



THE LONDON BOROUGH
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DATE: 4 December 2018

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

Councillor Katy Boughey (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Kevin Brooks, Robert Evans, William Huntington-Thresher,
Alexa Michael, Keith Onslow, Tony Owen and Kieran Terry

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 13 DECEMBER 2018 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

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

A G E N D A

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- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 18 OCTOBER 2018**
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(Applications submitted by the London Borough of Bromley)

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(Applications meriting special consideration)

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4.3	Bromley Common and Keston	25 - 36	(18/03151/FULL6) - Holwood House, Westerham Road, Keston, BR2 6HB
4.4	Bromley Town Conservation Area	37 - 40	(18/03201/LBC) - The Royal Bell, 175 High Street, Bromley, BR1 1NN
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SECTION 3

(Applications recommended for permission, approval or consent)

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4.9	Shortlands Conservation Area	139 - 148	(18/04312/FULL6) - 4 Den Road Shortlands Bromley BR2 0NH
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4.12	Shortlands Conservation Area	167 - 176	(18/04727/FULL6) - 41 Hayes Way, Beckenham BR3 6RJ

SECTION 4

(Applications recommended for refusal or disapproval of details)

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5 CONTRAVENTIONS AND OTHER ISSUES

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PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 18 October 2018

Present:

Councillor Katy Boughey (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Kevin Brooks, Robert Evans, Simon Fawthrop,
Alexa Michael, Keith Onslow, Tony Owen and Kieran Terry

Also Present:

Councillors Kira Gabbert

20 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor William Huntington-Thresher and Councillor Simon Fawthrop attended as his substitute.

21 DECLARATIONS OF INTEREST

No declarations of interest were received.

22 CONFIRMATION OF MINUTES OF MEETING HELD ON 23 AUGUST 2018

RESOLVED that the Minutes of the meeting held on 23 August 2018 be confirmed with the following two additions and signed as a correct record.

Minute 19.3 (109 Petts Wood Road, Petts Wood, Orpington, BR5 1JX) page 28, the following sentence should be inserted after the first sentence, "Members considered a recent refusal for application 18/24053/PLUD 40 Manor Way, Petts Wood, BR5 1NW, to be an important consideration."

Minute Annex page 25, this was a statement that Councillor Simon Fawthrop read at the meeting. Paragraph 2, first sentence, Councillor Tony Owen requested it be minuted that he and Councillor Keith Onslow confirmed their agreement.

23 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

23.1 SHORTLANDS

(18/02246/FULL1) - Park Langley Tennis Club, 44A Wickham Way, Beckenham BR3 3AF

Description of application – Extension to existing building comprising a new gallery bar, terraces and staircase.

A statement had been received from the applicant together with an email from Ward Member, Councillor Mary Cooke, and circulated to Members. The Chief Planner's representative confirmed the site had 80 parking spaces.

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

**23.2
FARNBOROUGH AND
CROFTON
CONSERVATION AREA**

(18/03313/FULL1) - Land at Junction with Crofton Road Park Avenue, Farnborough, Orpington

Description of application – Replacement of in roadway pop-up barriers with new across highway (pair of) gates, less than 1.0m in height, central stone planter (low level) RETROSPECTIVE APPLICATION.

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

Ward Member, Councillor Charles Joel had visited the site with his fellow Ward Members, Councillors Robert Evans and Christopher Marlow, and they all supported the application.

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

“2. The pedestrian gate shown on drawing no 17/423 GA 108 must be permanently fixed open and retained as such.

REASON: In order to prevent an obstruction of Public Footpath 141.”

**23.3
FARNBOROUGH AND
CROFTON**

(18/03314/FULL1) - Land at Junction with Park Avenue and Farnborough Common, Orpington

Description of application – Replacement of in roadway pop-up barriers with new across highway (pair of) gates, less than 1.0m in height, central stone planter (low level) on Park Avenue junction with Hastings Road A21/Farnborough Park Orpington RETROSPECTIVE APPLICATION.

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

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

**23.4
FARNBOROUGH AND
CROFTON
CONSERVATION AREA**

(18/03444/FULL1) - Land at Junction with Crofton Road Park Avenue, Farnborough, Orpington
Description amended to read, "Temporary consent for security hut adjacent to new cross carriageway gates a Park Avenue Junction with Crofton Road Farnborough Park Orpington, for a time period of 1 year. RETROSPECTIVE APPLICATION."

Oral representations in support of the application were received at the meeting. An email and photograph had been received from the applicant and circulated to Members.

Ward Member, Councillor Charles Joel, had visited the site with his fellow Ward Members, Councillors Robert Evans and Christopher Marlow and their preference was for overcladding.

Members having considered the report, objections and representations, **RESOLVED that TEMPORARY PERMISSION be GRANTED FOR ONE YEAR**, subject to the following conditions:-

"1. The temporary security hut hereby permitted shall be removed and the land reinstated to its former condition on or before 1 year of the date of this decision notice.

REASON: In order that the situation can be reconsidered in the light of circumstances at that time in the interest of the amenities of the area.

2. Details of a revised finish to be used for the external surfaces of the building shall be submitted to the Local Planning Authority within 1 month of the date of this decision and once approved in writing by the Local Planning Authority shall be implemented within one month of the date of approval.

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

SECTION 3

(Applications recommended for permission, approval or consent)

**23.5
ORPINGTON**

(18/01850/PLUD) - 1 Quilter Road, Orpington BR5 4PD

Description of application – Single storey side extension **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**.

Members having considered the report, **RESOLVED that A CERTIFICATE OF LAWFUL DEVELOPMENT be GRANTED** as recommended, as set out in the report of the Chief Planner.

**23.6
PENGE AND CATOR**

**(18/02791/FULL1) - 182 Maple Road, Penge,
London SE20 8JB**

Description of application – 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.

This application had previously been deferred by the Members of Plans Sub-Committee 3 on 23 August 2018.

Ward Member, Councillor Kevin Brooks, said that he and his fellow Ward Members, Councillors Kathy Bance and Simon Jeal, were satisfied with the details provided by the applicant with regard to cycle storage. Some refuse storage details had been provided and insufficient internal flue and ventilation details and he asked Members to defer the application again.

Members having considered the report and objections, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, **to SEEK FULL DETAILS INCLUDING THE TECHNICAL SPECIFICATION OF THE PROPOSED VENTILATION SYSTEM.**

**23.7
CHISLEHURST
CONSERVATION AREA**

**(18/02849/FULL1) - Shanzu, Raggleswood,
Chislehurst BR7 5NH**

Description of application - Demolition of existing dwelling (Shanzu) and erection of a detached two/three storey house with integral double garage.

Members having considered the report and

objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with an amendment to Conditions 8 and 9 and a further condition to read:-

“8. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission including the retention of a minimum 2m separation to flank boundaries unless previously agreed in writing by the Local Planning Authority.

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

9. 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 prior to the demolition of the existing dwelling and before work commences and the development shall be completed strictly in accordance with the approved levels.

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

12. Details of the means of a minimum 2m high privacy screening for the terrace shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The screening shall be installed before first use of the terrace in accordance with the approved details and permanently retained as such.

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

**23.8
CHISLEHURST
CONSERVATION AREA**

**(18/02973/FULL6) - Baringa, Manor Park,
Chislehurst BR7 5QE**

Description of application – Enlargement of existing front dormer, first floor side, single storey rear extension, conversion of a garage into a living area, addition of porch roof and elevational alterations.

Ward Member, Councillor Kieran Terry had visited the site and supported the application.

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.

**23.9
WEST WICKHAM**

**(18/03129/FULL6) - 10 Ash Grove, West Wickham
BR4 0QL**

Description of application – First floor side extension.

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

**23.10
BICKLEY
CONSERVATION AREA**

**(18/03206/FULL1) - Pentwood, Woodlands Close,
Bickley, Bromley BR1 2BD**

Description of application – Part one/two storey detached 4 bedroom dwelling with 2 detached carports on land to the rear of The Pentlands fronting Woodlands Close RETROSPECTIVE APPLICATION.

Oral representations from Ward Member, Councillor Kira Gabbert, in objection to the application were received at the meeting. She referred to the planning and appeal history of the site. Application 02/03072/FULL1 had been refused but allowed on appeal in July 2003. The proposals were not implemented within the five year time limit, and the permission lapsed. Application 13/02200/FULL1 had been permitted but the roof line differed from the approved plans and two detached carports had been built rather than the basement garage and her view was that the provision of two garages was essential. Councillor Gabbert objected to the size, scale and layout being cramped, that would have a negative impact and out of character with the conservation area. She pointed out that the Advisory Panel for Conservation Areas has objected to the 2013 application and also to the current application and asked Members to refuse the application and to consider enforcement action.

The Chairman read an extract from the appeal decision that confirmed Inspector had wanted to retain as much land as possible and the Chairman objected to the two car ports.

Councillors Fawthrop, Michael and Onslow agreed with Councillor Gabbert's view that the application should be refused and enforcement action should be considered.

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

1. The proposal would constitute a bulky, cramped overdevelopment of the site, out of keeping with the character of surrounding residential development, and detrimental to the spatial standards of this part of the Bickley Park Conservation Area contrary to Policies BE1, BE11, H7 and H9 of the Unitary Development Plan, draft policies 3, 8, 37 and 41 of the emerging local plan and the Supplementary Planning Guidance for the Conservation Area.

It was **FURTHER RESOLVED** that **ENFORCEMENT ACTION BE AUTHORISED**.

**23.11
HAYES AND CONEY HALL**

(18/03233/FULL6) - 14 Rodney Gardens, West Wickham BR4 9DD

Description of application – Steps for access to rear garden and side access of property with decking raised to ground floor level (Retrospective Application).

Councillor Joel had visited the site and was concerned that the occupier of 12 Rodney Gardens had lost their privacy due to the site levels and suggested improved screening.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the following condition:-

“1. Details of the means of a minimum 1.8m high privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be carried out in accordance with the approved details and be in situ within 6 months of the date of this decision notice and be permanently retained as such thereafter.

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

**23.12
HAYES AND CONEY HALL**

(18/03331/FULL6) - 17 Husseywell Crescent, Hayes, Bromley BR2 7LN

Description of application – Part one/two storey side and rear extension.

Councillor Joel had visited the site and supported the application.

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

**23.13
PLAISTOW AND
SUNDRIDGE**

(18/03407/PLUD) - 129 Portland Road, Bromley BR1 5AY

Description of application – Hip to gable loft conversion to incorporate rear dormer and front rooflights. Lawful Development Certificate (Proposed).

Members having considered the report, **RESOLVED that A CERTIFICATE OF LAWFUL DEVELOPMENT be GRANTED** as recommended, as set out in the report of the Chief Planner.

**23.14
BROMLEY COMMON AND
KESTON**

(18/03577/FULL6) - 1 Cheyne Close, Bromley BR2 8QA

Description of application – Front porch, conversion of existing garage to form habitable space, part one/ two storey side/rear extension and elevational alterations.

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

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

**23.15
COPERS COPE
CONSERVATION AREA**

(18/03581/FULL1) - Rear of 14 Bromley Road, Beckenham BR3 5JE

Description of application – Reconstruction of two storey office building previously destroyed by fire.

An email from Ward Member, Councillor Russell Mellor, had been received and circulated to Members.

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

“11. Notwithstanding the provisions of the Town and

Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no operational works or changes of use permitted by Part 1, Part 2 or Part 3 of Schedule 2 of the 2015 Order (as amended), shall be erected or made without the prior approval in writing of the Local Planning Authority.

REASON: In order to comply with Policies BE1 and BE11 of the Unitary Development Plan and in the interests of residential amenity.

12. The floorspace shown on the approved plan as Class B1 office shall only be used as Class B1 (Offices) and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders. ”

REASON: In order to comply with Policies BE1 and EMP2 of the Unitary Development Plan and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use or substandard residential accommodation.”

**23.16
BICKLEY**

(18/03959/FULL6) - 16 Canon Road, Bromley BR1 2SN

Description of application – Single storey rear extension.

Oral representations from Ward Member, Councillor Kira Gabbert, were received at the meeting. A further letter of objection had been received and circulated to Members.

Councillor Kieran Terry had visited the site and informed Members that in his view the proposed extension would not be out of character and he and Councillor Michael supported the application. Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**23.17
PETTS WOOD AND KNOLL**

(18/02541/FULL1) - 75 Queensway, Petts Wood, Orpington BR5 1DQ

Description of application – Detached two storey building with accommodation in roofspace comprising 1 three bedroom, 4 two bedroom and 1 one bedroom flats with undercroft parking on land to the rear of 75 Queensway.

It was reported that further objections to the application had been received together with a letter of support.

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

The Meeting ended at 8.30 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 17/04576/FULL1

Ward:
Crystal Palace

Address : 43 Selby Road Penge London SE20 8ST **Objections:** Yes

OS Grid Ref: E: 534419 N: 169080

Applicant : Mr Anh Tuan Hoang

Description of Development:

Conversion of the existing residential dwelling into a HMO for 7 individual residents (Retrospective Application)

Key designations:

Biggin Hill Safeguarding Birds
Smoke Control SCA 32

Proposal

Retrospective planning permission is sought for conversion of the existing residential dwelling into a House of Multiple Occupation (HMO) with 7 bedrooms and one off-street car parking space.

This application was withdrawn from the agenda due to be held on the 14th June 2018, in order to seek clarification of how the raw data was collected in accordance with the required Lambeth Methodology. It was discovered that the parking surveys carried out had discrepancies and the applicant decided to carry out a full parking data stress occupancy report conducted by a third party.

Location and Key Constraints

The application property is located on the western side of Selby Road, Penge, and comprises a mid terraced property operating as a HMO with seven separate bedrooms.

The immediate surrounding area comprises a mix of single dwelling houses and flatted accommodation, including properties which have been converted to form flats. The site is opposite a car workshop.

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

- Existing unlawful HMO
- Inadequate provision for the appropriate storage of rubbish, including recyclable rubbish
- Addition of increased parking, which is already overcrowded
- The property has been used as a HMO since 2010 not 2013 (as stated on the application forms).
- Concerns regarding parking provision and increased pressure in vicinity
- Amenity space not sufficient
- Concerns regarding refuse storage arrangements & increased vermin
- Deterioration in living environment as a result of other conversions
- Increased congestion and noise and disturbance
- Overdevelopment
- Overlooking
- Reduction in number of family dwellings
- The character of the surrounding neighbourhood will be negatively affected.
- Concerns regarding drainage
- There are many elderly, disabled and parents of infant children who regularly struggle to find parking on this road.
- The previous planning application to convert No.43 to flats was rejected on the grounds of density and amenity. The owner subsequently developed the property into 7 dwellings under HMO regulations, without planning permission.
- The conversion of this property has been characterised by inaccurate submissions to the Planning authorities, leading to the need for a Retrospective Application.
- The Planning sub-committee will recollect that the conversion of number 39, Selby Road, was similarly beset with issues stemming from a lack of appropriate and timely scrutiny. Eventually this led, after years of misery for the local residents and expensive legal enforcement action by the Council, to the removal of an illegal extension at the back of the house.
- Our serious and sustained objections to the current application at number 43 derive from concerns regarding over-expansion and density of population in what is already a congested stretch of this road with terraced housing down one side and semi-detached/halls adjoining houses on the other. We do not think the Lambeth Methodology for assessing parking stress reflects the local context; it is not reasonable to expect that residents of this section of Selby Road will choose to park vehicles in Cambridge or Wheathill Road which would involve crossing a busy main road.
- This 'parking survey' seems to be as 'Mickey Mouse' as the application itself. The applicant has continually flouted the rules and regulations and repeatedly has missed deadlines set by the Council. This application should be rejected. He's been granted multiple chances, has misrepresented his

objectives, and is taking you for a ride. It is time that you called a halt to this farce.

Comments from Consultees

Environmental Health Pollution Officer: no objection

Environmental Health Housing Officer: The above property was converted into a Category A type HMO in accordance with the local authority's adopted standards for HMOs in 2010/2011. The HMO was and appears still to be adequate for up to 7 persons, one person in each of the 7 bedsits. 5 of the 7 bedsits have private cooking facilities whilst the other 2 share kitchen facilities in the shared kitchen/dining/living room. All 7 bedsits share the ground floor communal living space in the shared kitchen/dining/living room. All 7 bedsits share the two bathrooms with wash hand basins and toilets located on the ground and first floors.

The HMO had adequate fire precautions when last inspected in December 2010.

Highways: The site is located on the corner of Selby Road and Penge Road and it's in an area with PTAL rate of 2 on a scale of 0 - 6b, where 6b is the most accessible.

The applicant has carried out parking stress surveys on Tuesday 25th and Wednesday 26th September at 05:00 & 10:30 on both days. The surveys showed that adequate parking spaces were available close by and within 200m of the space. No objection to the application subject to the followings being part of any approval.

