be imposed requiring a RSA Stage 2 Audit to be carried out and submitted for approval. At the Road Safety Audit Stage 2 all team members would visit the site together and examine the existing highway layout or features and where the new highway improvement scheme ties into the existing highway. The Council’s Road Safety Auditor would be invited to attend this site visit.

We would anticipate that a condition would be imposed seeking the submission for approval of a CMP which would include the demolition stage. That said the demolition works are not extensive given the size and state of the existing building on site.”

The council are still concerned over the intensification of the access and potential prejudice to pedestrian safety and the free flow of traffic. Whilst the stage 1 Road Safety Audit provides mitigation methods, these are not considered sufficient to address possible conflict and general safety of pedestrians and highway traffic given the increased number of residents using the access.

Thames Water:

No comments have been received at the time of writing the report.

Drainage:

No objections subject to conditions regarding surface water drainage scheme and SUDS to be included with any permission.

Environment Agency:

Having reviewed the proposal as submitted, including the Flood Risk Assessment (FRA) (referenced: WFR-FRA-2016-01-Q32, revision C, dated 6 July 2018) we object to the planned development for the following reasons:

Finished Floor Levels

The development proposes self-contained residential units located on the ground floor, including sleeping accommodation. The Environment Agency generally opposes any living accommodation on the ground floor within areas of flood risk due to the potential risk to the posed to the occupants, especially if there is no internal access to upper floors provided.

In addition, although the submitted FRA recommends that the Finished Floor Levels (FFL) of the development should be set at 34.12m AOD (300 mm above the modelled 1% AEP event in any year plus an 35% climate change allowance), it is not evident within the submitted plans if FFL’s will be raised accordingly. As such,

we are unable to ascertain if the residents of this development will be safe for the lifetime of the development.

Overcoming our objection

The applicant can overcome our objection by submitting plans that show there will not be any sleeping accommodation located below the predicted flood level during the 1% AEP event in any year 35% climate change allowance. This is in line with the recommendations within the Bromley Strategic Flood Risk Assessment section 11.2.1.

Proximity to the River Beck

The proposed development is within close proximity to The Beck, which is located to the north of the site. We require an 8 metre offset between the closest element of any built structure and the top of bank of a main river to allow access for any maintenance and for ecological enhancement.

The applicant has not submitted any drawings to show how close the works will be to The Beck and as such, we are unable to determine if there will be an acceptable amount of offset between the development and the river. Please note this information will be required as minimum when submitting a Flood Risk Activity Permit therefore it is important that this information is submitted at planning stage to resolve any potential issues.

Overcoming our objection

The applicant can overcome our objection by presenting plans that show there will not be an unacceptable level of offset between any built structure and The Beck.

Informative

Flood Risk Activity Permit

- Please be aware that the Beck is a designated 'main river' and under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).
- To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environemnt-agency.gov.uk.

3.Sequential Test

- We would like to highlight that no information has been provided to determine if the site has passed the Sequential test.

4 Access and Egress

- We would like to highlight that the evacuation route described in Section 8.3 states that the occupants should turn left on to the A222 and then left again onto the A2015, while Figure 12 shows the evacuation route turning right and then right again. We would recommend that the evacuation route shown in Figure 12 should be adopted for any development on this site as if the occupants were to turn left, they may be exposed to flood waters.

The agent provided further information on the 14th December 2018 stating that:

“This application was submitted and validated without the Council requesting the submission of a sequential test. The site is after all a brownfield site located in a town centre location – both in themselves attributes that support redevelopment over say greenfield sites”.

The EA have responded to this on the 30th January 2019 with the following:

Our objection related to finished floor Levels being below the flood level and no further information has been submitted to address this therefore our objection remains on that aspect and unsure if the applicant attempted to address this. With regards to the refuse store being close to the river, the repositioning of the refuse store potentially brings it's close to the river than the previous location. Considering it is 4m from the river edge and the store itself is not a large permanent structure we would not object to the principle of it being located here depending on the outcome of the Flood Risk Activity Permit that the applicant will have to apply for given works are within 8m of the river.

The applicants comments regarding the Sequential Test refer to the validation process however it is not defined that a LPA will not validate an application if it fails the Sequential Test. The LPA can refuse an application for this reason at any stage as far as I am aware. The Sequential Test purpose is to steer development towards areas with the lowest probability of flooding solely.

Following this a revised FRA dated 17th December 2018 (WTFR-FRA-2016-01-Q32 (Rev.C) was provided together with drawing No. PL02 Rev D which shows the finished floor levels at 34.12m AOD, which is 300mm above the long term flood level for the 1 in 100 year (+35%) climate change allowance.

The EA have responded to the additional information on the 15th January 2019 with the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*).

Trees:

The application has been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. Some of the trees included in the works schedule would benefit from management, regardless of the proposal seen in this application.

The pruning pressure and lack of amenity space that leads me to oppose the scheme. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints and should be reviewed. I would recommend the application be refused due to conflict with Policies H7 and NE7 of the Bromley Unitary development Plan (adopted July 2006).

In response to this the applicant has stated the following:

"Whilst part of the application site may be covered by a woodland TPO there are no trees impacted by the proposed development. This is confirmed in the Tree Assessment that accompanies the application.

(The pruning pressure and lack of amenity space) The amenity space provided is policy compliant and there is no evidence produced in this response to substantiate the point being made.

(With regards to the design of the scheme not being sympathetic)This comment is unsubstantiated and offers no technical support to back up this comment. In contrast the application was supported by a full arboricultural assessment. The comments from the Tree Officer lack robustness and appear to have been formulated without an understanding of the proposal and the relevant housing standards."

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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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 (2016):

2.6 Outer London: vision and strategy
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
3.9 Mixed and Balanced Communities
3.11 Affordable Housing Targets
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.0 Overheating and cooling
5.10 Urban Greening
5.11 Green roofs and development site environs
6.9 Cycling
6.13 Parking
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture
8.2 Planning Obligations
8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Bromley Local Plan (2016):

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

Planning Obligations SPD
Affordable Housing SPD

Planning History

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

18/03042/FULL1 - Demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments together with the provision of cycle, refuse/ recycling storage, amenity space and associated pedestrian access (Pending consideration).

Considerations

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

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

Principle

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

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the BLP have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

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

Policy 3.16 of the London Plan resists the loss of community facilities stating that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

Policy 20 of the BLP resists the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. In the planning statement the agent has stated that after the culverting works which were carried out following the Beckenham floods in 1968, the redundant contractors hut was used briefly by the local Crusaders (a Christian Youth Organisation now known as Urban Saints). When they left, the Lions moved in and the hut became their clubhouse for four decades, however due to dwindling membership and increase operational costs the club house no longer operates. Near the end of the Lions' occupation, the clubhouse was used to store furniture donated by a local business. The accommodation is now in a poor state of repair and is not suitable for re-use. The planning statement states that there are other available facilities in the local area and as such alternative provision is provided. The agents have approached a local estate agents Gildersleve & Payne which concluded that the hall due to its size, configuration and location would not be practical and there is no demand for D2 uses nor suitable for a potential health, education, social or faith users.

Whilst the applicant considers there is no longer a need for the community facility no marketing report setting out the details of the marketing campaign for a continued D2 use of the site for at least 6 months (sale and rent) has been provided.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and 4 of the BLP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 4. The London Plan sets the density ranges at 200–700 hr/ha for urban areas.

The scheme proposed in this application would provide a density level of approximately 179hr/ha which is within the urban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity.

Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,
- A high standards of separation and landscaping is provided

Insufficient justification has been provided for the loss of the community use and concern is also raised with regards to the location of the development. This is a tight site located to the rear of a commercial High Street. Whilst it is appreciated that there are residential units above the ground floor commercial units in the High Street and nearby, given the site constraints taking into account the restricted access and trees (as discussed below), it is considered that the proposal constitutes an undesirable backland development, which would be an overdevelopment of the site and out of character with the locality.

Standard of living accommodation and amenity space:

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

The floor space size of each of the units range between 37 sqm for the 1 person units, 51sqm for the 2 person unit, 62 – 64sqm for the 2 bed 2 person units and 70 sqm for the 2 bed 4 person units. The nationally described space standard requires 37 sqm for a 1-bed 1 person units, 50sqm for a 1-bed 2 person unit, 61sqm 2-bed 3 person and 70sqm for a 2-bed 4 person unit. On this basis, the floorspace provision for all of the units is considered compliant with the required standards and is considered acceptable.

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

In terms of amenity space, Policy 4 states that the provision of sufficient external, private amenity space that is accessible and practical should be provided. The flats propose to have private amenity space and access to the shared garden of 450sqm, as such this provision would be acceptable. However, concern has been raised over the usability of the amenity space given the number of trees nearby and the resultant increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development on a site covered by a woodland TPO.

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

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

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

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

As the site is adjacent to the Beckenham Town Centre Conservation Area Policy 42 of the BLP states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

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

The proposed development is a modern block of flats with a flat roof together with a setback top floor to provide subservience.

The design ethos takes a contemporary approach with a simple palette of materials. The proposed building is two storeys with a recessed second floor with a break in the built form to reduce the bulk and mass. Although the building is lower than the buildings along Beckenham High Street and the top floor set back, the site is heavily constrained given the backland location together with the restricted access and woodland TPO covering the site. It is not considered that the site can accommodate the amount and scale of development proposed as a result of these constraints, and accordingly the proposals would constitute an undesirable form of piecemeal backland development.

Impact on Neighbouring Amenities:

Policy 37 of the BLP seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in Policy 7.6 of the London Plan.

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

The existing building sits behind the units fronting High Street Beckenham. The concerns in respect of the scale of the building have been assessed above.

A daylight/sunlight assessment has been submitted with the proposal it concludes that the residential properties which would be most likely to be affected lie to the south above the terrace of shops which are approximately 20m away. The loss of daylight and sunlight to all of these windows analysed would be negligible and well within the BRE guidelines.

In terms of the impact on other neighbouring residential properties, given the distance and the scale of development proposed it is considered that the orientation, location of the buildings and their relationship would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the rear are to be located towards the north-western boundary with The Drive and also towards Church Avenue at first and second floors (roof level). Given the distance between these balconies and the nearest neighbouring properties it is considered that there would be no significant impact to neighbouring amenity. To ensure the development would not result in loss of privacy to the future occupiers by way of mutual overlooking a screening condition could be imposed if planning permission was forthcoming.

Windows are also proposed in the south elevation at first and second floor levels. These would be conditioned to be obscure glazed and non-opening to ensure that there is no loss of privacy from these windows if planning permission is forthcoming.

With regards the concerns raised in respect of noise, disturbance and pollution during construction a Construction Management Plan Condition has been suggested to mitigate any problems arising from deliveries times associated with

the school times and disturbance to nearby residents and the adjacent nursery building. This condition will also cover mitigation methods for dust and other pollutants.

In terms of increased noise and disturbance associated with residential units the site is located to the rear of Beckenham High Street and existing access to the flats above these units which in itself could generate a number of occupants and associated activity and comings and goings. The additional units on this site would inevitably generate activity that would increase the potential for noise and disturbance as a result of having 9 units on the site, however given the location of the development and the existing situation it is considered that on balance the development would not be significantly harmful to the existing living conditions of the occupants of the neighbouring properties over and beyond the current situation.

Highways and Car parking:

Nine car parking spaces are proposed, concern has been raised over the intensification of the access and prejudice to pedestrian safety and the free flow of traffic. A stage 1 Road Safety Audit has been carried out , however it is still considered that the proposal would lead to an intensification of the existing access which would lead to potential conflict between pedestrians and vehicles (cars, lorries etc.). Whilst mitigation methods have been proposed in the stage 1 RSA, these are not considered sufficient to address possible conflict and general safety of pedestrians and highway traffic.