CONDITION

H22 (Cycle)

Non Standard Condition -The developer must also offer the first residents 2 years annual membership of a local car club to the development.

Policy Context

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

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

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

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

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

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

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

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

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

National Planning Policy Framework (NPPF) (2012):

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

Chapter 6 - Delivering a wider choice of high quality homes
London Plan (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 56.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.

Housing: Supplementary Planning Guidance. (March 2016)

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

Unitary Development Plan (2006):

BE1 Design of New Development
H1 Housing Supply
H11 Residential conversions
T3 Parking
T18 Road Safety

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

Draft Plan (2016):

Draft Policy 1	Housing Supply
Draft Policy 4	Housing Design
Draft Policy 9	Residential Conversions
Daft Policy 37	General Design of Development
Draft Policy 30	Parking
Draft Policy 32	Road Safety

Planning History

Under planning application ref:- 09/03307/FULL1 planning permission was refused for single storey rear extension and conversion to form 3 two bedroom flats with forecourt parking and parking and cycle and refuse stores. The application was refused for the following reasons:-

"The proposed development would, by reason of the number of units proposed, constitute an overdevelopment of the site, out of character with the surrounding area, and contrary to Policy H11 of the Unitary Development Plan".

"The proposed development would be lacking in adequate on-site car parking provision and would result in excessive demand for on-street parking in the area, to the detriment of road safety, and contrary to Policy T18 of the Unitary Development Plan".

Considerations

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

- Principle of use
- Standard of accommodation
- Neighbouring amenity
- Highway impact

Principle of use

Policy H11 of the UDP seeks to ensure that the borough's older properties are efficiently used, in order to maximise, within environmental constraints the contribution conversions make to housing supply. The conversion of a single family dwelling house into non self-contained accommodation will only be permitted where the amenities of occupiers of neighbouring dwellings will not be harmed; the resulting accommodation will provide satisfactory living environment for the intended occupiers; on street or off street parking resulting from the development will not cause unsafe or inconvenient highway conditions nor affect the character and appearance of the area; and the proposal will not lead to the shortage of medium or small sized family dwellings in the area.

The application property is a large mid terraced dwelling located within a residential area. There are no external alterations or internal changes with the application being retrospective and operating as a HMO since 2013. It is noted that the property has already been converted into a HMO, however at the time of the site visit 7 of the bedrooms were in use. Permitted development legislation (GDPO 2015), together with the Use Classes Order (1987) does allow for a single residential dwelling to be used by up to 6 unrelated individuals. This arrangement is therefore falls just outside of the permitted development tolerances.

The intensification of the property and level of movements associated with one additional bedroom above that allowed by permitted development legislation, is not considered to be significantly different to the existing situation.

Whilst this proposal would theoretically increase the number of occupants through an additional bedroom, given the overall size of the unit in this instance, it is considered that on balance the proposal would not result in an over intensification of the site detrimental to the character of the surrounding area and as such would comply with Policy H11 of the Unitary Development Plan.

Standard of Accommodation

The Council has adopted Standards of Houses in Multiple Occupation, however it is noted that the property has already received a License to be used as a HMO in accordance with the authority's adopted standards. No objections have also been raised by the Council's Environmental Health Housing officer. Notwithstanding this point, the property is large and at the time of the site visit it has been fitted out to a reasonable standard. It would provide an adequate number of bathrooms for the number of intended occupiers in line with the Council's adopted HMO standards. There is only one kitchen; however this is large and incorporates a communal dining area. In respect of bedrooms, the National prescribed housing standards (2015) set out minimum requirements for new residential development, including minimum room sizes. Whilst HMOs do not technically fall within these standards, they are considered to be a reasonable baseline for assessment. They indicate that bedrooms should measure between 7.5sqm and 11.5sqm. Each of the bedrooms would well exceed the minimum space standards.

It is noted that the property has already been converted into a HMO, with the planning application forms stating the use started in 2013 (5yrs ago). The General Permitted Development Order (GDPO) 2015, together with the Use Classes Order (1987) does allow for a single residential dwelling to be used by up to 6 unrelated individuals. This application is for 7 bedrooms, so only one more room than allowed under permitted development legislation. Following the site visit each of the existing bedrooms appeared to be spacious and received an acceptable level of light and this would continue to be the case for the proposed arrangement. The proposed areas of communal amenity space are however limited to the communal kitchen and garden area. The entrance hall is fairly large to not cause undue disturbance from the comings and goings of residents.

Given the overall size of the house and the proposed level of accommodation and communal facilities it is considered to be adequate and would provide a good standard of accommodation for future occupiers, in compliance with Policy H11 of the Unitary Development Plan. Given the above, Members may consider that the proposal would provide an acceptable standard of accommodation.

Neighbouring residential amenities

Insufficient parking has been highlighted as an issue by residents, however, the agent has carried out two parking surveys with the survey results showing there to be on-street parking available.

Inadequate storage for rubbish & recycling has also been highlighted as an issue by residents, however, it is felt that this can be addressed by way of a condition. There may be additional comings and goings; however within this context it would unlikely give rise to significant levels of noise and disturbance. Furthermore the use has been operating for the past 5yrs.

As stated previously the property could be occupied by up to 6 persons as a HMO under permitted development. The intensification of one additional bedroom in terms of general noise and disturbance from the comings and goings at the site is not considered to be detrimental enough to the living conditions of the surrounding properties to warrant refusal of the application.

As such it is considered that on balance the proposal would comply with policy BE1 of the Unitary Development Plan.

Highways

The site is located on the corner of Selby Road and Penge Road and it is in an area with PTAL rate of 2 on a scale of 0 - 6b, where 6b is the most accessible.

This application was withdrawn from the agenda of the plan-sub committee due to be held on the 14th June 2018, in order to seek clarification of how the raw data was collected in accordance with the required Lambeth Methodology.

Discrepancies were found in the way that the survey data was collected in order to justify the original surveys carried out in April 2018. The applicant subsequently

commissioned fresh surveys which were carried out by Traffic Surveys Uk Ltd on Tuesday 25th and Wednesday 26th September 2018 at 05:00 & 10:30.

The Highways Officer considers the new parking surveys have been carried out in accordance with the Lambert Methodology and the surveys have indicated that there is spare capacity for parking close by or within 200m of the site.

Given the small scale of the development is not considered proportionate to ask the developer to provide membership of a local car club. The new parking surveys also indicates there is spare capacity for parking on the street.

Cycle parking

The agent has not provided details of a secure and lockable cycle storage, however, this could be conditioned given the available size of the plot.

Conclusion

In summary the development is considered to be acceptable in principle, would not result in harm to the character and appearance of the area, is acceptable in this location and would not result in harm to neighbouring residential amenities.

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

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

- 2 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of approval and implemented in 2 months thereafter.**

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

- 3** Details of bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of approval and implemented within 2 months thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

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Application:17/04576/FULL1

Address: 43 Selby Road Penge London SE20 8ST

Proposal: Conversion of the existing residential dwelling into a HMO for 7 individual residents (Retrospective Application)



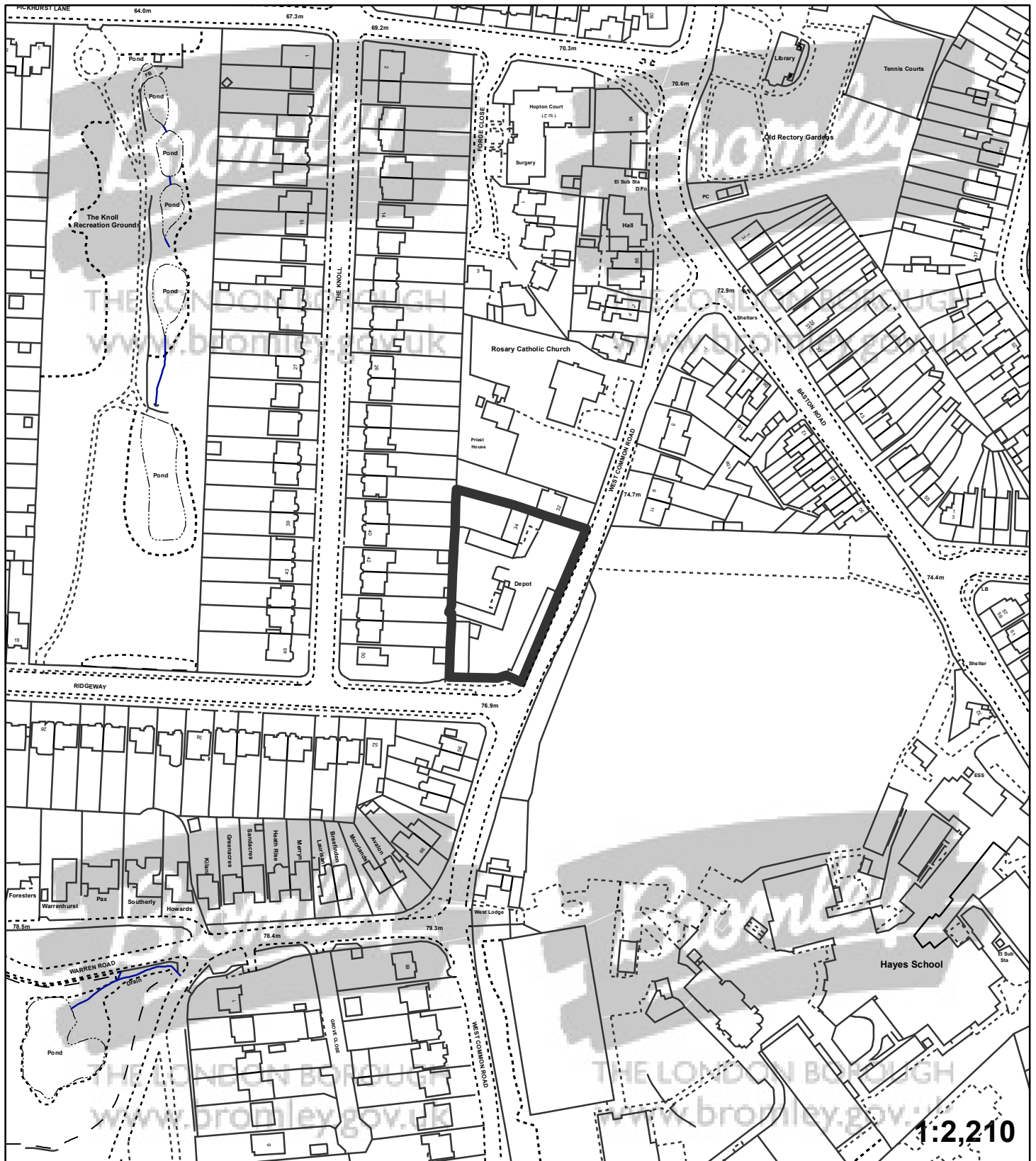
"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Application:18/01537/FULL1

Address: 34 West Common Road Hayes Bromley BR2 7BX

Proposal: Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping.



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

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SECTION '2' – Applications meriting special consideration

Application No : 18/03151/FULL6

Ward:
**Bromley Common And
Keston**

Address : Holwood House Westerham Road
Keston BR2 6HB

Objections: Yes

OS Grid Ref: E: 542272 N: 163569

Applicant : Mr P Waddell

Description of Development:

Application for the construction of deer proof fencing, security fencing, railings and new gates

Key designations:

Areas of Archeological Significance
Ancient Monuments Ancient Monument - LO101
Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 14

Proposal

Planning permission is sought for the construction of deer proof fencing, security fencing, railings and new gates.

There are two different types of fence proposed, metal deer railings which will be along the western boundary and then timber deer fencing which would be located along the southern and eastern boundaries all at 2m high. Additional landscape planting is proposed along the western boundary.

The proposed new gates to the Sothern entrance would match the exiting northern entrance gates.

Location and Key Constraints

The site is located to the south of Keston Village and Westerham Road and set within approximately 50 acres of parkland and gardens. Holwood Mansion is a grade I listed dwelling and the site is also a Grade II registered historic park.

The list description for Holwood Manson is as follows:

"William Pitt the younger had a house here on this site. This was demolished and rebuilt by Decimus Burton for John Ward in 1825. Lord Cranworth, who was Lord Chancellor from 1852-8 and from 1865-6 also lived here. 2 storeys. 13 windows. White brick on a stone base with stone stringcourse cornice and parapet. The north-west or entrance front has a central projecting portion of 3 windows with a recessed porch in this having 2 fluted stone Greek Doric columns, a window on each side of the porch flanked by pilasters and a stone entablature with pediment over. At each end is a one-storey pavilion of 3 round-headed windows with a pediment over. At the north-east end is a service wing of 9 windows. The south-east or garden front has a central bow with 4 free-standing fluted Ionic columns and 2 Doric pilasters standing on a plinth of 6 semi-circular steps and rising the whole height of the house with a stone entablature above. The 3 window bays at each end are recessed. Their ground floor has 2 fluted Doric columns and 2 pilasters. To the south-east of the house is a very fine cedar tree at least as old as Pitt's time.

Comments from Local Residents and Groups

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

- Concern over the impact on the deer and other wildlife who currently roam free around the estate;
- Applicant should consider protecting the trees with metal cowl at the lower trunk instead of the fencing;
- Solid boundary treatments would be out of keeping with the Holwood estate and Grade I listed building;
- Concerned that wooden/mesh fencing as proposed by Historic England would be out of keeping with this part of the Holwood estate;
- Think metal/clear deer fencing would be better;
- Loss of the open views though the parkland;
- Point 10 on application form is incorrect as there are trees and hedges on the land adjacent to the proposed fencing.

Amended plans were received 04/10/2018 which replaced the solid deer fencing with metal deer fencing along the western boundary. A further consultation was carried out and a number of letters of support were received and confirming this has elevated their previous concerns. Objection was still received with regards to the limiting the roaming of the deer and wildlife though boundary enclosures.

Comments from Consultees

Conservation Officer - No objections raised.

Historic England - Conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The Garden Trust – No comments have been received. Any comments will be reported verbally.

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

The London Plan (2016):

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

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure

BE8 Statutory Listed Buildings
BE15 Historic Parks and Gardens
H8 Residential Extensions
G1 The Green Belt

Draft Local Plan (2016):

Policy 6 Residential Extensions
Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 45 Historic Parks and Gardens
Policy 49 The Green Belt
Policy 73 Development and Trees

Other Guidance:

Supplementary Planning Guidance 1 - General Design Principles

Planning History

There is a long planning history for this site however none are relevant to this current proposal. A full list of the planning history can be found on the Council's website.

Considerations

It is considered the planning issues and considerations relate to:

- Impact on the Statutory Listed Building
- Impact on the Green Belt
- Neighbouring amenity
- Mayoral CIL

Impact on the Statutory Listed Building:

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

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

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

The host building is Grade I Listed, Policy BE8 of the UDP and Policy 38 of the Draft Local Plan states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting. These policies are supported by London Plan Policy 7.8.

The site is also a Grade II registered historic park and as such Policy BE15 of the Unitary Development Plan and Policy 45 of the Draft Local Plan needs to be considered. These policies state that application within or adjoining a registered historic park or garden will be expected to protect the special features, historic interest and setting of the park or garden. The Council will seek to ensure that the park or garden is appropriately managed or maintained in a manner which reflects its status and designation.

The Register does not provide statutory protection, nor does it imply any additional powers to control development. However, the historic interest of a park or garden has been established as a material planning consideration, and in considering applications on the sites in the London Borough of Bromley, the Council will consult English Heritage. The Council will review from time to time other historic parks and gardens within the Borough with a view to identifying their special interest. English Heritage, London Historic Parks & Gardens Trust and others will be consulted as part of the review process.

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 Unitary 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.

Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan requires all development proposals, including extensions to existing buildings, will

be expected to be of a high standard of design and layout. Policy H8 of the Unitary Development Plan and Policy 6 of the Draft Local Plan states that proposals for alterations and enlargements should respect and complement the host dwelling and be compatible with the surrounding area, this is supported by London Plan Policies 7.4 and 7.6.

With regards to the entrance gates these are a replacement of the entrance gates along the south west driveway, which are currently basic in appearance and do not reflect the style or grandeur one would expect to find on one of the principle routes through to the Grade I listed property. By replicating the gates and piers to the northern entrance, it is considered that this element of the proposals would be an enhancement to the setting of the manor house and wider historic landscape.

In terms of the boundary treatment the principle of the works seek to improve the security and deer proofing of the estate, which at present is not fit for purpose and has resulted in trespassing and fly tipping activity.

The applicant has proposed a variety of fencing and railings that align with the existing modern land ownership boundaries, the historic designed landscape extends beyond this. Historically, the emphasis would have been on keeping the deer in the parkland and out of the pleasure ground, both of which are partially owned by the applicant.