Cycle parking:

Cycle parking is required at 1 space per 1 bed unit and 2 spaces per all other units. The applicant has provided the location of the store however further details regarding the size, external appearance and security would be required. Given the size of the site a condition can be attached to any permission to ensure adequate facilities are provided.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage.

Concern is raised over the location of the refuse store as it is over 18m from the main highway, however there are existing flats to the rear of the 134-158 High Street, Beckenham which are served by a refuse lorry and therefore it is considered that subject to a condition regarding the refuse store the proposal would provide adequate facilities for this scale of development.

Landscaping:

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

The application has also been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees given the location of the trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints it is therefore considered that the application be refused due to conflict with Policies 4 and 73 of the Bromley Local Plan.

Flood Risk:

The site is located within Flood Zone 2 and the proposed development would be within 8m of the River Beck.

The application is supported by the Flood Risk Assessment; the EA have confirmed that the proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*). As such the proposal is therefore complies with Policy 5.12 of the London Plan (2016).

Mayoral Community Infrastructure Levy (CIL):

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

Conclusion

Taking into account the issues discussed above it is considered that the proposed development is unacceptable, resulting in an overdevelopment of the site which is out of character with the locality, no information has been provided to demonstrate that the site is no longer suitable for community use. The development as proposed would impact detrimentally on the retention and well-being of a number

of trees which are protected by a Tree Preservation Order. No information to the contrary has been provided to support the intensification of use of the access for emergency vehicles.

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. Insufficient information has been provided to support the loss of the community use of the site, contrary to Policy 20 of the Bromley Local Plan (2019).**
- 2. The proposed development constitutes an undesirable form of piecemeal backland development in view of the constrained access to the site and the impact on protected trees, resulting in an overdevelopment of the site with the potential to establish an undesirable pattern for similar piecemeal infilling in the area, contrary to Policies 3, 4 and 37 of the Bromley Local Plan (2019).**
- 3. In the absence of sufficient information to demonstrate the proposed development which would intensify the use of the access for pedestrians and vehicles which would also be likely to lead to conditions prejudicial to the free flow and general safety of pedestrians and highway traffic contrary to Policy 32 of the Bromley Local Plan (2019).**
- 4. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies 37 and 73 of the Bromley Local Plan (2019).**

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Application:17/03898/FULL1

Address: Crusader Hall High Street Beckenham

Proposal: Demolition of existing private clubhouse (Class D2) and redevelopment of site for 2 No.1 bed flats and 7 No. 2 bed flats with associated parking.



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

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

Application No : 18/03042/FULL1

Ward:
Copers Cope

Address : Crusader Hall High Street Beckenham

Objections: Yes

OS Grid Ref: E: 537312 N: 169520

Applicant : Mr ADLER

Description of Development:

Demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments together with the provision of cycle, refuse/ recycling storage, amenity space and associated pedestrian access.

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Background

Members should note that there are two applications on this agenda for the same site under refs: 17/03898/FULL1 and 18/03042/FULL1. The main difference between the two applications is that the 2017 provides 9 car parking spaces whilst the 2018 application is car free.

Proposal

This proposal is for the demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments.

Surrounding the block are communal gardens, with each unit also benefiting from private amenity space. The proposal also includes the provision of cycle storage to the south together with a refuse/ recycling store at the east of the site adjacent to the substation. No car parking is included in this proposal.

The new proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of brick and render.

The application was supported by the following documents

- Design and Access Statement
- Arboricultural Report
- Energy Statement
- Transport Statement
- Archaeological Desk Based Assessment
- Daylight and Sunlight Assessment
- Preliminary Ecological Appraisal

Location and Key Constraints

The application site consists of a single storey community hall, known as Crusader Hall. Access to the site is obtained via an existing vehicular and pedestrian access between 132 and 134 Beckenham High Street.

The site falls outside of the Beckenham Conservation Area, but the access to the site does fall within the Conservation Area. It is also located within an Area of Archaeological Significance and a Flood Zone 2.

The site is within an area rated as having a public transport accessibility level (PTAL) of 4.

Consultations

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

Objection:

- Concern over ownership of the land
- Development will be visible from rear gardens of surrounding houses
- Loss of privacy
- Concern over the lighting will be detrimental to wildlife
- The building should be lowered by two stories
- Will spoil the natural sight lines over the trees and St Georges church
- The external materials proposed would not fit with the character of the area and should be less obtrusive
- Concern over the impact on the trees and local wildlife
- Proposed development not in keeping
- Building works will be noisy and create dust and pollution
- Concern that the alley is not large enough to accommodate vehicles required for buildings
- Development will put pressure on existing drainage network
- Concern over loss of trees
- Increase in noise and light pollution with additional residents
- Existing bins are already overflowing it is unclear how the new arrangement would be managed
- The plans do not indicate any new fencing along boundary
- Concern over pedestrian and vehicular safety with the increase in residents
- There is Japanese knotweed at the site and will require proper removal

- Overdevelopment of the site
- Development will encroach onto the Conservation Area and should not be allowed
- If allowed will set a precedent for further developments

Central Beckenham Residents' Association (CBRA):

The CBRA objects on the following grounds:

1. The area of the High Street is a designated Conservation Area. This also applies to the buildings accessible to the High Street, and therefore the Crusaders building is protected and cannot be demolished.

2. The area that is indicated on the plans for development is known as part of 'The Woods' and owned by the residents of The Drive. It is not legally the possession of Mr Adler.

3. The area is part of an Area of Archeological Interest which discourages any development in such areas.

4. The access road, on The High Street, is single track on the brow of a hill. Although the proposed scheme is deemed to be 'car free', there would inevitably be a need for car access for emergency vehicles, carers, those with disabilities etc. It is unlawful to discriminate against those who might need physical assistance (ie the elderly, those with disabilities) by refusing them access to vehicles when they need them.

5. It would be very dangerous for cars to use this access road due to the camber of the access, and the fast traffic onto the High Street. The bus stop which is directly outside would potentially block the access road.

6. Light, and noise from the proposed development would also affect those living in nearby properties which overlook from the High Street and The Drive/Church Avenue.

7. The transport report does not allow for the new seating area at the bus stop outside the Card Factory and the new cycle store that will be installed later this month. This will lead to a higher footfall of people in this area of the High Street and therefore a risk for cars to use this access road.

8. The area is a known flood zone. The area last flooded in 1979 and has flooded at least 4 times over the past 100 years. Contrary to previous planning applications, the area is in fact at high risk of flooding.

Comments from Consultees

Highways:

The site is located in an area with a PTAL rate of 4.

Vehicular/ pedestrian access - this would be from the existing access point between 132 and 134 High Street, Beckenham. High Street, Beckenham (A222) is a London Distributor Road. However the access to the site has poor visibility splays. A Stage 1 Road safety Audit has been carried out and a Stage 2 should be completed if planning permission is forthcoming.

Cycle Parking - No cycle parking is indicated. The applicant should provide the following secure and sheltered spaces:

1 space per 1 bed unit
2 spaces per all other units

Car Parking - No car parking would be provided; this is unacceptable. The applicant should provide 9 car parking spaces.

The applicant has no justification as to not provide parking spaces. The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit):

PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) – 1 (max)	1 (min) 1.5 (max)

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

Car ownership in Bromley is high; the applicant has no justification as to not provide parking spaces. The car ownership in Copers Cope ward is 87% which translates to a minimum of 8 car parking spaces. However I am willing to relax this even further and ask for 5 car parking spaces only.

In response to this the agent has stated that:

“The justification is provided in the Transport Assessment submitted as part of the planning application and the draft London Plan which provides the strategic policy context.

A car free development is consistent with this draft policy. NPPF2 is also clear in its advice to local authorities in setting local parking standards (see paragraph 105) and this is based on a wider range of factors than local car ownership level”.

Refuse - The storage is located should be closer to the highway boundary, the proposed arrangement looks small for 9 flats and any increase in storage area could further squeeze the parking layout. The main concern is refuse vehicle(s) ability to service the site the access road is too narrow for LBB refuse vehicle to enter and exit in a forward gear. This needs to be addressed.

The swept path analysis clearly indicates that the fire appliance(s) would have difficulty gaining access onto the site; furthermore the issue of refuse vehicles access to the site should also be addressed.

In response to this the agent has stated that:

“The scheme complies with LBB NOTES FOR DEVELOPERS AND ARCHITECTS October 2016 The Storage and Collection of Refuse from Residential and Commercial Buildings. Because the storage is in excess of the standards there is no further need for more storage”.

Thames Water:

No comments have been received at the time of writing the report.

Drainage:

No objections subject to conditions regarding surface water drainage scheme and SUDS to be included with any permission.

Environment Agency:

Having reviewed the proposal as submitted, including the Flood Risk Assessment (FRA) (referenced: WFR-FRA-2016-01-Q32, revision B, dated 6 July 2018) we object to the planned development for the following reasons:

Finished Floor Levels

The development proposes self-contained residential units located on the ground floor, including sleeping accommodation. The Environment Agency generally opposes any living accommodation on the ground floor within areas of flood risk due to the potential risk to the posed to the occupants, especially if there is no internal access to upper floors provided.

In addition, although the submitted FRA recommends that the Finished Floor Levels (FFL) of the development should be set at 34.12m AOD (300 mm above the modelled 1% AEP event in any year plus an 35% climate change allowance), it is not evident within the submitted plans if FFL's will be raised accordingly. As such, we are unable to ascertain if the residents of this development will be safe for the lifetime of the development.

Overcoming our objection

The applicant can overcome our objection by submitting plans that show there will not be any sleeping accommodation located below the predicted flood level during the 1% AEP event in any year 35% climate change allowance. This is in line with the recommendations within the Bromley Strategic Flood Risk Assessment section 11.2.1.

Proximity to the River Beck

The proposed development is within close proximity to The Beck, which is located to the north of the site. We require an 8 metre offset between the closest element of any built structure and the top of bank of a main river to allow access for any maintenance and for ecological enhancement.

The applicant has not submitted any drawings to show how close the works will be to The Beck and as such, we are unable to determine if there will be an acceptable amount of offset between the development and the river. Please note this information will be required as minimum when submitting a Flood Risk Activity Permit therefore it is important that this information is submitted at planning stage to resolve any potential issues.

Overcoming our objection

The applicant can overcome our objection by presenting plans that show there will not be an unacceptable level of offset between any built structure and The Beck.

Informative

Flood Risk Activity Permit

- Please be aware that the Beck is a designated 'main river' and under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).
- To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environment-agency.gov.uk.

3. Sequential Test

- We would like to highlight that no information has been provided to determine if the site has passed the Sequential test.

4 Access and Egress

- We would like to highlight that the evacuation route described in Section 8.3 states that the occupants should turn left on to the A222 and then left again onto the A2015, while Figure 12 shows the evacuation route turning right and then right again. We would recommend that the evacuation route shown in Figure 12 should be adopted for any development on this site as if the occupants were to turn left, they may be exposed to flood waters.

The agent provided further information on the 14th December 2018 stating that:

"This application was submitted and validated without the Council requesting the submission of a sequential test. The site is after all a brownfield site located in a town centre location – both in themselves attributes that support redevelopment over say greenfield sites".

The EA have responded to this on the 30th January 2019 with the following:

Our objection related to finished floor Levels being below the flood level and no further information has been submitted to address this therefore our objection

remains on that aspect and unsure if the applicant attempted to address this. With regards to the refuse store being close to the river, the repositioning of the refuse store potentially brings it's close to the river than the previous location. Considering it is 4m from the river edge and the store itself is not a large permanent structure we would not object to the principle of it being located here depending on the outcome of the Flood Risk Activity Permit that the applicant will have to apply for given works are within 8m of the river.

The applicants comments regarding the Sequential Test refer to the validation process however it is not defined that a LPA will not validate an application if it fails the Sequential Test. The LPA can refuse an application for this reason at any stage as far as I am aware. The Sequential Test purpose is to steer development towards areas with the lowest probability of flooding solely.