Wire mesh fencing is proposed along less visible boundaries and the formal metal parkland rail along the western drive and adjacent to the northern gates; the proposed use of high quality metal deer railing would not adversely impact visually on the Registered Park and Garden and is more formal in character and maintains a sense of permeability and connection between the historic pleasure grounds that have been bisected by modern ownership boundaries.

The proposed planting is appropriately located along boundaries within the historic extent of the formal gardens, which gives way to grass and standalone tree specimens as the boundary extends into the historic parkland. This helps to provide a clear distinction between the historic extents of the C18 and later pleasure ground and parkland beyond that was historically more open in character.

For these reasons, it is therefore considered that the proposed works would not detract from the character and appearance of this listed building.

Impact on the Green Belt:

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 143 - 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Policy 7.16 of the London Plan similarly indicates Green Belts should be protected from inappropriate development. Saved Policy G1 of the UDP remain broadly in accordance with the Framework, confirming a presumption against inappropriate development unless very special circumstances exist although some of the detailed criteria set out within them no longer remains relevant.

The Council wishes to ensure that there is no incremental harm to the Green Belt by that collectively may jeopardise the open nature of the countryside, or other open land. Development which falls outside the appropriate uses is, by definition, harmful to the Green Belt. The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

Boundary enclosures up to 2m in height are normally permitted development not requiring planning permission. In this case planning permission is required primarily as the proposed boundary treatments are within the curtilage of a Grade II listed garden. The reason for this exception, although not set out in the legislation, is considered to be so that the Local Planning Authority can consider the impact of any proposed treatment on the setting of the listed garden.

The boundary treatments proposed constitute inappropriate development in the Green Belt as they do not fall into any of the exceptions set out in current policy. As set out above the treatment is considered acceptable in relation to the historic importance of the site and as concluded below, there is considered to be no conflict with any other established policy. The boundary treatments in part replace existing and are not considered to cause any substantive harm to the openness of the Green Belt or the character of the area by reason of their design and siting. There are also well justified reasons for requiring the development proposed (eg preventing deer from encroaching into the recreational areas of the land). As such, all of the factors set out above are considered to be very special circumstances which outweigh the harm caused by the inappropriateness of the development, and the proposed is thus considered acceptable in Green Belt policy terms.

Neighbouring Amenity:

Policy BE1 (v) of the UDP and Policy 37 of the Draft Local Plan state that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

Due to the location of the proposed gates and new fencing the proposed works would not impact on any of the neighbouring occupiers in terms of creating a sense of enclosure loss of sunlight / daylight and loss of outlook from the rear of the adjoining neighbours. Concerns have been raised over the loss of the view through to the mansion and grounds. The loss of a view is not a material planning consideration and as such cannot be taken into account.

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

CIL:

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not visually interrupt the architectural composition of the Grade I Listed Building in a harmful manner, nor result in a significant loss of amenity to local residents or impact detrimentally on the character of the area and Green Belt.

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 18.09.2018 26.09.2018 28.08.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

- 3 The landscaping details as set out on drawing No. EA 2081-17 REV A, Planting Plan (18.09.2018) and Planting Schedule (18.09.2018) shall be implemented in the first planting season following the occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity.**

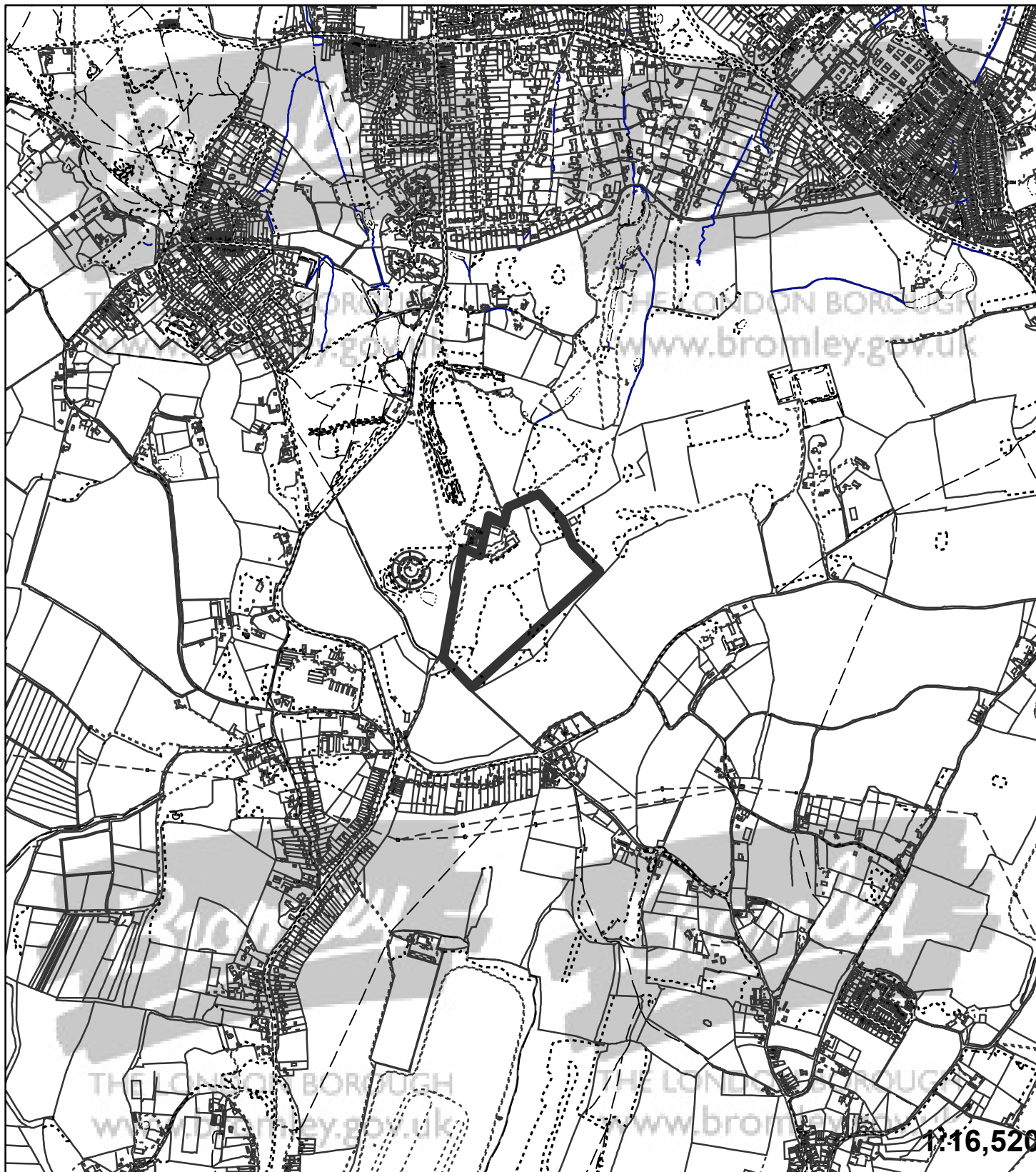
Reason: In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

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Application:18/03151/FULL6

Address: Holwood House Westerham Road Keston BR2 6HB

Proposal: Application for the construction of deer proof fencing, security fencing, railings and new gates



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

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SECTION '2' – Applications meriting special consideration

Application No : 18/03201/LBC

Ward:
Bromley Town

Address : The Royal Bell 175 High Street Bromley
BR1 1NN

Objections: Yes

OS Grid Ref: E: 540204 N: 169351

Applicant : N. Hillman & Sons Ltd

Description of Development:

Demolition of the former stable block and external steps (173 - 177 High Street), conversion and refurbishment of the former public house including an extension of a 9 storey building plus a basement to provide a 50-bed hotel with a gym, swimming pool and a retail unit (Class A1). Installation of 2 new shopfronts and formation of a new entrance with an associated access to the rear from Walters Yard (LISTED BUILDING CONSENT).

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 5

Proposal

JOINT REPORT WITH 18/3252/FULL

Listed Building consent is sought for the the demolition of a former stable block, refurbishment and conversion of a statutory Grade II listed building at No.173 to 177 High Street (known as former Royal Bell Hotel) and erection of a 9 storey building plus basement to provide a 50 bed hotel with a gym, swimming pool and a retail unit.

The detailed description and analysis of the acceptability of the scheme and the impact on the listed building is set out in the accompanying planning application report ref. 18/03252/FULL1 which appears elsewhere on this agenda.

Based on the conclusions of the above report, it is considered that Listed Building consent should be granted for the proposed works to the former Royal Bell Hotel and relevant conditions are recommended below.

RECOMMENDATION: GRANT LISTED BUILDING CONSENT

subject to the following conditions:

- 1 The works hereby granted consent shall be commenced within 5 years of the date of this decision notice.**

REASON: Section 18, Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the application plans, drawings and documents.**

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority when judged against the policies in the London Plan and the Bromley UDP 2006.

- 3 Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.**

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

- 4 Structural engineers' drawings, indicating the intended method of ensuring the stability of the fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun. All works of demolition and construction shall be carried out in accordance with the approved engineering drawings.**

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and to protect the fabric of the Listed Building.

- 5 Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.**

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

- 6 Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.**

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and to protect the fabric of the Listed Building.

- 7 Works to repoint the building (including preparation for the repointing) shall be carried out by hand or by tools held in the hand other than power-driven tools.**

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and to protect the fabric of the Listed Building.

- 8 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 All internal and external works of making good to the retained fabric of the building shall be finished to match the adjacent work with regard to methods used and to material, colour, texture and profile. Details of the internal finishes of the accommodation within the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details and thereafter permanently retained.

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

- 10 Before work begins, a detailed justification for, and/ or methodology for inserting a damp proof course shall be approved in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

- 11 Before work begins, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and protect the windows during the building work, particularly the historic window glass. The agreed measures shall be carried out in full. No such features shall be disturbed or damaged or removed temporarily or permanently to facilitate protection except as indicated on the approved drawings or with prior approval in writing. Any intact historic window glass damaged during the building work shall be reported to the Local Planning Authority and shall be replaced like-for-like from a suitable approved source. No windows should be replaced unless details are submitted and approved in writing with the Local Planning Authority and shall be implemented in accordance with the approved details. The windows shall be installed in accordance with the approved details.

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

- 12 Before work begins, a schedule showing the retention/re-use of door/doorcases, fire surrounds, decorative plaster work, panelling and so forth, shall be approved in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest of the architectural and historic interest of the Listed Building.

13 Details of the proposed any external flues, including colour samples and fixing, shall be submitted to and approved by the local planning authority prior to the first installation of any of the flues and implemented in accordance with the approved details and permanently retained thereafter.

Reason: In order to comply with Policy BE1 and BE8 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

SECTION '2' – Applications meriting special consideration

Application No : 18/03252/FULL1

Ward:
Bromley Town

Address : The Royal Bell 175 High Street Bromley
BR1 1NN

Objections: Yes

OS Grid Ref: E: 540204 N: 169351

Applicant : N. Hillman & Sons Ltd

JOINT REPORT WITH 18/03201/LBC

A separate application for Listed Building Consent in relation to the above mentioned development is also pending consideration, under ref. 18/03201/LBC. This report assesses the merits of both the application for planning permission and for Listed Building consent, although the recommendation in respect of the Listed Building consent is to be found elsewhere on this agenda.

Proposal

Planning permission is sought for the demolition of a former stable block, refurbishment and conversion of a statutory Grade II listed building at No.173 to 177 High Street (known as former Royal Bell Hotel) and erection of a 9 storey building plus basement to provide a 50 bed hotel with a gym, swimming pool and a retail unit.

The footprint of the proposed building would be broadly rectangular in shape measuring 16.3 metres wide, 28.2 metres high and 15 metres deep along the north elevation. The ground floor of the proposed building would be attached to the rear of the listed building via a glazed link. The basement of the proposed building would be connected to the basement of the listed building.

The main entrance to the hotel would be facing the High Street. A new glazed cast iron canopy above the main door would be installed. A new pedestrian access to the hotel would be created via Walter's Yard. This new entrance would be covered by a glazed canopy.

The front arched windows on the ground floor of the listed building would be removed and replaced by two new shopfronts. The existing iron gate located on the carriage passage would be retained. 6 cycle stands would be provided along the passage.

The external materials of the proposed building would be mainly constructed in brick off-white and red 'Roman' in colour. The external brick on the top floor would be blue in colour. The terrace on the top floor would be surrounded by inverted arches with wrought iron balustrade. The roof profile of the proposed building would be a pitched and made of standing seamed zinc cladding. The windows between the first to the fifth floors are designed as recessed bay windows with buff

or polychrome brick work. The west and east elevation of the proposed building is designed with decorative half panels of patterned brick work.

5 wheelchair accessible hotel rooms would be provide and located between the first to fifth floors. This proposal is a car free development with no dedicated servicing and delivery space, coach pick up/drop off point or disabled spaces. It is proposed to utilise a triangular plot of land located between the rear yard of the site and Walter's Yard to create a "shared surface" area accommodating the operational requirement of this proposal. This will be subject to a formal/legal agreement with the Council's property services.

The proposed internal layout would be provided as follow:

Basement:

- Indoor swimming pool 4.5 metres by 10 metres, changing room and associated plant room;
- A gym reception area, two main gym area with changing areas and toilet facilities;
- A plant room and a bar storage area;

Ground floor:

- A hotel reception area, 2 lobby areas, two commercial areas (North and South Unit), a bar area, a kitchen and ancillary storage areas.

First floor:

- A reception area (57.8sq.m), a function room (83.5sq.m), a ballroom (147sq.m), 2 separate bar areas, a kitchen, storage and toilets areas; 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);

Second floor:

- 3 suites (Suite 1 contains 2 double bedroom and a sitting room; Site 2 is a double room; Suite 2 contains 2 double bedroom and the main bedroom provided with a sitting area (24.4sq.m to 72.3sq.m); 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);
- 10 rooms for staff accommodation and office; 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);

Third to fifth floor

- 7 en-suite hotel bedrooms per floor (15.1sq.m to 22.3sq.m);

Sixth to seventh floor

- 5 en-suite hotel bedrooms per floor (12.8sq.m to 25.3sq.m);

Eighth floor

- 2 en-suite hotel bedrooms each provided with a private terrace (29sq.m to 36.5sq.m)

A listed building consent application (18/03201/LBC) is accompanied with this planning application. The key refurbishment works are outline below: -

External works

- Demolition of stable block and removal of concrete surface in the rear yard;
- Removal of modern brick wall along the boundary facing Walters Yard;
- Removal of exiting signage, plastic ventilators to three of the first floor windows, external ducting and redundant external lighting;
- Reinstatement of the lost cast iron canopy to the arts and crafts classical porch;

- Removal of modern ground floor front arch windows and installation of two recessed new shop fronts;
- Inspect, repair and repoint where necessary to the chimney, roof clay tile, pargetting timber modillion cornice, timber sash window dormer windows, rainwater goods, iron gate, cherub corbel brackets, dentil detail, external façade of the building decorative copper ventilator to the ballroom roof.
- Removal of external rear stair, modern timber gate and modern masonry steps.

Internal works

- Removal of barrel drop, toilet and un-block windows to the former light well;
- Removal of modern steel posts at ground floor and basement level;
- Removal of bar areas, dumb waiter and internal walls on the ground floor.
- Reinststate the ballroom flooring on the first floor
- Replacement of skylight over kitchen area;
- Removal of toilets, bar areas, plant equipment and ducting on the first floor
- Removal of kitchenette and toilets on the second floor.
- Removal of a small section of wall to create new doorways between rooms on the second floor
- Removal of kitchenette and redundant sanitary ware on the third floor.

The application is supported by the following documents:

Bat Survey – (prepared by Ambiental Technical Solution Ltd, Dated 12th July 2018)

This report indicates that there was a low level of bat activity at the site. A total of two bat species (common pipistrelle and soprano pipistrelle) were recorded foraging around a nearby street lamp. There are no bats emerged from the on-site building. It is recommended that bat boxes could be installed on the new building and located at least 3 metre above ground level and be oriented south-west to south-east.

Preliminary Ecological Appraisal - (prepared by Ambiental Technical Solution Ltd, Dated 12th July 2018)

This document indicates that the site is no located within any statutory land designations, nor is it likely to impact on any statutory or non-statutory land designations. The site is considered to be low potential for crevice dwelling species to utilise features within the stable block building. The main building is considered to have negligible potential for bats. A single bat emergency survey is recommended to ascertain the presence or likely absence of crevice dwelling bat species within the stable building.

Historic Environment/Archaeological Desk-Based Assessment (prepared by Pre-construct Archaeology Limited, Dated July 2018)

This report indicates that there is a likelihood of remains of medieval and post-medieval date being present within the proposed development footprint. However, these remains are considered to be of local significance only.

Delivery and Servicing Management Plan (prepared by Developmentally. Dated June 2018)

This document indicates that the proposed 50 beds hotel would generate 2 heavy goods vehicles trips and 11 light goods vehicles trips per day. The anticipated servicing demand and trip generation data are based on a hotel scheme at the Old Town Hall site in Bromley (16/01175/FULL1), surveyed data dated November 2013 for a 107 room hotel in Bexley and 151 room hotel in Greenwich.