Following this a revised FRA dated 17th December 2018 (WTFR-FRA-2016-01-Q32 (Rev.C) was provided together with drawing No. PL02 Rev D which shows the finished floor levels at 34.12m AOD, which is 300mm above the long term flood level for the 1 in 100 year (+35%) climate change allowance.

The EA have responded to the additional information on the 15th January 2019 with the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*).

Trees:

The application has been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. Some of the trees included in the works schedule would benefit from management, regardless of the proposal seen in this application.

The pruning pressure and lack of amenity space that leads me to oppose the scheme. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints and should be reviewed. I would recommend the application be refused due to conflict

with Policies H7 and NE7 of the Bromley Unitary development Plan (adopted July 2006).

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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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 (2016):

- 2.6 Outer London: vision and strategy
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

7.6 Architecture
8.2 Planning Obligations
8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Bromley Local Plan (2016):

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

Planning Obligations SPD
Affordable Housing SPD

Planning History

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

17/03898/FULL1 - Demolition of existing private clubhouse (Class D2) and redevelopment of site for 2 No.1 bed flats and 7 No. 2 bed flats with associated parking (Pending consideration)

Considerations

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

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

Principle

In terms of the land use principles there are two main issues to address, the first being the loss of the existing building and the second being the suitability of the site for a more intensive residential use. It is not disputed that both national and

local plan policies promote optimising site potential and as the proposal involves the redevelopment of previously used land, the principle of its redevelopment to a more intensive level is in accordance with national planning guidance and local plan policies which encourage optimising the potential of brownfield sites, subject to an assessment of all other matters.

Policy 3.16 of the London Plan resists the loss of community facilities stating that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

Policy 20 of the BLP resists the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. It is understood that the hall is currently vacant, however no evidence as to why the applicant considers there is no longer a need for the community facility has been submitted to address the aforementioned policies. The evidence would need to include a marketing report setting out the details of the marketing campaign for a continued D2 use of the site for at least 6 months (sale and rent) showing there has been no interest in the site.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and 4 of the BLP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 4. The London Plan sets the density ranges at 200–700 hr/ha for urban areas.

The scheme proposed in this application would provide a density level of approximately 179hr/ha which is within the urban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity.

Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,

- A high standards of separation and landscaping is provided

No justification has been provided for the loss of the community use and concern is also raised with regards to the location of the development. This is a tight site located to the rear of a commercial High Street. Whilst it is appreciated that there are residential units above the ground floor commercial units in the High Street and nearby, given the site constraints taking into account the restricted access and trees (as discussed below), it is considered that the proposal constitutes an undesirable backland development, which would be an overdevelopment of the site and out of character with the locality.

Standard of living accommodation and amenity space:

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

The floor space size of each of the units range between 37 sqm for the 1 person units, 51sqm for the 2 person unit, 62 – 64sqm for the 2 bed 2 person units and 70 sqm for the 2 bed 4 person units. The nationally described space standard requires 37 sqm for a 1-bed 1 person units, 50sqm for a 1-bed 2 person unit, 61sqm 2-bed 3 person and 70sqm for a 2-bed 4 person unit. On this basis, the floorspace provision for all of the units is considered compliant with the required standards and is considered acceptable.

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

In terms of amenity space, Policy 4 states that the provision of sufficient external, private amenity space that is accessible and practical should be provided. The flats propose to have private amenity space and access to the shared garden of 450sqm, as such this provision would be acceptable. However, concern has been raised over the usability of the amenity space given the number of trees nearby and the resultant increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development on a site covered by a woodland TPO.

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

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

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

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

As the site is adjacent to the Beckenham Town Centre Conservation Area Policy 42 of the BLP states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

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

The proposed development is a modern block of flats with a flat roof together with a setback top floor to provide subservience. The design ethos takes a contemporary approach with a simple palette of materials. The proposed building is two storeys with a recessed second floor with a break in the built form to reduce the bulk and mass. Although the building is lower than the buildings along Beckenham High Street and the top floor set back, the site is heavily constrained given the backland location together with the restricted access and woodland TPO covering the site. It is not considered that the site can accommodate the amount and scale of development proposed as a result of these constraints, and accordingly the proposals would constitute an undesirable form of piecemeal backland development.

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Impact on Neighbouring Amenities:

Policy 37 of the BLP seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in Policy 7.6 of the London Plan.

The location and orientation of the proposed buildings on site combined to avoid overlooking through design and arrangement. The existing building sits behind the units fronting High Street Beckenham. The concerns in respect of the scale of the building have been assessed above.

A daylight/sunlight assessment has been submitted with the proposal it concludes that the residential properties which would be most likely to be affected lie to the south above the terrace of shops which are approximately 20m away. The loss of daylight and sunlight to all of these windows analysed would be negligible and well within the BRE guidelines.

In terms of the impact on other neighbouring residential properties, given the distance and the scale of development proposed it is considered that the orientation, location of the buildings and their relationship would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the rear are to be located towards the north-western boundary with The Drive and also towards Church Avenue at first and second floors (roof level). Given the distance between these balconies and the nearest neighbouring properties it is considered that there would be no significant impact to neighbouring amenity. To ensure the development would not result in loss of privacy to the future occupiers by way of mutual overlooking a screening condition could be imposed if planning permission was forthcoming.

Windows are also proposed in the south elevation at first and second floor levels. These would be conditioned to be obscure glazed and non-opening to ensure that there is no loss of privacy from these windows if planning permission is forthcoming.

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

In terms of increased noise and disturbance associated with residential units the site is located to the rear of Beckenham High Street and existing access to the flats above these units which in itself could generate a number of occupants and associated activity and comings and goings. The additional units on this site would inevitably generate activity that would increase the potential for noise and disturbance as a result of having 9 units on the site, however given the location of the development and the existing situation it is considered that on balance the development would not be significantly harmful to the existing living conditions of the occupants of the neighbouring properties over and beyond the current situation.