It is proposed to utilise a triangular plot of land to deliver a “shared space environment” for pick up/drop off as well as servicing activities. This plot of land is currently owned by the LB of Bromley, It is anticipated that a delivery and servicing plan co-ordinator and a booking system will be set up to manage the servicing and deliveries plan coordinator and/or management by the hotel

The main pedestrian access would be via High Street and a newly formed pedestrian access via Walter’s Yard would be created, adjacent to the proposed vehicle pick-up/drop-off facility at the northeast of the site.

5-6 waste collections per week would be required and waste collection will be arrangement with the Council’s waste services.

Daylight and Sunlight Report – (prepared by Point 2 Surveyors, Dated June 2018)

This report assessed the impact upon No. 4 and No. 5 Market Square which indicates that there will be a reduction of between 20-31% of VSC for the windows facing the tower block. This reduction is considered to be commensurate in an urban location. On balance the overall impact is considered to be of minor significance.

Air Quality Assessment (prepared by Entran Ltd, Dated 23rd August 2018)

The report indicates that air quality does not pose a constraint to development of the site. Dust and PM10 are likely to occur during site activities. However, this can be managed by a construction management plan including a site specific dust management plan to mitigate the release of dust and PM10 release during construction.

Construction Management Plan (prepared by N. Hillman and Sons contractors Ltd, dated 29th June 2018)

This report outline the health and safety, logistics, site accommodation, hoarding location, site security, temporary services, residents and local community , logistic, phasing and construction activities for the proposed works.

Statement of Community Involvement (prepared by the Substantia Group, Dated June 2018)

Prior to the submission of this application, various meeting was carried out with Councillors of Bromley, Council officers, Bromley MP, London Assembly for Bromley and Bexley, Bromley Civic Society. Pre-application discussion with

Historic England was Victoria Society carried out in May/June 2018. A public drop-in event was held at the Royal Bell on 6th June 2018. A questionnaire was distributed during this event. The majority of respondents support the principle of refurbishment and restoring The Former Royal Bell to its former use as a hotel, the design and scale of the proposed extension, support the proposed access, parking and servicing arrangement. A website and a twitter account were set up in May 2018. Press release was also sent out on the 16th May 2018 to the News shopper, Bromley Times, London Live, Metro, Evening Standard, Kent Messenger and South east London Chamber of commerce.

Energy Strategy Report (prepared by Brinson Staniland Partnership, Dated 10th July 2018)

The total site carbon emissions (CO₂) are calculated as 77.6 kg CO₂ per year (TER). Various technologies are considered and whilst ground source heat pump, solar panels, wind turbines, the use of CHP including appropriate insulations, energy efficient lighting system and air permeability control are considered feasible and appropriate. Following the Be Lean, Be Clean, Be Green principles, the total reduction in emissions from energy efficiency measures is therefore calculated as 27.9 kg CO₂ per year, which equates to a reduction of 35% (% of TER).

Travel Plan (prepared by Developmentally, Dated June 2018)

This report outlines the relevant planning policies, describe the development proposal, the objection and targets of the framework travel plan, identified measures proposed to achieve the relevant objectives, indicate potential long-term management, future review.

Drainage Strategy and Assessment (prepared by JM Enviro Limited dated 3rd July 2018)

This report indicates that the site is located within flood zone 1 and is not subject to fluvial flooding. However, the site is subject to risk of surface water flooding during low and medium risk flooding. Flood risk is greatest on the junction south of the site, including to medium and high. This report reviews the hydrology setting of the site. The proposal will result in a small overall increase in the foul flows in the public sewer network. It is proposed to dispose surface water from the site to the public sewer network and this will be subject to Thames Water agreement and requirements. The opportunities for the inclusion of SUDS are limited on site due to the site constraints. A small area of rainwater harvest above the kitchen roof could be used to provide some source control. A detailed drainage survey will be carried out to confirm location and established invert levels and condition in order to select the best point of connection to the public sewer network.

Planning Statement

This statement outlines relevant planning policies, planning history and pre-application relates the proposal. The statement states the proposal will enhance the value of the listed building and have minimal impact on the Conservation Area. The proposal will allow the building to be controlled by a single owner and secure the long-term use of the premises. The current owner has purchased the building for a market rate in order to save the historic use. No subsidies have been available. The proposal is the minimum necessary to secure the future of the place and the proposal would outweigh any harm caused.

Historic England has raised concern regarding to the proposed 9 storey building at pre-application discussion. The statement states that it was considered as less than substantial harm. The valuation and viability assessment confirms the proposed number of hotel rooms is required to attract a hotel operator for this boutique hotel. The design approach and choice of materials of the proposed building is supported by Historic England.

The overall impact of the proposal on residential amenities is considered to be of minor significance in an urban environment.

No mitigation measures are deemed to be necessary as the additional trips can be accommodated by the existing transport infrastructure as indicated in the Transport Statement. The proposed hotel will have a vehicular drop off area access from Walters Yard for guest, taxi etc. and also a delivery access from the High Street for deliveries and servicing. The goods-in area, bin store and barrel drop areas are proposed to be located at the northern end of the site for collections and deliveries to be carried out via Walter Yard, which is a public highway.

The statement concludes that the proposed height, scale and design of the 9 storey building is appropriate and will enhance the significance of the existing listed building. The proposal will have a minimal impact on the Conservation Area and the enabling development is the minimum size necessary to be viable. The site has excellent public transport accessibility and the proposed development will not have an impact on the highway network. The location of the site within an established town centre is an acceptable location for the proposed hotel and will not have an impact on the amenity of neighbours. There are no technical impediments to prevent the granting of planning permission and listed building consent.

Heritage Statement (Prepared by James Hulme for N Hillmans and Sons, Dated June 2018)

This statement outlines the elements of the proposal which includes:

- External restoration: reinstatement of shopfronts and repair of original fabric;
- Internal restoration: reinstatement of original plan (repair of ballroom floor), lost and damaged fittings and decorative features;
- The addition of a new lift core and resulting alteration of internal fabric;
- Demolition of the stables; and,
- Building of the extension in curtilage.

The external and internal restoration work will have a positive impact on the setting of the listed building and Conservation Area. The reopening of the internal spaces will present a public benefit. The internal lift would have a less than substantial harm to the building as these changes will take place in secondary areas of the structure and do not compromise or result in the loss of any features of the building. The demolition of the stables is considered to be less than substantial harm to the setting of listed building and Conservation Area. The stables are a subordinate structure to the main Royal Bell building in architectural terms and have been the subject of both alteration and fire damage under previous ownership.

The proposed extension is the most impactful element of the scheme. However, will result in less than substantial harm and does not result in the loss of historic fabric with the exception of the stable and yard area. The setting of the Royal Bell on its High Street side and important views of the front elevation will not be compromised and the scheme can be considered to have a neutral impact here. Impacts on the setting are mainly confined to the rear of the building and in views from the Market Square. From Walters Yard, it is arguable that the setting of the building is currently a negative factor, as this area functions as a service road for the existing Sainsbury supermarket and Wetherspoon public house. The extension will impact on the less sensitive view of the rear elevation of the listed building. However, this elevation was never intended to be seen and is devoid of decorative details and material. The proposed building will have windows and an entrance and will make a more positive contribution to Walter's Yard.

With regard to the impact on the Conservation Area, the extension will have significant impact in terms of its character and preservation and will be markedly taller than surrounding buildings. However, the visual effect will be mitigated by the choice of materials, which are in a palette designed to complement the surrounding buildings. The extension's regressive upper floor will both moderate its mass and form of the building. The trapezoidal plan and unique roof treatment will make the extension an eye-catching and interesting land mark in its own right.

From Market Square, the extension will be particularly visible. The character of the Market Square is intimate and the buildings are typically 2-3 storeys. However, the impact is considered to be less than substantial and is offset by the public benefit of the refurbishment of the main building. Decision makers should also consider the harm that would occur as a result of the ongoing deterioration and long term vacancy of the building and its failure to find an appropriate and viable future use

Design and Access statement (prepared by Benedict O' Looney Architect, Dated 6th July 2018)

This statement contains a list of drawing schedule and submitted drawings. The statement illustrates the finding of architectural language, brick panels design and inspiration for the hotel extension, roof and façade design studies, link to the listed building and extension, townscape studies from Churchyard, Market Square and Widmore Road. It also illustrates how an inclusive access, safe and secured environment will be provided.

Marketing Statement – (prepared by pda; Dated 7th August 2018)

This document states the property was occupied as a night club and late night "sky bar". The building was vacant in the past 10 years. The property was marketed by AG&G in 2012 for rent at £90,000 a year (583sq.m). It was understood by the applicant that the proposal was marketed in the Estate Gazette. In 2013, there were discussions to convert the building into a restaurant and community arts centre. In 2014, heads of terms were agreed with Antic London. In April 2018, the site was acquired by the applicant.

Draft planning obligation – prepared by pda dated 3th August 2018

This report concludes that there is no clear requirement for the proposed development to commit to any contributions that would necessitate a s106 agreement at this stage in the planning application process.

Valuation and viability report (Prepared by Allen and Son Chartered Surveyors, Dated 30th June 2018)

This report indicates the proposal scheme for 50 bed hotel would be unviable with a deficit of 1 million. The estimated scheme revenue is based on the marketing/asking values of hotels. The details of build and refurbishment costs are not included. Further construction costing including a technical survey prepared by Broadgate Estate for British land (July 2017) are received.

Transport Statement (Prepared by WSP; Dated May 2018)

The statement outlines the site context, relevant planning policies, a review of the Old Town Hall Hotel scheme and its transportation and highway assessment. This statement concluded that proposal would have limited impact on transport network. This site was last used as a public house. The site is highly accessible by public transport, cycle and walking.

The proposal is a car free development. There are 898 public parking spaces in Bromley Town Centre within a 5 minute walk from the site and available at all times of the day. Cycle parking provision would be provided and comply with the Council's Policy.

The proposal seeks to utilize a triangular plot of land which is situated between the rear yard of the site and carriage way on Walters Yard for servicing and delivery and pick up/drop off.

Large heavy goods vehicles can access the rear of the site without causing significant obstruction to the carriageway at Walter's Yard. A draft Service and Delivery Plan and Framework Travel Plan have been prepared and accompanied with this application.

Location and Key Constraints

The application site (No. 173 to 177 High Street is known as The Royal Bell Hotel) and measures approximately 880 square metres in area (0.088 hectare). The site is located on the north-east side of High Street, near to the junction between Market Square and Church Road. The site adjoins Walter's Yard to the rear.

The site comprises of a 4 storey Grade II Statuary Listed Building, originally constructed as a hotel with a former stable block to the rear. The building has been vacant for the past 10 years and is on the heritage at risk register. The Royal Bell Hotel was first listed on the 29th June 1973 in a listing which covers No. 171 to 177 High Street (List Entry Number 1054095). 171 High Street forms part of the former Royal Bell Hotel and comprises of 5 floors. The Council's planning application record indicates that No 171 High Street was occupied as a Building Society in 1984 and is currently occupied as a retail shop.

The listing description states: -

GV II Architect Ernest Newton. This range was rebuilt in 1898 on the site of an earlier hostelry of 1666. Four to five storeys red brick. Slate roof with nine pedimented dormers. Dropped modillion cornice. Three three-light bays with pargetting containing Neo-Jacobean motifs. Two one-light sashes; all with pargetting. One plain door and main doorcase with curved pediment supported on Roman Ionic half columns. Later shopfronts.

The application property (173 to 177 High Street) has been extended with a first floor rear extension in 1985. The property was last occupied as a public house with expanded food provision and the applicant has suggested that it was also used as a night club and retail units.

The site is located within Bromley Town Centre Conservation Area situated within the Northern High Street Character Area and adjacent to the Market Square Character Area. The site is adjacent to an opportunity area (Site P – Sainsbury West Street) in the Bromley Town Centre Area Action Plan and is designated as a Metropolitan Town Centre in the London Plan.

The site is located within a Controlled Parking Zone. There are 3 on-street loading bays located opposite to the site on High Street (15 minutes no return within 2 hours, operating between 8.30am to 6.30pm Monday to Saturday, and 10am to 5pm Sunday. There is a loading area on Market Square (30 minutes no return within 1 hour, operates 3am to 10pm) and a taxi stand on Market Square.

Bromley Town Centre is located on a slope and the site is located near to the top of the High Street. The ground level is approximately 15 metres higher than Bromley South Railway Station which is approximately 680 metres south from the site. Bromley North Railway Station is located approximately 365 metres from the site.

The site is located within Flood Zone 1 and is subject to low to medium surface water flooding on the High Street. The public transport accessibility of the site is rated at 6a on a scale between 0 to 6b where 0 is worst and 6b is best.

Comments from Local Residents and Amenity Societies

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press.

At the time of writing this report, 129 comments have been received in support of the Listed Building consent application ref. 18/03201/LBC and these can be summarized as follow:-

- Will restore the building to its former glory and serve as an excellent example of how to regenerate this part of Bromley. The proposal will raise the profile of the town as a destination and will attract new visitors.
- The building urgently needs repair and restoration, and this is the opportunity to do it. Excellent way to save and make use of this historic building. The proposal is a very sympathetic and practical restoration.

- There is a presumption in favour of this development as less than substantial harm occurs.
- The development will boost the regeneration of the area in line with the aims of the Area Action Plan. Creates jobs and improves the economy. Will help support local businesses in the area and attract new visitors.
- The development would secure the future upkeep of the building.
- The plans to restore the building are sympathetic to the original plans of Ernest Newton. The only concern is the height of the building at the rear as this may dwarf the smaller buildings in the area.
- Will be excellent to see it restored especially if the facilities are open to the local residents as well as hotel guests. Preserves the heritage of the town.
- Bromley needs more hotels particularly one which is not a chain hotel and is unique.
- Three extra storeys does not seem excessive in comparison to some of the other much larger buildings which now exists in the town.
- Fully support as long as there is public access to the restaurant and bar. Fully support the restoration of this iconic building whilst the height of the building at the back is a concern and may set a precedent for tall buildings, I recognize that it is needed to make the restoration financially viable.
- This may be the buildings last chance to be repaired and restored. The height of the extension at the back is not large enough to cause any serious issues. It will be excellent to see the ballroom back in use as long as it is accessible by the public. This is better than any mixed use scheme or residential scheme as it will still allow the public to see the historic interior of the building.
- The improvements to the building are sympathetic and seem entirely appropriate for the town centre. This will enhance this area and improve the local environment for residents and visitors.
- The building was ruined by previous owners with a historic staircase being ripped out. A hotel and function room in this part of Bromley would keep this building alive and prevent any further harm to it. The proposal restores the building with thought and care.
- This would be welcome as it is much needed to lift the business end of this part of the High Street and we fully welcome the developers investing in this part of the town which has been left unsupported for too long.
- Other tower blocks have gained far too much support. This is sympathetic and should be supported.
- Well thought out and beautifully designed. Bromley lacks up market hotels and this is a great opportunity.
- Support but clarity is needed as to whether the gym, pool and other facilities will be accessible to the general public?
- Support but concerns about what purpose the gym and pool is for when the leisure centre is just around the corner is this needed in the building?

8 comments objecting to the listed building application 18/03201/LBC were received and these can be summarised as follows:

- Is there a need for another hotel?
- Disagree with any demolition work at this historic site.
- Height, scale and bulk of the new building is excessive.
- Overdevelopment of the site.
- Clearly not intended as a long term use for a hotel or public house – very limited marketing and viability has been carried out. The building at the back is laid out more like a residential block and the pub doesn't look viable – where's the beer cellar and how will deliveries occur? It couldn't work as a pub or hotel before so why will it now?
- Why can it not just be repaired and restored- the same was done with the Wetherspoons Greyhound and that worked?
- It's more like a restaurant not a pub and is another restaurant viable here?
- Destroys the Listed Building and Conservation Area.
- Has any assessment been done of what the scheme would look like from certain historical viewpoints throughout the town centre? Are the drawings and visuals provided actually accurate? I see no assessment of key viewpoints.
- The townscape images and CGI images are incorrect and inaccurate and do not correctly indicate the height of the building.
- Creates traffic problems.
- Who is the hotel operator and is it actually viable?
- Where's the pick-up and drop off points for guests and how and where are deliveries made?
- Is that tiny retail unit viable?
- Is the pub actually a pub?
- The loss of the stable block is not justified.

1 comment has been received neither objecting nor supporting the listed application 18/03201/LBC and this can be summarised as follows:

- In agreement that the building needs to be brought back into use and the idea of restoring it to a hotel is welcome. I am not clear whom the customers will be. The rear extension is too high and will look horrendous from Walters Yard. Floors 6 and 7 should be removed.

4 comments have been received in support of the planning application ref. 18/03252/FUL and these can be summarized as follows:

- The application is a very balanced approach to the restoration and economics required to make the project deliverable.
- The proposals will positively contribute to this part of Bromley town centre. Whilst we support the application in principle we note for the record that there are 2 adjoining residential properties at 187a and 191a which have not been included in the Daylight and Sunlight Study. We would welcome seeing how these proposals effect these properties.

6 comments have been received objecting to the planning application ref. 18/03252/FUL and these can be summarised as follows:

- Is another hotel really needed now?
- Overdevelopment of the site harmful to the conservation area and the setting of the listed building.
- The computer generated images and elevations are incorrect
- Appears more like a residential development with a restaurant below.
- Will cause traffic and parking congestion in Walters Yard with lack of provision for deliveries, pick ups and drop offs etc.
- It is not enabling development as its height scale and bulk is detrimental to the character and appearance of the conservation area and the setting of the listed building.
- The surrounding buildings are between 4 to 5 storeys in height. This building would stick out considerably.
- The new building is completely out of character with the area.
- A renovation and extension would be more appropriate in this case.
- This part of the High Street already suffers from traffic congestion and this would cause yet more problems for traffic.
- Where will hotel and gym users park?

1 comment neither objecting nor supporting the planning application ref. 18/03252/FUL and this can be summarised as follows:

- Whilst the regeneration of this building is long overdue it is negligent to suggest that there would be no detrimental effect to light access for residents in The Old Post Office, particularly numbers 1,3 and 4 whom all have roof terraces. These terraces would be under the view of the new nine storey building and would also suffer a significant loss of sun as those terraces face due west.
- The current privacy of the terraces to The Old Post Office would be lost entirely.

Consultee comments

Internal Consultees:

LB of Bromley – Energy:

CHP is proposed and appear to be a suitable energy efficient option for this proposal.

LB Bromley – Conservation:

The former Royal Bell is a significant Grade II statutory listed building within the Bromley Town Centre Conservation.

The building was last occupied as a pub 10 years ago. The building has been vacant and is on the Historic England At Risk register. There were no successful pub operators occupied the building probably because of the high cost of restoration. A local arts group has looked at the building with a view to restoring the building through a theatre based use but this came to nothing. In this context, I welcome the proposal, in principle, to reuse the building and in heritage terms the proposed hotel use would be positive as this brings back the original purpose the building and would allow access for the paying public.

It is proposed to demolish the stable block to the rear in order to construct the 9 storey annex. The stables structure is of some interest historically, but under para 196 of the NPPF the harm caused by its demolition would be outweighed by the benefit of the reuse of the main listed building which is of far higher significance. The location of the stables also provides the only area for development on the site which I accept is likely to be required for a deliverable scheme.

The proposed 9 storey building would house the majority of the 50 bedrooms that it is claimed as a minimum to make the hotel and restoration a deliverable project with a viable future. The height of the structure would be considerably taller than both the listed building itself and the surrounding building heights. Such a juxtaposition would create an uncomfortable relationship with the existing context and the building would dominate the conservation area and listed former Royal Bell in a harmful manner rather than knitting sensitively into the existing fabric of the area. Notwithstanding the height, the design is interesting and takes references from Victorian era architecture such as polychromatic brickwork and segmental headed arches to openings. Whilst not to all tastes I find it to be an acceptable architectural language for the location. Historic England have refer to para 196 of the NPPF and suggested that the proposal would lead to “less substantial harm”. Substantial Harm is a high bar and I accept that the proposal does not involve the total loss of a heritage asset for example. Historic England guidance on enabling development is also relevant: “Enabling Development and the Conservation of Significant Places”. <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/enablingwebv220080915124334/>

Section 5.17 of this guidance recommends that if a local authority does not have in-house valuation skills then this may need to be commissioned and I believe this is the case here, the consultant chosen by the Council should make use of the HE guidance in their appraisal. Of particular note is the policy for enabling development and that it should be the minimum amount required for securing the future of the asset. It will also be for others to determine the “public benefit” under para 196 of the NPPF but from a heritage perspective the benefit of reusing the building is very high and would remove it from the At Risk Register. In light of the BNNP assessment of the applicant’s viability appraisal, it appears that a 9 storey structure has not be demonstrated as necessary to overcome the conservation deficit. On this basis the Historic England tests for viability have not been passed. Therefore from a conservation perspective I am unable to support this proposal and would favour a reduction in height on the proposed annex.

LB of Bromley – Highways:

The site is located to the north of the High Street, on a London Distributor Road and is within a controlled parking zone. The PTAL rate is 6a on a scale between 0-6b, where 6b is the most accessible. The principle to provide a car-free development is acceptable in principle. However, disabled parking and coach parking drop off spaces should be provided.

The servicing trip generation rates for the approved hotel at the Old Town Hall site is used in estimating the servicing demand that will be generated by the proposed scheme. In order to assess the application further the applicant is required to provide more TRICS data relates to the application site and its surrounding road. The developer has failed to understand that the Old Town Hall scheme had no problem with servicing from surrounding road network and two off-street disabled spaces were provided. The proposed site would be serviced from a tiny triangular area, via Walters Yard. Walters Yard is currently used for servicing by Sainsbury's, Weatherspoon pub and other businesses, with long dwell times. In the absence of the relevant TRICS data, the impact of the proposal cannot be fully assessed.

LB of Bromley – Waste:

No comment was received at the time of writing this report.

LB of Bromley - Drainage Engineer:

Planning condition requiring details of sustainable drainage strategy should be attached.

LB of Bromley - Environmental Health:

No objection to the principle of the proposal. However, details of piling or any other foundation designs using penetrative methods should be secured by a planning condition. Informative should also be attached advising developer to contact the Council's pollution team before works commence on site. Any suspected contamination discovered during construction works should also be reported to the Council immediately.

External Consultees

Transport for London (TfL):

The site is not located on the Transport for London Road Network and not likely to impact on TfL services.

Metropolitan Police Crime Prevention Officer:

Developers have not met with the South East Design out Crime Officer. A planning condition requiring the proposal to achieve Secured by Design accreditation should be attached prior to the occupation of the building.

Advisory Panel for Conservation Areas (APCA):

No objection to the Listed building Consent. We welcome the opportunity of the Royal Bell being restored. The new construction is acceptable as enabling work to allow the restoration and appropriate use of the listed building. These must be safeguarded to ensure that it only proceeds if the refurbishment of the Royal Bell takes place.

London City Airport:

No objection

Historic England – Archaeology:

Having reviewed the proposal and the Greater London Historic Environment Record, the proposal could cause harm to the archaeological interest of the building(s). A pre-commencement planning condition requiring a Level III building recording programme should be secured by condition. The works should be undertaken in three stages in respect of the structures currently within the application area. The first stage should be undertaken prior to any works; the second when any elements are removed such as false ceilings, partitions; and the third when structural cranes are taking place. Should planning permission be recommended, the following planning condition and information should be attached.

No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Informative: The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Natural England:

No comments to make on this application. The Standard Advice published by Natural England should be use to access impacts on protected species or the Council should also their owe ecology services for advice.

Historic England – Building:

Historic England was consulted prior to the formal submission of this proposal to the Council. Historic England is supportive of these proposals in principle and strongly welcome the works to the Royal Bell in particular the reinstatement of the Ball room and Minstrels' Gallery and extensive packages of repairs including the Ernest Newton's distinctive pargeting to the main elevation. Historic England is therefore content to provide authorisation for the works subject to listed building consent.

Historic England remains concerned about the scale of the extension to the rear, which it considers is a settings issue, and this objection therefore relates to the planning application rather than listed building consent. It has previously recommended the height of the rear extension should be reduced at pre-application stage and is disappointed that this has not been reflected in the planning application. Also, on the basis of the limited visual assessment contained with the submitted Townscape Studies document, the extent of impact on designated heritage assets remains unclear. In particular, there is no assessment of the potential impact on the setting of the Grade I listed Bromley College, nor the Grade II Star and Garter pub in views from the north end of the High Street, as also previously recommended.

The Council is reminded of the requirement under Para 189 of the NPPF for the applicant to “*describe the significance of any heritage assets affected (by development proposals), the level of which should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”. Therefore consideration should be given to requesting further visual assessment from the applicant.

Nonetheless, on the basis of the information provided, it is clear to us that the proposed nine storey extension would appear at odds with the more modest market town character in this highly significant part of the Bromley Town Centre Conservation Area. It would also fail to comply with the guidance set out in the Bromley Town Centre Conservation Area Statement (2011) which advises with regards to the siting of new development that:

The established density and layout in the area will provide a guide to the appropriate scale and positioning of any new development. Insertion of new structures within already developed plots will generally require constraint in scale and careful positioning to ensure that they do not detract from the established character and appearance.” (p28)

The nine storey tower would also break the roofline in important views of the Royal Bell from Church Road, reducing the townscape presence of the listed building and causing harm to its setting. Therefore Historic England strongly advises that a reduction in height of the rear extension is pursued with the applicant to reduce the harm caused as we previously advised.

In considering these proposals, we would also draw your attention to Paragraphs 194 and 196 of the NPPF which states that harm to significance requires *clear and*

convincing justification and should be weighed against the *public benefits of the proposal*. We are aware that a confidential viability assessment has been undertaken, and it will be for your Council to consider its content in relation to these policy tests.

In summary, Historic England supports the works subject to listed building consent, but is unable to support the associated application for planning permission because of the harm caused to the historic environment.

We recommend that amendments are explored with the applicant to address our concerns. We also advise that any future approvals should be carefully conditioned to ensure the early delivery of the conservation work to the 'at Risk' listed building. Samples of materials should also be secured by condition to ensure that the new work is of sufficient quality to preserve/enhance the character of the conservation area.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The Victorian Society:

The Victorian Society has raised no objection to the submitted application. The Victorian Society was consulted at the pre-application stage. Whilst we were very supportive of the scheme as a whole, we had some concerns about both the principle and the design details of the proposed 9-storey building, at the pre-application stage. We concluded that the harm that this building will do to the significance of the Conservation Area will be small, given the constraints on the places from which it will be seen. Although we have no strong objections to the principle of this building, the proposed height should be very carefully justified in the submitted application and its absolute necessity clearly established with respect to the viability of the scheme as a whole. The Council must determine whether or not the proposal is justified in accordance with Para 194 of the NPPF.

With respect to the detailed design we thought that the treatment of the elevations and the form of the roof needed to be refined further. We thought that the roof-form chosen was the best of the options considered, but that its detailed design was 'not wholly successful'. The submitted designs have altered the profile of the pitched roof so that there is a slight bow, which we think makes the roof seem much lighter and less bulky. We also suggested that 'greater variation in the treatment of the elevations would help to soften the upwards transition to the roof structure.' The submitted design includes variations from the pre-application material not only to the decorative brickwork panels on the arches on the first to fifth floors, but also to the parapet at eighth-floor level. We welcome these changes. The variation in the brick patterning helps break up the elevations, and the inverted arches to the eighth-floor parapet make the profile of the penthouse level seem less blocky.

London and Middlesex Archaeological Society (LAMAS):

The LAMAS Historic Buildings and Conservation Committee acknowledged that the Royal Bell has had an unfortunate existence in recent years. Whilst the proposal to provide a hotel is welcome, the entrance way leading to the stable building as a through route to the rear of the premises should be kept if possible. Stables are now a rare sight and the loss of the stable would constitute a “significant loss” in line with NPPF paragraph 195”. The stables, perhaps, could be made a feature of the new hotel.

Concerns were also expressed about the proposed tower, which may lead to substantial harm to the Bromley Town Centre conservation area, particularly the view from Church Road. Significantly, (a) it should not be too tall or exceed the height of the chimney stacks and (b) it should be sympathetically designed to complement the host building, particularly on the side facing the High Street.

Campaign for Real Ale:

Campaign for Real Ale supports the planning application to restore the former hotel and public house to a suitable bar and restaurant. No comment regarding to the scale of the hotel and viability.

The Bromley Civic Society:

Support the principle of the restoration of the Royal Bell and conversion back to hotel use. The new shop fronts are sensitively designed but we are concerned as to whether both units will be occupied and will maintain an active and lively frontage. One unit is a restaurant which is sensible if this is a shared resource between the hotel and public house use and it is essential that if approved the public are allowed into the building and the frontages continue to be active and accessible.

The new building would be three storeys taller than the existing Royal Bell. The scale is overly dominant and harmful to the Listed Building and Conservation Area. The 9 storey new build fails to meet the requirements of the NPPF as it is at odds with the more modest market town character in this highly significant part of the conservation area. The building therefore in accordance with the NPPF causes substantial harm. This needs to be rethought.

Only three bedrooms are proposed in the Listed Building leaving nine existing rooms on the top floor proposed for other uses. Four of these are front facing and have the best views. Reconsideration of this and general viability might enable a reduction in height of the new build. Ideally we would hope for a reduction down to at least roof level of the existing Listed Buildings as this could then be considered as less than substantial harm.

As enabling development this seems to go well beyond the definition of what is enabling development. In normal circumstances enabling development would be in a separate use from the restored building use for example a housing development in the grounds of a Listed Building enabling its restoration. However

in this case it is part of the proposed use as a hotel and the degree of new development is governed not just by that required to restore the Listed Building but also by the long term viability of the proposed operation. We would wish to ensure that the design is not dumbed down at a later stage after the granting of planning permission.

The visual separation between the Royal Bell and the freestanding new block necessitated by the intervening ballroom building is awkward. It unfortunately emphasizes the impact of the new building on Market Square and in appearance is dis-associated from the Listed Building.

A legal agreement or condition is needed to ensure that a large part of the ground floor uses such as the ballroom, restaurant and bar and pool are for public use. The scale and impact of the new build is detrimental to the character and appearance of Market Square, the Listed Buildings and the Conservation Area.

Should the project fail at any point we may be left with a still derelict Royal Bell with a large new build unacceptably dominant building in the heart of the conservation area which would not normally have gained planning permission. If the proposal is found to have substantial harm, it should be refused. If found as less than substantial harm then conditions should be imposed on any approval to ensure the restoration of the Royal Bell is completed before the new build commences. The external materials and appearance is not changed from that submitted. The main building and the extension are not separated to form independent units. The building is publicly accessible at ground floor and at first floor for the function rooms.

South East London Chamber of Commerce:

The South East London Chamber of Commerce supports this proposal.

Bromley Friends of the Earth:

Bromley Friends of the Earth support the proposal as it will be an asset to the heritage of the town centre. It will encourage visitors and boost local businesses. It will provide a cultural and community centre for the arts as well as other activities. It will enhance the conservation area. Concerned about the height and design of the proposed 9 storey hotel block on the stable site and also want to see the restoration of the hotel occur before any new building is constructed.

Thames Water:

Waste Comments: The proposal is located within 15 metres of a strategic sewer. No piling shall take place until a piling method statement (*detailing the depth and type of piling, methodology including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works*) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Developer is required to ensure proposal would not reduce capacity, limit repair or maintenance activities or in any way inhibit Thames Water to provide their services. A pumped device (or equivalent reflecting technological advances) shall be installed to avoid the risk of backflow at a later date. Should there be any discharge of ground water and surface water, a Groundwater Risk Management Permit and prior approval from Thames Water would be required.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Water Comments: No objection is raised regarding to water network infrastructure capacity. Thames Water aims 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 Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Legal and Policy Context

The Council in determining these applications has the following main statutory duties to perform:

- To determine the applications in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- In considering whether to grant planning permission and listed building consent for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of Listed Buildings (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- When considering the planning application to pay special attention to the desirability of preserving or enhancing the character or appearance of surrounding conservation areas (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (2018) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

Historic England Guidance

Enabling Development and the Conservation of Significant Places

London Plan 2016

- 2.6 Outer London: vision and strategy
- 2.13 Opportunity Areas and Intensification Areas
- 3.1 Ensuring equal life chances for all
- 4.5 London's visitor infrastructure
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 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
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.9 Heritage led regeneration
- 7.13 Improving air quality
- 7.15 Reducing noise and enhancing soundscape
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

London Mayor's SPD/SPG

- Mayor of London: Town Centres Supplementary Planning Guidance (2014)
- Sustainable Design and Construction SPG (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (October 2007)

Unitary Development Plan

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 Public Realm
- BE8 Statutory Listed Buildings

BE9 Demolition of listed building
BE11 Conservation Areas
L11 Tourist related Development
S6 Retail and Leisure Development
S9 Food and Drink Premises
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with restricted mobility
T6 Pedestrians
T7 Cyclists (see London Plan)
T9 Public Transport
T10 Public Transport
T11 New Accesses
T15 Traffic Management
T17 Servicing of Premises
T18 Highway Safety
BE1 Design of New Development
BE4 Public Realm
BE7 Railings, Walls and Means of Enclosure
NE3 Nature Conservation
ER4 Sustainable and Energy Efficient Development
ER7 Contaminated Land
ER10 Light Pollution
ER15 Water Conservation
IMP1 Planning Obligations

Bromley SPD/SPG

Bromley Town Centre Conservation Area Statement 2011
Planning Obligations SPD

Draft Local Plan

Draft Policy 30 - Parking
Draft Policy 31 - Relieving Congestion
Draft Policy 32 - Road Safety
Draft Policy 33 - Access for All
Draft Policy 34 - Highway Infrastructure Provision
Draft Policy 37 - General Design of Development
Draft Policy 38 – Statutory Listed Buildings
Draft Policy 41 – Conservation Areas
Draft Policy 91 –proposals for main town centre uses
Draft Policy 113 - Waste Management in new Development
Draft Policy 115 - Reducing Flood Risk
Draft Policy 116 - Sustainable Urban Drainage Systems
Draft Policy 119 - Noise Pollution
Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Emerging Planning Policy

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption. However the weight given to it is a matter for the decision maker.