Highways and Car parking:

The proposed development provides no off-street parking spaces. The Council's Highway Officer has reviewed the current application and consider this to be unacceptable.

No justification as to not provide parking spaces has been provided. The car ownership in Copers Cope ward is 87% which translates to a minimum of 8 car parking spaces. Policy 30 states for PTAL level 2*-6a a minimum of 0.7 – maximum 1 space per 1-2bed.

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

The applicant has stated that they have justified a car free development within the Transport Assessment. And also the Draft London Plan which provides the strategic policy context:

“A car free development is consistent with this draft policy. NPPF2 is also clear in its advice to local authorities in setting local parking standards (see paragraph 105) and this is based on a wider range of factors than local car ownership levels”.

As such it is considered insufficient information has been provided to support a car free development in this context.

With regards to the access, whilst no additional cars will be using this for parking at the site, there would be an increase in pedestrians using this access and concern has been raised over the intensification and the possible conflict and general safety of pedestrians, cyclists and highway traffic.

Cycle parking:

Cycle parking is required at 1 space per 1 bed unit and 2 spaces per all other units. The applicant has provided the location of the store however further details regarding the size, external appearance and security would be required. Given the size of the site a condition can be attached to any permission to ensure adequate facilities are provided.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage.

Concern is raised over the location of the refuse store as it is over 18m from the main highway, however there are existing flats to the rear of the 134-158 High Street, Beckenham which are served by a refuse lorry and therefore it is considered that subject to a condition regarding the refuse store the proposal would provide adequate facilities for this scale of development.

Landscaping:

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard.

Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

The application has also been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees given the location of the trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints it is therefore considered that the application be refused due to conflict with Policies 4 and 73 of the Bromley Local Plan.

Flood Risk:

The site is located within Flood Zone 2 and the proposed development would be within 8m of the River Beck.

The application is supported by the Flood Risk Assessment; the EA have confirmed that the proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*). As such the proposal is therefore complies with Policy 5.12 of the London Plan (2016).

Mayoral Community Infrastructure Levy (CIL):

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

Conclusion

Taking into account the issues discussed above it is considered that the proposed development is unacceptable, resulting in an overdevelopment of the site which is out of character with the locality, no information has been provided to demonstrate that the site is no longer suitable for community use. The development as proposed would impact detrimentally on the retention and well-being of a number of trees which are protected by a Tree Preservation Order. No information to the contrary has been provided to support a car free development and intensification of use of the access for emergency vehicles.

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

as amended by documents received on 14.12.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. Insufficient information has been provided to support the loss of the community use of the site, contrary to Policy 20 of the Bromley Local Plan (2019).**
- 2. The proposed development constitutes an undesirable form of piecemeal backland development in view of the constrained access to the site and the impact on protected trees, resulting in an overdevelopment of the site with the potential to establish an undesirable pattern for similar piecemeal infilling in the area, contrary to Policies 3, 4 and 37 of the Bromley Local Plan (2019).**
- 3. No off-street car parking facilities can be provided within the curtilage of the site and insufficient information has been provided to support this. As such the proposed development would be contrary to Policy 30 of the Bromley Local Plan (2019).**
- 4. In the absence of sufficient information to demonstrate the proposed development which would intensify the use of the access for pedestrians and refuse vehicles which would also be likely to lead to conditions prejudicial to the free flow and general safety of pedestrians and highway traffic contrary to Policy 32 of the Bromley Local Plan (2019).**
- 5. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies 37 and 73 of the Bromley Local Plan (2019).**

Application:18/03042/FULL1

Address: Crusader Hall High Street Beckenham

Proposal: Demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments together with the provision of cycle, refuse/ recycling storage, amenity space and



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

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

Application No : 18/05157/FULL1

Ward:
Bromley Town

Address : 21 Cromwell Avenue Bromley BR2 9AG **Objections:** Yes

OS Grid Ref: E: 540559 N: 168332

Applicant : Mr Chris Tew

Description of Development:

Erection of detached three bedroom dwelling house, to include basement, ground and first floor. Creation of associated residential curtilage, vehicular access and car and cycle parking and refuse facility. Alterations to host dwelling including reduced balcony and repositioning of patio doors. Excavation to existing and proposed rear garden (adjacent public footpath at rear of the site) to create single level amenity area

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

The application proposes the creation of a separate plot and erection of a detached dwelling set over three floors; basement, ground floor and first floor accommodation. Associated vehicular access is proposed from Cromwell Avenue, together with parking and landscaping. The submitted plans indicate a 1m side space each side of the newly formed boundary between the existing and proposed dwelling. The application also proposes excavation to east part of the site in order to increase the level area of surrounding amenity space for the host and proposed dwelling.

Location and Key Constraints

This is a corner plot at the junction with Cromwell Close and located within a residential area. The land slopes away significantly to the south-west.

There is a protected tree at the site - Tree Preservation Order 2491 and public footpath 122 runs along the eastern boundary.

Comments from Local Residents and Groups

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

Objections

- Overdevelopment
- What happens to the TPO tree?
- Historical context provided by objector - concern that the proposal is out of character
- Housing needs in Bromley are being met
- Illustrations are not to scale and create false impression; the scale of garden area will be very small compared to those nearby.
- Concern that on-street parking provision will be lost
- Garden grabbing
- Not much difference to previously refused proposals
- Concerns about the integrity of the very high retaining wall to the rear of the site which is planned to be 'excavated'. The substrate is believed to be sand with no structural cohesion. This calls into question whether a secure retaining wall could be constructed. This wall is also very close to a well-used public footpath used by pupils at Ravensbourne School

Comments from Consultees

Thames Water:

Waste: Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water: There are water mains crossing or close to the development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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

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

Drainage Engineer:

The applicant is required to maximise the use of SUDS to restrict surface water run-off to 2l/s.

Conditions are recommended in the event of a planning permission.

Highways:

The site is located on the corner of Cromwell Avenue and Cromwell Close.