The Council is preparing a Draft Local Plan. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. The Local Plan is close to adoption and is a material consideration of limited weight at this point.

Planning History

- 92/01781/FUL – granted on 29th January 1993;
Planning permission for the erection of a single storey rear extension, internal and external alteration and new service access
- 95/00752/FUL and 95/00751/LBCALT – granted on 14th July 1995
Planning and Listed Building Consent for the alterations to accommodation of single storey rear extension and wall, internal and external alterations and rear serving access details.
- 96/00945/FUL and 96/00946/LBCDEM – granted on 10th December 1996
Planning and Listed Building Consent for the change of use of ground floor units from retail to public house and alterations to front elevation.
- 01/00921/FULL1 – granted on 23rd May 2001
Planning permission for the installation of satellite dish on roof at rear
- 06/02952/LBC – granted 25th October 2006
Retrospective Listed building Consent for the removal of internal staircase

The following is a list of advertisement consent and associated listed building consent application records for shop signs

- 87/03557/ADV – refused on 3rd May 1988 and subsequent appeal was dismissed;
- 88/00499/ADVILL – granted on 25th July 1988;
- 89/00202/ADV – granted on 15th May 1989;
- 96/01775/ADVILL and 96/02091/LBCALT;
- 98/01665/ADVILL and 98/01843/LBCALT
- 06/02307/ADV - refused
Advertisement consent for an internally illuminated sign within main entrance
- 07/02812/ADV and 07/02811/LBC – granted 7th September 2007

No. 171 High Street

- 83/02149/FUL – granted on 7th November 1983

Planning permission for the change of use to an estate agent.

- 84/00541/FUL – granted on 25th April 1984

Planning permission for the change of use of ground floor from employment agency to building society office

- 85/01224/FUL and 85/01222/LBCALT - Granted on 1st July 1985

Full planning and listed building consent for first floor rear extension (rear of 173).

- 86/02236/LBC - granted on 27th October 1986

Listed building consent for the maintenance repairs and external decoration and renovation of decorative cornice to front elevation.

Planning permission for the formation of disabled access and alterations to shopfront

- 02/00375/LBC – granted on 28th March 2002

Internal entrance lobby (LISTED BUILDING CONSENT)

The following planning application for a new shop front

- 84/02274/FUL – granted on 12th September 1984
- 85/00232/FUL – refused on 21st March 1985
- 85/01001/FUL – granted on 17th June 1985
- 99/02663/FULL1 – granted on 12th November 1999
- 06/02166/FULL1 and 06/02351/LBC – granted on 26th July 2006

The following is a list of advertisement and listed building consent application records:

- 84/02292/ADV and 84/02273/ADVILL – granted on 13th September 1984
- 85/00233/ADVILL – refused on 26th March 1985
- 85/00234/ADVILL- refused on 25th March 1985
- 85/00999/ADVILL – granted on 12th June 1986
- 85/01000/ADVILL – granted on 17th June 1985
- 87/03694/ADVILL – refused on 21st January 1988
- 87/03877/LBC – granted on 9th March 1988
- 99/02662/LBC – granted on 12th November 1999
- 06/00413/ADV and listed building consent – granted on 5th July 2006
- 11/01996/ADV and 11/01957/LBC – granted on 16th September 2011
- 13/04150/ADV and 13/04169/LBC – granted 7th February 2014

Between 1984 to 2006, 171 High Street was occupied by Bristol and West Building Society Between 2006 to 2013 - Britannia building society

Considerations

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

- Principle of Development;
- Design, Scale and Massing;
- Impact on Heritage Assets;
- Enabling Development;
- Residential Amenity;
- Highways;
- Waste and Recycling Provision;

- Sustainability;
- Flood Risk and Drainage;
- Trees, Landscaping and Ecology; and
- CIL and S106 Planning Obligations.

Principle of Development

- Land use

The application site forms part of the Secondary Shopping Frontage in the Bromley Town Centre and is located within Bromley Town Centre Conservation Area. The application property (173 to 177 High Street, also known as The Royal Bell) forms part of the Grade II Statuary Listed Building and have been vacant for 10 years. The application property is on the heritage at risk register. The application property was last occupied as a public house with ancillary kitchen, utility, storage and staff accommodation.

Paragraph 85 of the National Planning Policy Framework (NPPF) states planning decisions should support the role town centres play at the heart of the local community, by taking a positive approach to their growth, management and adaptation. Annex 2 of the NPPF categorizes hotels as one of the main town centre uses.

Policy 4.5 of the London Plan encourages the growth of the visitor's economy and seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent of the hotel rooms should be wheelchair accessible.

Policies S2 and S10 of the UDP aim to ensure new development will complement the shopping function of the town centre. Policy S9 of the UDP states the Council will only permit proposals for additional restaurants and drinking establishments provided that the proposal would not have an adverse impact on residential amenity and would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians.

The principle of introducing a new hotel with other commercial uses including a gym, swimming pool, catering facilities and a retail unit (measuring 50sq.m) on the ground floor is supported in land use terms. Hotels are considered as one of the main town centre uses and should be located within a Town Centre. The proposal to introduce a new retail shop on the ground floor would also complement the shopping function of this secondary shopping parade providing a more diverse choice and service in the Town Centre.

- Demolition of the former stable block

It is proposed to demolish and replace the stable block for the construct a 9 storey building. The original stable block is constructed in brick and falls within the curtilage of the proposal listed building at the date of its listing. The stable block is of some historical interest associated to the main listed building. The stable is accessed via a side passage from the High Street and survives to the rear of the site.

The proposed demolition would affect the special architectural or historic interest of the overall building. However, under para 196 of the NPPF the harm caused by the demolition of the stable block would have to be outweighed by the benefit of the reuse of the main listed building which is of far higher significance and importance. The location of the stable block is potentially the only area which could be considered for any new building aiming to achieve a deliverable scheme. Given the constraints and circumstances of the site and the fact that the stable block is not visible from the High Street at present, it is considered that the benefits would outweigh its harm and therefore its demolition is considered to be “less than substantial” in the context of this proposal.

Design, scale and massing

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. Paragraph 127 sets out the aims for planning decisions to ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) 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;
- d) 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
- e) 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.

UDP Policy BE1 states (i) all development will be expected to complement the scale, form, layout and materials of adjacent buildings and area; (ii) development should not detract from the existing street scene and should respect important view, skylines, landmarks or landscaping features. This approach is consistent with Policy 7.4 of the London Plan relates to local character and states that buildings should provide a high quality response that inter alia has regard to the pattern and grain of the existing spaces in orientation, scale, proportion and mass and allows existing buildings. Policy 7.6 of the London Plan also requires buildings inter alia to be of a proportion and scale that enhances, activates and appropriately defines the public realm and does not cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy, overshadowing, wind and microclimate – particularly tall buildings.

The Bromley Town Centre Conservation Area and in fact most parts of Bromley Town Centre is located on a slope. The general topography of the Town Centre Conservation Area slopes down from north to south along Bromley High Street and there is also an incline where Market Square drops down to Church Road. The ground level of the site is elevated when viewed from the southern part of the High Street.

The Bromley Town Centre Conservation Area Statement states that the siting and layout of new buildings in the Bromley Town Centre Conservation Area must be respectful of the character and appearance of the Conservation Area. New proposals are required to recognise and respond to the predominant scale, form and detailing of contributing buildings and reflect the bulk and spatial composition of structures and intervening spaces. The Bromley Town Centre Conservation Statement also requires new building not to become dominant elements or overwhelm existing structures and spaces. For example, it is good practice for new buildings to keep within the typical height of existing buildings, ideally remaining slightly lower than adjacent buildings.

The application site is mainly surrounded by 2 to 4 storey buildings. The application property is 4 storeys in height and is the tallest listed building along the High Street, at the heart of the historic market town. It is noted that there are modern buildings (over 5 storeys in height) located within the Conservation Area and visible from the site, including the Churchill Theatre and a part 5/part 6 storey office block at the rear of 145 High Street. These buildings are located approximately 200 metres and 140 metres south from the application site respectively. It should be noted that these buildings are neither located within nor adjoining to the Market Square Character Area in the Conservation Area. It should also be noted that these modern buildings are located on the southern part of the High Street, away from the Market Square. Furthermore, the topography of the application site approaching to the top of Martin's Hill is higher than the ground level of Churchill Theatre and the office block at the rear of 145 High Street.

The proposed new building would measure 28.2 metres in height. Whilst the proposed building would be sited behind the listed building and the properties facing Market Square, it should be noted that the proposed building would be approximately 20 metres taller than the adjoining 2 to 3 storey buildings at No. 1 to No. 8 Market Square and 11.2 metres taller than the ridge line of the listed building.

The footprint of the proposed building would be broadly rectangular in shape and almost fully infill its rear yard. The footprint and main body of the proposed building would measure 16.3 metres wide and 15 metres deep along the north elevation. It is noted that the proposed building is designed with small regressive on the upper floors aiming to reduce its scale and massing of the building. The proposed building would measure 14.5 metres wide and 13.3 metres deep between the 6th and 7 floors. The top floor would measure 11.5 metres wide and 10 metres deep.

The scale and massing of the proposed building is considered to be excessive when compared to the surrounding low rise buildings mainly between 2 to 4 storeys in height. The "regressive" design approach on the upper floors does

highlight the fact that the scale of the proposed building would be excessive and unsympathetic to its surrounding built environment and townscape. The proposed building, in particular the top floors between floors 6 to 8 would punctuate the skyline of the market town in a blunt manner.

In addition, maintenance and building management arrangement of building should be considered at the start of the design process. The rear wall of the proposed building would be aligned with its rear boundary. The proposed floor plans indicate that the access and external maintenance to the proposal building would be almost entirely reliant upon the neighbouring land, in particular the south and east elevation.

Having considered the siting, scale and massing of the proposed building and its relationship with its surrounding buildings, it is considered that the scale of the proposal would be excessive, overbearing, over-dominant and appear to be an incongruous feature in the area.

It is noted that the applicant has sought pre-application advice from the Victorian Society and Historic England. Both consultees have raised concerns regarding to the height, scale and treatment of the proposed 9 storey hotel building. The Victorian Society states *“there remain reservations about the height and treatment of the new hotel range, which are yet to be resolved successfully”*. Historic England states *“we are concerned about the scale of the proposed eight storey tower which we consider would fail to preserve or enhance the character of the Bromley Town Centre Conservation Area in its current form and would also harm the setting of the listed building. We strongly recommend that options are explored to reduce or redistribute the mass of the extension so it responds more successfully to the prevailing townscape scale”*.

Whilst pre-application advice has not been sought from the Council’s planning officers, the applicant was informed following submission of the application that the scale and massing bulk of the proposed building would be excessive and the scale of the proposed building should be reduced.. The Victorian Society has also commented on the current application. Whilst it remains supportive of the proposal, the concerns regarding to the height of the proposed buildings was raised. Their comment states *“The proposed height should be very carefully justified in the submitted application and its absolute necessity clearly established with respect to the viability of the scheme as a whole”*. Since the application was submitted to the Council, there has been no change to the proposed new building in terms of its proposed height, scale and internal layout. The applicant considers that the proposal in its current form is justified in heritage and all planning terms.

With regard to the request to reduce the scale of the new development, the internal layout of the proposal indicates that 10 staff and office rooms would be provided on the third floor of the listed building. The provision of on-site staff and office accommodation is not an uncommon practice. However, the site is located at a highly sustainable location and serviced by 24 hour bus routes. It is considered that the scale of the proposed building could be reduced by replacing some of the staff and office accommodation with hotel rooms. The outlook of the staff and office accommodation appears to be better than some of the proposed hotel rooms in the

proposed building with windows being located 0.8 metres to the opposite wall or 1.6 metres to the flank wall of a three storey commercial block.

- Detailed design

The design and access statement indicates that a barrel vaulted roof, flat roof glass lantern roof and a hipped roof were considered. The applicant considered that a traditional hipped roof with laminate timber structure to the soffit of the roof would be the best option and fit with the architecture of the Bromley Town Centre Conservation Area. As the site is surrounded by buildings with a variation of pitched and flat roof, it is considered that the proposed roof profile design would be acceptable at this location.

The prevailing type of materials in the immediate surrounds will often influence the choice of main facing material. It is often desirable for a new building to blend into its surrounds by using complementary materials to ensure that it does not inappropriately draw the eye or undermine local distinctiveness. The external finishes of the building would be mainly constructed in brick with a mixture of off-white bricks to the pilasters and red roman brick. Brick is considered to be one of the most durable materials and the choice of brick colour is considered acceptable and reflects the listed buildings.

The proposed windows would be double glazed recessed arch crittal windows. The windows between first and fifth floors would be surrounded by decorative brick works and panels of patterned brick work on the east and west elevation of the proposed building. Grouping windows into vertical band will allow the fenestration to be read as a vertical grouping rather than a horizontal one. The siting of the proposed window and off-white strips will present a degree of proportion and symmetrical arrangement. The Victorian Society has welcomed the inclusion of decorative brickwork panels on the arches on the first to fifth floors, recessed windows and inverted arches to the parapet at eighth-floor level. These measures are indicated on the proposed building with different treatment on different elevations.

Whilst the use of different materials and decorative brick panels can often help to articulate and add interest to a façade, the proposed elevational treatment on the proposed buildings would present an inconsistent and incoherent appearance on a tall building and highly visible from public views. For instance, the proportion of the windows above the fifth floor appears to be driven by the proposed internal layout. The recessed bay windows with buff or polychrome brickwork would be limited between the first to fifth floors and dissimilar to the upper floors (6th to 8th floors). The brick panels and elevational treatment on the east elevation appear to be disparate from the elevational treatment on the north elevation. The top floor penthouse is designed with larger crittal style glazing with blue colour brick. The top floor appears to be an add-on floor and distinct from the lower floors of the proposed building. The terrace would be surrounded by an inverted arch and balustrade made of mild steel and wrought iron akin to a domestic boundary wall. Officers note that there is a unique design challenge to provide a non-intrusive prominent building at this constrained site. The proposed elevational treatment represents an adventitious attempt to break down the bulk and massing of this

building. The window design, arrangement and proportion on the proposed building would magnify and highlight the bulkiness of the proposed building, in particular the upper floors between the 6th and 8th floors.

Overall, it is considered that the scale, bulk and design of the proposed 9 storey building would be an intrusive development at this historic part of a market town. The scale and massing of the proposed building should be reduced. The façade, window and elevation treatment of the proposed building should be more consistent and coherent on all elevations.

Impact on Heritage Assets (Listed building, Conservation Area and Townscape)

The Council has a statutory duty to consider a proposals impact on listed buildings, including their settings and conservation areas. This is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance.

Chapter 16 of the NPPF (Para 192-202) relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced against the public benefits of a scheme.

Paragraph 192 of the NPPF states that in determining planning applications local planning authorities need to take into account:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and,
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states when considering the impact of a proposed development on the significant of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Substantial harm is a high bar and in determining whether work to a listed building/heritage asset would constitutes harm on heritage asset, it would be essential to consider whether the adverse impact would have a seriously affects upon key elements of its special architectural or historic interest.

The NPPF has strong presumption against proposal would lead to substantial harm to or total loss of significance of a designated asset. The Local Planning Authority should refuse consent, unless it can be demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (Paragraph 195).

- The setting and significance of The Royal Bell Hotel

The setting of a heritage asset is defined within the NPPF Glossary as, *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*.

The significance is defined within the NPPF glossary as *“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.

The listing description summarises the architectural and historic significance of the listed building (including 171 High Street). Historic England outlines the significances of the Royal Bell Hotel as follows:-

The Royal Bell Hotel is located along Bromley High Street and next to the historic market place in the Bromley Town Centre Conservation Area. Although much of the town centre has been subject to large-scale redevelopment, the northern end of the High Street (where the Royal Bell is located) retains its historic market town character with a fine grain of buildings of 2-5 storeys in height. To the north of the High Street is the Grade I listed Bromley College - a former almshouse complex of exceptional architectural and historic interest and one of the most important listed buildings in the Borough.

The Royal Bell was built in 1898 on the site of an earlier coaching inn to a design by Ernest Newton. Newton was local to the Bromley area and is well known as one of Norman Shaw’s most talented and prolific pupils, and as a major exponent of the Arts and Crafts Movement. The Royal Bell is therefore of much historic interest for its association to Newton, and as a long-standing hostelry in one of the oldest parts of the Borough.

The Royal Bell incorporates Arts and Crafts, as well as Jacobean and Queen Anne motifs into its impressive façade. Of particular note are its canted lead-covered bow and tripartite windows which feature decorative pargetting and a heavy dentil cornice above. The interior is similarly decorative, particularly the mosaic entrance lobby, Jacobean staircase, and double-height ballroom. The ballroom was subject to insensitive alterations in the 1990s involving the removal of a section of flooring to reveal the floor below, and the blocking off of its minstrel’s gallery and removal of its balustrade. Despite these changes, the building remains of much architectural interest. The courtyard to the rear of the Royal Bell contains two stable blocks which are accessible via an original undercroft along the High Street. This ensemble contributes to the understanding of the original plan of the Royal Bell. Architecturally, however, the stables have been negatively affected by recent alterations, and the courtyard now has a somewhat utilitarian setting due to its concrete surfacing and large retail units within Walter’s Yard immediately behind the site. The Royal Bell has been closed for several years and subject to a number of stalled redevelopment schemes. As such its condition has deteriorated and is currently included on Historic England’s Heritage at Risk Register.

Historic England supports of the proposal to undertake extensive conservation work to the Grade II listed building, in particular the reinstatement of the Ballroom and Minstrels' Gallery and extensive package of repairs including to Ernest Newton's distinctive pargeoting to the main elevation. The proposed use will provide a compatible and sustainable use within the building and should facilitate its removal from the Heritage at Risk Register. As such, it is considered that the proposed internal and external refurbishment works to the listed building would be acceptable and is recommended that the listed building consent application (ref: 18/0321/LBC) be approved.

However, Historic England objects to the works for the 9 storey building which is subject to planning permission (ref: 18/03252/FULL). The proposal is considered to have a harmful impact to the modest market town character of the Bromley Town Centre Conservation Area.

The Bromley Town Centre Conservation Area is categorised into 7 character areas (Market Square, High Street – Northern section, High Street – Central pedestrianized section, Ravensbourne Valley, Queens Gardens and Wilmore Road East). The Bromley Town Centre Conservation Area (CA) was first designated in 1985. At that time the designation was focused around the historic core of Market Square and the northern part of the Bromley High Street which the application site forms part of.

The former Royal Bell hotel building (171 to 177 High Street) is the tallest historic building located within the High Street - North Character Area. The height of prevailing buildings within this historic core (including modern buildings) are mainly 2 to 3 storey in height on the eastern side of the High Street, 2 to 4 storey in height on the western side of the High Street, with the exception of 171 High Street comprises of 5 floors and 171 to 177 comprise of 4 floors. There is no modern building dominant or higher than the application property, of high significance in this character area.

The application property is adjoining to the Market Square Character Area with a building height typically 2 to 3 storeys in height. The character of the Market Square is intimate and also dominated by large 1930s locally listed neo-Tudor building in the centre. No. 162 to 178 High Street is the tallest building in this character area (5 storey occupied by Primark).

With regard to tall/tallest buildings in other character areas, there are 5 storey office blocks facing Kentish Way (A21) within the Bromley North Character Area. 2 to 4 storey buildings exist within the Widmore Road, Queens Garden and Ravensbourne Valley Character Areas.

There are a few clusters of modern buildings in the central part of the High Street Character Area where the ground levels are lower than the core of the historic market town. The applicant has indicated that there are tall and large scale buildings in the Conservation Area, such as the Glades, Churchill Theatre and an office block located to the rear of 145 High Street (Nat West Bank). It should be noted that the Glades is located outside the Conservation Area boundary, the

Churchill Theatre was opened in July 1977 before the area was designated as a Conservation Area and the building has a low rise frontage facing the High Street and is located 200 metres away from the application site. The rear of No.145 High Street is a part 5/part 6 storey building originally constructed as an office and is located 140 metres away from the application site. As these post-war buildings are located outside the historic core character areas and constructed after the area was designated as a conservation area. It is considered that the existing modern buildings should not be considered as a reason to introduce an intrusive building at the historic core of the Bromley Town Centre Conservation Area. Furthermore, the Churchill Theatre is considered as a landmark in the Local Plan and should not be used as a benchmark to introduce large scale building that would overwhelm the historic environment of Bromley Town Centre.

Due to the siting and excessive scale of the proposed 9 storey building, it is considered that the proposed would have a material and significant harm to the setting of the heritage assets. In line with Paragraph 193 of the NPPF great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The site adjoins Site P opportunity area (Sainsbury's) in the Bromley Town Centre where new development is required to complement the existing character of the conservation area and the listed building. Should this proposal in its current scale be allowed, a new building benchmark will be set in the Bromley North Character Area.

There are 10 key views and 22 statutory listed buildings within the Bromley Town Centre Conservation Area. For large scale development including a tall building, a visual impact assessment covering the relevant key views and listed buildings in the conservation area and town centre should be provided.

As part of this application, 3 "Townscape studies" images are provided as part of the Design and Access Statement and Heritage Statement. The locations of the images are as follows: -

1. Widmore Road – outside the Old Town Hall

The image indicates that the fifth floor of the proposed building would be above the ridge line of No. 9 Market Square. The submitted section/ elevation plan indicates the spot height of the proposed building is 67.35 metres AOD. This is consistent with the Council's Mapping record which indicates that the spot height outside the Old Town Hall on Widmore Road is 67 metres AOD. It is considered that this image does correspond to the submitted drawings.

2. Church Road

The spot height on Church Road, near the junction to Tetty Way is 65 metres AOD. This view indicates that the top floor of the building would be visible.

3. High Street

This view indicates that the proposed building would be visible from the fourth floor. The proposal would be 20.2 metres (5 storeys) higher than the adjoining building facing the Market Square.

The submitted images indicate that the proposed 9 storey tower would significantly break the roofline of the area. It should be noted that the proposed building would be 5 storeys taller than the adjoining buildings. As such, it is considered that the proposed new building will have a significant visual impact when viewed from Widmore Road, Church Road and High Street – central.

At pre-application stage and planning consultation stage, Historic England requested a visual assessment including views to include the Grade I listed Bromley College and Grade II listed Star and Garter Pub located on the northern section of the High Street be provided. However, no further visual assessment covering these statutory buildings and historic core of the Bromley Town Centre Conservation Area have been provided, except a diagram that indicates the proposed building would be visible from the High Street.

The Royal Bell Hotel building is considered to be a building with high architectural and historic significance in Bromley. The listed building had an important role and landmark status and this is reflected in its scale and prominence on the site and within the Conservation Area. The proposed 9 storey building would materially harm the setting of the listed building and appear as an overbearing and imposing addition visible from the neighbouring roads. It is considered that the proposed building, in its current scale and height would have a material harm and leading to substantial harm to the setting of the heritage assets.

Enabling Development

Paragraph 202 states that the LPA should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefit of departing from those policies.

Historic England published policy guidance relates to enabling development – Enabling Development and the Conservation of Significance places. It states: -

Enabling Development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. it will not materially harm the heritage values of the place or its setting;
- b. it avoids detrimental fragmentation of management of the place;
- c. it will secure the long-term future of the place and where applicant, it continues use for a sympathetic purpose
- d. it is necessary to resolve problem arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e. sufficient subsidy is not available from any other source;

- f. it is demonstrate that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minuses harm to other public interest;
- g. the public benefit of securing the future of the significant place through such enabling development decisively outweigh the dis-benefits of breaching other public c policies

Taking into account the other conclusions in this report, the proposal would fail to either preserve or enhance the identified heritage assets in the Town Centre, in breach of the National, London and Local planning policies. As such, the proposal would not comply with criteria (a).

The application submission does not identify a hotel or businesses operator in line for the proposed commercial uses. Whilst the proposed businesses could potentially be operated or managed by a party and the proposed use as a hotel would celebrate the internal of the listed building, the risk described in criteria (b) to (d) would remain as this is largely driven by the market conditions.

The planning statement provided indicates that there is no subsidy available. However, it is unclear whether all possible avenues have been explored or exhausted by the current owner to bring the building back into its former use. For example, no details are provided to confirm whether any successful/unsuccessful grants or application have been sought from Historic England or the Heritage Lottery Fund. The proposal is therefore, not compliant with criteria (e).

The planning statement states that the proposal is an “enabling development” case in line with the Historic England guidance (Enabling Development and the Conservations of Significant Places). The applicant considers that the proposal for a 50 bed hotel and commercial uses is the minimum required to make the development viable as indicated in the valuation and viability report.

The applicant’s valuation and viability report (June 2018) indicates that the proposal (for a 50 bed hotel including the revenue of other commercial uses – gym, pub/restaurant and retail) would be unviable with a deficit (of £1 million). This report was not prepared in accordance with Historic England’s guidance with no conservation deficit calculated/identified. The detailed costing plan and adequate market evidence to support the revenue for a 50 bed hotel were also absent.

Further details of the construction costs were subsequently provided which indicated that the proposal would be viable with a 61 bed hotel (11 storey) and the proposal would be unviable with a 47 bed hotel (9 storey). The additional details have been robustly assessed by an agreed independent viability consultant and quantity surveyor. The key findings are summarised as follows:

1. Commercial revenue

The application indicates that a 47 bed hotel scheme would result in a deficit (circa £747k). However, the revenue of other commercial uses within the proposal has been removed from the applicant’s latest appraisal/calculation. It should be noted that these other commercial revenues were included in their original viability

submission (arriving at a £1 million loss). The proposal including the revenue of other commercial uses (gym, restaurant/pub, retail would be viable and achieve a sizeable surplus of £1.75 million excluding a 15% developer's profit). Therefore, the suggestion that the proposal for a 47 bed hotel would be unviable is not supported. The quantum of the proposal to provide a 50 bed hotel is not the minimum required to deliver a viable scheme.

2 Hotel revenue valuation

The hotel revenue valuation by Allen & Smith is priced and based on residential-led development for residential purposes. This approach for a hotel valuation is at odds and is not a standard valuation approach. The independent viability consultant has looked at this variable independently and considered that the suggested room rate is not unreasonable per room.

3. Market Value of the heritage assets

The applicant's viability report adopted a purchase price together with the addition of purchaser's costs. This does not follow the Historic England Guidance note which states "*The case of enabling development normally rests on there being a conservation deficit. This is when the existing value (often taken as zero) plus the development costs exceeds the value of the place after development. Developments costs obviously include not only repair, but also, if possible or appropriate conversion to optimum viable use, and a developer's profit appropriate to the circumstances. A development appraisal in such cases produces a negative residual value. If so, enabling development... may be justified, but only sufficient to cover the conservation deficit. i.e. to bring the residual value up to zero*".

The Guidance goes on to note that "*one of the most common problems when dealing with proposed enabling development is that too high a purchase price was paid for the property*".

Developer should approach acquisition of heritage assets in full cognisance of the works required to bring the asset back into beneficial use. Para 5.6.1 states "*Given that the market value of the property is theoretically the sum remaining once development costs have been subtracted from end value, the result for some significant places in very poor conditions will be negligible or negative. The actual purchase price paid by the developer must be disregarded if it is based on the hope or anticipation of consent for development contrary to established planning policy*".

Paragraph 5.6.3 indicates that if a heritage asset is in such a state of disrepair that it is incapable of a reasonably beneficial use, the site concerned should be valued on the agricultural value of the land (i.e a few thousand pounds). Paragraph 5.6.4 states that where a property is capable of a beneficial use, the market value must take account of the structural condition and the planning constraints upon it.

Officers have had due regard to the additional details provided by the applicant, Historic England Guidance and advice from a professional independent viability assessor. Based on the information provided, it is considered that a proposal with

less than 47 bedrooms would be viable and the suggested quantum of proposed development in the current proposal is therefore, not accepted and does not comply with criteria (f).

Furthermore, a technical survey prepared by Broadgate Estate for the British Land (Dated 15th June 2017) indicates that the repair cost of the building enabling it back to its last use (including demolition of the stable) was £1.2 million. It is noted that these repair costs/work is not as extensive as the proposal put forward in the current application. There are no other development appraisals to investigate any other uses or bringing the property back into its last use as a public house with residential rates above.

The site is located in a highly sustainable location and Bromley Town Centre. There are 9 hotels dispersed within or on the edge of Bromley Town Centre. In the absence of a detailed and local hotel study investigating the past, current and future market, it is considered that the quantum of this proposal development would result in material heritage harm and should not be supported.

Para 4.7 of the Historic England (enabling development) guidance states before any enabling development is considered the applicant normally needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the place. This should normally include the offer of the unrestricted freehold or long leasehold on the market at a realistic price reflecting the condition of the place, and, so far as ownership allows, with an appropriate curtilage. The offer of a short lease or the imposition of restrictive covenants would normally reduce the chance of finding a new use. The minimum period of active marketing would be 6 months.

The listed building has a long history of vacancy with no recent successful occupiers. Officers note that the site has been subjected to marketing. However, full marketing details of the property, in particular 6 months before the exchange of the property in March/April 2018 have not been provided.

Paragraph 196 states where a proposed development will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Bromley Town Centre Conservation area is a living part of the urban area, officers acknowledged the potential opportunity and benefit of this proposal and what it would offer at the Town Centre. The key benefit arising from this proposal is the refurbishment and repair works to the listed building and great weight should be attached when balancing against its irreversible impact and harm to the setting of the listed building/conservation heritage asset. However, the proposal fails to demonstrate the benefits of the development of the site; in particular the quantum of this proposal would clearly and substantially outweigh the irreversible material harm to the heritage assets in Bromley. The scale of the proposed building should therefore be reduced to mitigate its harm to an acceptable level.

- Inclusive Design/Wheelchair units

London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design. The London Mayors' Accessible London: Achieving An Inclusive Environment SPG requires 10 percent of the hotel room should be accessible.

5 accessible hotel rooms would be provided. Internal lifts would be installed in the listed building and the proposed 9 storey buildings. The proposed lift would be accessible to all floors. It is considered that an accessible environment will be created to cater wheelchair users.

Residential amenities

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

- Sunlight and daylight

A daylight and sunlight assessment prepared in accordance with the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' is submitted as part of this application. The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).

The nearest residential properties are located at No. 4A Market Square and there are 4 rear habitable room/bedroom windows. 4A Market Square is a 3 storey building which comprises of a restaurant on the ground floor with two individual residential flats above, known as Flat 1 and Flat 2. The refurbishment works to the listed building would have no significant impact on the residential amenities enjoyed by the neighbouring properties, except the proposed 9 storey building would be located 17 metres opposite to the rear bedroom windows.

The daylight and sunlight report indicates that the first floor rear windows (R1/141 and R2/141) would experience a reduction between 29% and 32% to its former VSC value. The second floor rear windows (R1/142 and R2/142) would also experience 24% to 25% loss of its former VSC value. These reductions would be greater than 20% and mostly noticeable by the occupiers. However, such reduction is considered to be commensurate in an urban location and would not warrant as a single reason to refuse this application.

- Outlook and sense of enclosure

It is noted that the proposed building would be located 17 metres opposite to the upper floor rear windows at No. 4A Market Square. However, it should be noted that the proposed building would be 9 storeys in height and almost fully occupies the area between the listed building and its rear/side boundaries. Due to the siting, substantial scale and massing of the proposed building, it is considered that the proposal would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly increased sense of enclosure.

In summary, the proposal would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly increased sense of enclosure, contrary to Policy BE1 of the UDP.

Highways

The site is located within an area with good access to public transport links (PTAL rating of 6a, on a scale between 0 to 6b where 0 is worst and 6b is best). 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. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- Parking standards

London Plan (Parking addendum to Chapter 6) states that provision for hotel parking spaces should be limited to its operational needs and cater for disabled users and requirement for taxis, coach pick up/drop off and delivery/servicing. Development should provide for one coach parking space for 50 room hotels.

Leisure use should provide appropriate levels of coach parking to suit their individual demand to help reduce congestion and improve visitor safety. For non-food retail uses between 40 to 60sq.m, a maximum of 1 parking space should be provided.

The site was last occupied as a public house with an expanse of food provision. The proposal would provide a 50 bed hotel including other commercial uses (a retail unit, catering unit, gym, ballroom for business and events). The proposal is a car-free development and should be considered as a site with good public transport accessibility. However, there are no off-street parking spaces provided to accommodate the operational requirements and needs of the proposed uses.