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

Vehicular Access- new access from Cromwell Avenue via a new crossover leading to 1 car parking space is proposed. However the applicant should be made aware that there are Pay and Display bays in front of the access point which must be removed. The cost of relocation or in case of not finding an appropriate alternative, loss of revenue will be at applicant's expenses. I would still prefer the option with 2 car parking spaces as it was indicated in the previous application.

The maximum width of a vehicle crossing should be 3 metres forming a ramped area, with dropped kerbs either side increasing the overall width to 4.8 metres at the kerb edge of the carriageway. We would like to see a revised drawing in relation to the Pay and Display bays

Refuse storage should be provided.

Due to the height of the proposed retaining wall and its proximity to the public highway approval of design of retaining wall will be required.

Conditions are recommended in the event of a planning permission.

Tree Officer:

Our original comments from 17/02980 highlighted the potential for an unacceptable degree of future pressure on the TPO Beech tree, due to the proximity of the proposed dwelling and the increased use of the garden/amenity space around the tree.

I note that the updated comments from agb environmental state that in their opinion the subsequent increase in pressure to prune/remove would not be sufficient to lead to a loss of amenity value. This based on the following:

- There would be ample amenity space since the crown would cover up to 1/3 of garden.
- The area beneath trees receives plenty of light
- The crown would be 4.5m at its closest point to the proposed building.
- The tree is to the north of the proposed dwelling so would cast little shade

- The garden's topography limits the potential future uses of the corner of land where the tree stands.
- Pruning/removal can be controlled by the council since the tree is TPO (and pruning works have previously been granted.)

In response to these points, it is fair to say that, whilst the tree will cast shade over a significant proportion of the garden at midday in summer, the degree of shading would likely not be unreasonable. (By the same measure, it should be noted, should proposed be approved, that future applications for pruning/removal solely to reduce the extent of shade are therefore unlikely to be approved.) However, and despite the assertion that the council would have control over any future pruning/removal, by locating a permanent structure closer within the falling distance of the tree (not currently the case for the existing dwelling) and by increasing the frequency of occupancy beneath the canopy, the nature of a risk assessment inevitably changes. This is something tree officers have to take into account when considering applications for works to protected trees and can lead to more extensive works than would otherwise have been necessary. This is the link by which applications from residents to prune/remove apply pressure to grant such works. For lower value trees this may not be a significant issue, but this a high value tree, irrespective of its BS5837 categorisation. It is a large mature Beech in a highly prominent position on the cross roads with over 300 degrees public visibility. Therefore, given the tree's particularly high amenity value, the unacceptable degree of future pressure described in our original comments remains a cause for concern.

I note the inspector is satisfied "that the proposed dwelling would be far enough away to ensure that it would have sufficient space to prevent any pressure to remove or severely prune it." It is accepted that no facilitative pruning or the tree's removal is proposed at this time. However, as described above, it is our opinion that the proximity of the proposed dwelling, the relative size of the garden/amenity space and the increased frequency of occupancy beneath the canopy, increase the likelihood of applications for, at best, pruning that would otherwise not have been necessary. These same factors have to be given due consideration by tree officers and can result in the approval of works that could otherwise have been considered inappropriate.

If the application is due to be approved despite these ongoing concerns I would recommend the use of a condition to require the implementation of a tree protection plan and Arb method statement (for which I will be happy to recommend wording if required) and an informative along the lines of that below.

Informative:

Applications for the pruning or removal of T1 Beech in which the proposed works are not sufficiently well justified will not be recommended for approval. Reasons that are unlikely to be considered sufficient to justify even low impact works include reducing the amount of falling debris, increasing sunlight to the garden or property.

A tree to a nearby site was noted at the time of officer site visit. Further tree comments are given:

This multi-stem Sycamore should really have been picked up by the AIA as a neighbouring tree that could be impacted. That said, it was probably not included due to it being considered low value and also due to its comparatively small size. Given the distance of the proposed excavations, they could possibly encroach on its RPA but it would likely be by a small amount that would not be worthy of an objection. Therefore, I would not see too much value in asking for this to be calculated. Similarly I would not predict an obvious increase in pressure to prune/remove in the near future.

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.

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

London Plan Policies

7.4 Local character

7.6 Architecture

Bromley 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

Planning History

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

Application Number	Description	Decision
12/03698/FULL6	Part one/two front/side/rear and single storey side extension, front porch and elevational alterations.	PER 18.01.2013
13/03433/FULL6	Two storey rear and single storey side extensions and porch	PER 24.01.2014

15/00093/FULL1 Erection of 4 bedroom house with new crossover on land adjacent to 21 Cromwell Avenue, Bromley NFA 05.06.2018

15/02131/TPO T1 Beech - Reduce the whole crown by 2 - 3m all around. Crown lift to 5m over the road and lift the low branches in the garden by 1 - 1.5m. On the eastern side of the tree remove 1 branch growing diagonally upwards through the crown which is rubbing on several lateral branches.
SUBJECT TO: TPO 24941 (T1) COS 29.07.2015

17/02980/FULL1 Erection of detached three bedroom dwelling house with accommodation over basement, ground and first floor level. Creation of residential curtilage and vehicular access, associated parking , cycle parking and refuse provision. REF 19.10.2017

1 The proposal involves the unsatisfactory subdivision of this prominent corner site, leaving inadequate space about the host dwelling, and the proposed dwelling, and would result in a cramped and over-dominant development of the site that would be out of character with the area and seriously detrimental to the street scene in general thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Policies 3.5 and 7.4 of the London Plan, and Draft Policies 4 and 37 of the Proposed Submission Draft Local Plan.

2 The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact and loss of prospect in view of its size, siting and design contrary to Policy H7 and BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan, and Draft Policies 4 and 37 of the Proposed Submission Draft Local Plan.

3 The development would prejudice the retention and well being of the tree which is protected by a Tree Preservation Order, therefore contrary to Policies BE1 and NE7 of the Unitary Development Plan and Policy 7.21 of the London Plan, and Draft Policy 73 of the Proposed Submission Draft Local Plan.

This application was dismissed at appeal for reasons relating solely to residential amenity.

Considerations

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

- Resubmission
- Design
- Highways
- Residential amenity
- Trees
- CIL

Resubmission

The red line of the application has been amended to include the site of the host dwelling. This enables works to be included to the host dwelling and garden area which previously fell outside of the application site. This scheme proposes measures to the host dwelling which seek to address previous concerns and include the removal of outbuildings, the excavation of part of the site, the reconfiguration of fenestration to the host dwelling to improve the quality of amenity space. The proposed parking has been reduced from 2 spaces to one space.

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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Local objections are received and include that this would result in a cramped form of development and be out of character with the street scene. The host dwelling has been significantly extended from its original form; the proposed dwelling is informed by the host dwelling and its form is not considered inappropriate. The proposed dwelling includes a basement area; lightwells by way of walkable glass are incorporated in the design to the side and rear. It is not known if basements are a common feature in the area, however the use of lightwells are not considered to result in such a detrimental impact to the street scene as to raise planning concern. Plans indicate that the basement is not designated for habitable rooms.

See Refusal ground 1 above for Council's previous concerns over the sub-division of the plot. The depth of the garden areas is not compatible with surrounding form however, the inspector found that '...this would not be particularly apparent in the street scene due to the footpath and planting behind the eastern boundary...'. The inspector found that neither the proposed dwelling nor the existing dwelling would appear unacceptably cramped.

There is no planting of note to the eastern boundary, however having regard to the Inspector's findings and the revisions included within the current scheme it is, on balance, considered that this ground of refusal may be considered to be sufficiently addressed.

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 BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

Local concerns have been raised in respect of the loss of on-street parking. This has been addressed in Highways comments as has the concern with the extent of excavation and the integrity of retaining walls.

One parking space is proposed (two previously) for the new dwelling and two for the host dwelling. Cycle parking and refuse storage are included in the proposals. Highways comments have indicated they would prefer to see two parking spaces provided on site. Other comments include (see above) matters relating to the removal of existing parking bays to provide access to the site (and to which the Council would seek recompense). The extent of excavation is also of concern and in the event of a planning permission specific and pre-commencement conditions will apply.

Residential amenity

Policy 37 of the BLP, amongst other things, seeks to ensure that development proposals respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

The Inspector found that the previous scheme would seriously harm the living conditions of the occupiers of No 21 due to a loss of amenity space and outlook. Solutions to this were presented but as No 21 was outside of the application site the Inspector was unable to consider them.

This scheme indicates the removal of a garage which allows for increased area to the side of No 21 and a large degree of excavation resulting in a 5m separation from the rear wall of No 21 to the 2.7m high proposed retaining wall. French doors will also be removed from the north elevation and replaced with a high level window; the creation of French doors to the rear (east) elevation will lead to the newly formed amenity area. It is for careful consideration as to whether this has sufficiently addressed previous concerns such to create a pleasant environment for future occupants of No 21 and whether adequate sunlight would reach to the newly formed amenity areas. The host dwelling is to the south of that proposed, and whilst the resultant garden area is limited in depth the revised scheme will result in an improved situation to that previously refused.

In terms of amenity for future occupants of the new dwelling there will be a similar arrangement of excavated area plus an upper garden to the north of the site. Due to the land levels this area of upper garden will not be private in nature. The first

floor balcony to No 21 will be reduced to help guard against overlooking to the proposed dwelling.

This is a finely balanced proposal given the scale of the host dwelling and significantly reduced amenity area that will result from the severance of the plot. The supporting statement advises that No 21 will have 125sqm of ground level amenity space within the rear (private) garden area and the proposed dwelling will have 55sqm of ground level amenity space to the rear and 30sqm to the side ; in addition the proposed dwelling will have access to the upper garden area (c 80sqm). Taking into account the findings within the appeal decision and the amendments proposed by this scheme it may be considered, subject to the removal of permitted development rights, that the proposed residential amenity may, on balance, be acceptable.

Trees

The Council raised concern with the pressure on the TPO tree in the previous grounds of refusal (see above). In the appeal decision the Inspector was of the opinion that the proposed dwelling would be far enough away to ensure that it would have sufficient space to prevent any pressure to remove or severely prune the tree. The supporting statement to the application advises that the proposed scheme is positioned further away from the protected tree than the previous appeal scheme; the tree report and addendum are submitted to support the proposal. The Council's tree officer acknowledges that no facilitative pruning or removal of the tree is proposed at this time. However the tree officer highlights several factors (see above) which have to be given due consideration by tree officers in the event of post-development applications, and which can result in the approval of works that could otherwise have been considered inappropriate. Therefore the tree officer's concerns remain in that despite the assertion that the council would have control over any future pruning/removal, by locating a permanent structure closer within the falling distance of the tree (not currently the case for the existing dwelling) and by increasing the frequency of occupancy beneath the canopy, the nature of a risk assessment inevitably changes. This is considered to be a high value tree and therefore these matters remain of significant concern. Whilst the Inspector found that the proposal would be unlikely to result in any harm to the TPO'd tree it remains the view of the Council's tree officer that the nature of the risk assessment changes and with it the post-development pressure to the tree.

CIL

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

Conclusion

Having had regard to the above although this proposal is very finely balanced it is noted that 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

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would result in a significant loss of amenity to local residents and/or impact detrimentally on the character of the area

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 01: By locating a permanent structure closer within the falling distance of the tree (not currently the case for the existing dwelling) and by increasing the frequency of occupancy beneath the canopy, the nature of a risk assessment inevitably changes and therefore the development would prejudice the retention and wellbeing of this high value tree which is protected by a Tree Preservation Order, therefore contrary to Policy 7.21 of the London Plan, and Policy 73 of the Bromley Local Plan**

Application:18/05157/FULL1

Address: 21 Cromwell Avenue Bromley BR2 9AG

Proposal: Erection of detached three bedroom dwelling house, to include basement, ground and first floor. Creation of associated residential curtilage, vehicular access and car and cycle parking and refuse facility. Alterations to host dwelling including reduced balcony and repositioning of



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

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