The transport statement indicates that there are public car parks or spaces in the town centre. It is proposed to use a triangular plot of land located between the rear

yard and Walter's Yard to create a "shared surface" environment for servicing and delivery, coach and taxi pick-up/drop off. The transport statement indicates that the trip generated associated to this proposed development can be accommodated by the existing road network. The trip generation data (TRICS) was derived based upon another hotel development at the Old Town Hall. The Council's Transportation and Highways has advised that the submitted data is not satisfactory. The Old Town Hall site has two disabled parking spaces within the site, dedicated spaces for its operational use and could be serviced from Court Street as well as South Street. The application site is located on the High Street and the circumstance is different between the sites. The TRICS data should be updated and related to the application site. The servicing and delivery on Walters Yard will need to take into account the servicing of the Sainsbury's Store, Wetherspoon Public House and the commercial premises on the High Street.

At the time of writing this report, officers have been advised that the applicant is preparing the required TRICS data. Should there be further highway information or response received, this will be verbally reported.

- Cycle storage

Table 6.3 of the London Plan (Policy 6.9) sets the minimum cycle storage standards for new development of which, 1 long stay cycle storage space should be provided per 20 hotel bedrooms and 1 short stay storage space be provided per 50 bedrooms. For a restaurant, drinking establishment and non-food retail uses with a floor area below 100sq.m, there is no requirement to provide cycle storage spaces. A minimum of 4 cycle storage spaces should be provided. The proposal would provide 6 cycle stands with a capacity of 12 storage spaces. As such, it is considered that adequate cycle storage would be provided. It is noted that a further cycle stand with a capacity of 2 spaces would be provided outside the freehold of the applicant. Subject to a legal agreement to confirm the rights of this land, it is considered that the provision of a further cycle stand would be acceptable.

Waste and recycling provision

Policy 5.17 of the London Plan (2016) states that development proposals should minimise waste and achieve a high reuse and recycling performance. The proposed ground floor plan indicates that a bin storage area would be located to the rear of the building. The Council's waste services were consulted and no comment was provided. The location of waste storage is considered acceptable as it would be adjacent to Walters Yard. However, it is unclear whether this storage area would be shared with other proposed uses including the gym, restaurant and the retail unit. Should planning permission be recommended, it is considered that a waste strategy covering all the proposed uses should be provided and arrangement and secured by a planning condition in the event that permission is granted.

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 Applicant has provided an energy strategy report which indicates that a combined Heat and Power System (CHP) would be installed and this will achieve a carbon reduction of 27.9kg CO₂ per year which equates to a 35% of the total carbon emission. The Council's Energy Officer was consulted and no objection is raised.

Flood Risk and Surface Water Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The site is located within Flood Zone 1 and is not subject to fluvial water flooding. The site is subject to a medium risk of surface water flooding. In order to ensure adequate surface water run-off can be restricted a surface water drainage strategy should be secured by a planning condition. The Council drainage officers have reviewed the drainage assessment and have recommended that the details of a surface water drainage system (including storage facilities where necessary) are submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Trees, Landscaping and Ecology

London Plan Policy 7.9 (Biodiversity and access to nature) states development proposals should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. When considering proposals that would affect a site of recognised nature conservation interest, the proposal should avoid adverse impact to the biodiversity interest; minimise its impact and seek mitigation; and only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.

UDP Policy NE3 states where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions (i) inclusion of suitable mitigation measures; and, (ii) the creation, enhancement and management of wildlife habitats and landscape features.

UDP Policy NE5 states planning permission will not be granted for development that will have an adverse effect on protected species unless mitigation measures can be secured to facilitate reduced disturbance or provide alternative habitats.

A preliminary ecological appraisal and bat survey are submitted which indicates that site has a low potential for crevice dwelling species to utilise features within the stable block building. The main building is considered to have negligible potential for bats. The bat survey indicates that there was a low level of bat activity at the site. A total of two bat species (common pipistrelle and soprano pipistrelle) were recorded foraging around a nearby street lamp. There are no bats emerging from the on-site building. Should planning permission be recommended, the mitigation measures suggested for the installation of bat boxes on the new building should be provided. The bat boxes should be located at least 3 metre above ground level and be oriented south-west to south-east. This could be secured by a planning condition if permission is granted.

CIL and s106 Planning Obligations

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

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

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

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

In this instance it would be necessary for the development to mitigate its impact in terms of the following matters:-

- Highways works to provide a shared surface area

The scheme would also be subject to Mayoral CIL.

Implications for Disadvantaged Groups:

The implications for disadvantaged groups identified below are an integral part of the consideration of the development and community benefits as set out in the report: The proposed development is designed to ensure the proposed building including the listed building can be accessible to wheelchair user.

Conclusion

The principle to redevelop the site including the demolition of the former stable block to provide a hotel and other commercial uses is supported in land use terms. The proposed refurbishment works to the listed building would bring a vacant building back into use and provide more services in a town centre and potentially remove the building from the heritage at risk register. Historic England are supportive of the works to the Listed Building.

However, the proposed new 9 storey building is considered excessive in height, scale and bulk, and would overwhelm and over-dominate the listed building and its surroundings. The proposal would also have an adverse impact on the setting to the listed building and fail to preserve or enhance the heritage assets in the Bromley Town Centre Conservation Area. The elevational treatment and design do represent an adventurous attempt to break down the bulk of the proposed building, however, due to its siting and relationship with surrounding buildings and being situated at the historic core of the market town, within the High Street – North Character Area and adjoining to the Market Square Character Area surrounded by low rise buildings, it is considered that the proposed 9 storey building would have a material and irreversible harm to the heritage assets in Bromley. Historic England objects to the proposed new building.

The site is located in a highly sustainable location and 10 rooms within the listed building are allocated for staff and office uses. The development appraisals do not demonstrate the quantum of the development would be the minimum required for a viable scheme. As such, it is considered that the benefit derived from this proposal would not outweigh the harm likely to arise.

The proposal also fails to demonstrate adequate servicing and delivery arrangements, coach pick up and drop off points for the proposal can be provided for or accommodated satisfactorily in the area.

The scale of the proposed building to the rear of the existing building should be reduced to complement and reflect the setting and significance of its surroundings and the conservation area.

In summary, with regard to all of the matters set out above, whilst the works to the Listed Building are considered acceptable, the proposed new building is not. In light of these conclusions the planning application is recommended for refusal, and the Listed Building Consent, being solely concerned with the works to the Listed Building itself, is recommended to be granted (the formal recommendation is found under the heading for the Listed Building Consent elsewhere on this agenda).

RECOMMENDATION: Planning permission be refused for the following reasons:

1. The proposed 9 storey building, by reason of its excessive height, scale, massing and bulk would appear as an intrusive development, over-dominant and punctuate the skyline in a blunt manner. The scale of the proposed 9 storey building also fails to adequately reflect and respect the properties in the surrounding area providing an inharmonious relationship with its surroundings. As such, the proposal would be contrary to Policies 7.4 and 7.7 of the London Plan, Policies BE1 of the Council's UDP and Policies 37, 38 and 41 of the Council's Draft Local Plan.

2. The proposed 9 storey building, by reason of its siting, relationship with the main listed building, excessive height, scale, bulk, massing and elevational design and treatment would fail to adequately respect the setting and significance of the listed building and Bromley Town Centre Conservation Area. The proposal also fails to demonstrate the quantum of the development would be an optimal viable use. The proposal would result in a material and irreversible harm to the heritage assets at the core of the historic part of the Conservation, contrary to Policy 7.8 of the London Plan, Policy BE1 and BE8 of the Council's UDP, Policies 38 and 41 of the Council's Draft Local Plan, Bromley Town Centre Conservation Area Statement (2011) and Historical England Guidance - Enabling Development and the Conservation of Significant Place.

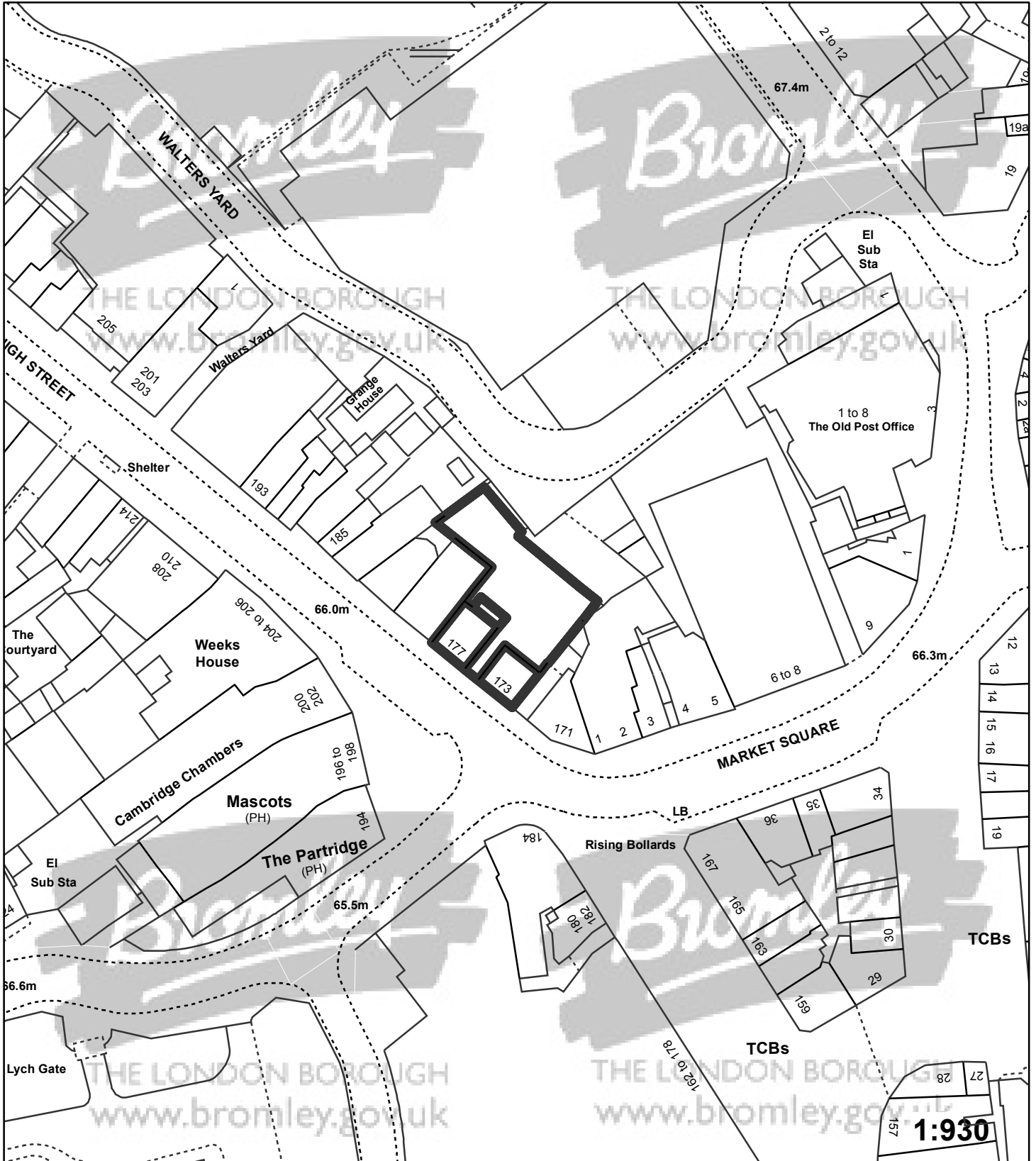
3. The proposed 9 storey building, by reason of its siting, scale and distance to the rear bedroom windows at Flat 1 and Flat 2 of No. 4 and 5 Market Square would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly sense of enclosure, contrary to Policies BE1 of the Council's UDP.

4. The proposal fails to demonstrate adequate servicing and delivery arrangements and that satisfactory coach pick up and drop off can be provided or accommodated within the existing transport network and in the absence of relevant TRCIS data, the impact of the proposal cannot be fully assessed in this instance, contrary to Policies 6.3 and 6.13 of the London Plan, Policies T1, T2, T3 of the UDP, Policies 30, 31, 32 and 33 of the draft Local Plan.

Application:18/03252/FULL1

Address: The Royal Bell 175 High Street Bromley BR1 1NN

Proposal: Demolition of the former stable block and external steps (173 - 177 High Street), conversion and refurbishment of the former public house including an extension of a 9 storey building plus a basement to provide a 50-bed hotel with a gym, swimming pool and a retail unit (Class A1).



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

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SECTION '2' – Applications meriting special consideration

Application No : 18/04589/FULL1

Ward:
Chislehurst

Address : Jason Yester Road Chislehurst BR7
5HN

Objections: Yes

OS Grid Ref: E: 542590 N: 170254

Applicant : Mr Justin Laurence

Description of Development:

Demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space (RETROSPECTIVE APPLICATION)

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 16

Proposal

Permission is sought to demolish the existing bungalow at the site and construct two semi-detached dwellings. Each four bedroom house is three storeys in height with accommodation in the roof space with front and rear dormer extensions. Each dwelling has a private rear garden, private driveways and associated car parking and shared access utilising the existing vehicular access onto Yester Road.

Following the grant of planning permission ref. 17/03264 for a similar development at Plans Sub-Committee on 9th November 2017, the current proposal differs from the permitted design with the introduction of attached side cycle stores to each dwelling along with elevational alterations to include the removal of the stone band at first floor level and alterations to the fenestration on the side elevations of the house. The front door to Plot 2 is also relocated to the side of the building.

The roof shape has been altered to increase the angle of the roof pitch from 45 degrees to 65 degrees and the front and rear roof slopes have been set further back from the front and rear walls respectively in order to reduce the roof bulk and dormer protrusions.

The dwellings are staggered on the plot, each house having a length of 17m and a width of 8.5m. The roof is pitched with a maximum height of 12.2m.

The application is retrospective as the dwellings previously permitted have been substantially constructed to include the roof alterations hereby proposed..

The application includes a Flood Risk Assessment, Stage 1 and 2 Road Safety Audit and Arboricultural Implications Report.

Location

The application site is located to the northern edge of Yester Road and is situated opposite the junction with Lubbock Road to the south with the railway bridge immediately to the west. The site currently features a single storey detached dwelling. Yester Road is characterised by large detached dwellings of various designs and styles, with the topography being that of a long, moderately steep hill to the east and Lubbock Road increasing up hill to the south.

Southill Road is to the east of the site and the properties to the western edge of this adjoin the eastern and northern boundaries of the site.

Comments from Local Residents

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

Objections:

1. The documents posted as part of this application differ in only minutely small ways from the previous application and hence the objections thereto are valid here. For example, moving back the dormer windows a very short distance plays no heed of the objections made against the scheme and is a fig leaf over the defects in the scheme.

The scheme is referred to as a 3 storey pair of semidetached dwellings with roof accommodation. This is a euphemism for a full 4 storey paid of substantial town houses, which is what it is. The use of the term 3 storey has the tendency to mislead in this circumstance and seeks by sleight of hand to minimise the real impact of the scheme.

Application of UDP and SPG policies

With reference to the UDP, the following are of concern relating to the development:

Under Policy H1

The suitability of windfall sites for housing purposes will be assessed against the following criteria

(x) the capacity of existing or potential infrastructure to accommodate additional dwellings;

(xi) physical and environmental constraints on development of the site;

As has been noted , the existing drainage infrastructure, among others, has been seen to be lacking.

Under Policy H9

When considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) 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 Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring

It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas

The proposed development does not appear to respect H9 (ii) in its design and payout and 4.48 appears to be breached also. Similar terms of SPG2 "Amenity" appear to have been breached by the proposals.

New development should help people appreciate where they are both within the site and in relation to the adjacent streets and wider neighbourhood. Distinctiveness of form, treatment and detailing of buildings should be considered. Landmark features, details and materials can provide attractive references for users, aid legibility and create a unique and individual character for the development.

I submit that the proposed designs have no relationship with the remainder of the neighbouring properties and thus breach this Policy.

2. Visual and other amenity:

The frontage of the plot will be too crowded and cramped, if numerous dwellings within over-height semidetached buildings are allowed to replace the current building (even retrospectively). UDP Supplementary Planning Guidelines No 1, (General Design Guidelines), it clearly states that 'new developments should ensure that there is continuity of built form and street frontages'. The proposed over development of the site will not meet this UDP requirement.

SPG No 2, Residential Design Guidance, requires that 'new developments should respect the character and appearance of the site, its immediate neighbours and the wider street scene.' Again, the size, massing, design and materials of the proposed development fail this requirement.

Further, UDP - SPG2 - has it that 'If a new proposal is to be successful ... it must respect the character of its locality' ; and 'The appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning application.'

The demolition of the existing buildings and the construction of the replacement (without planning consent, I believe) will entail significant tree loss with consequent negative impact on the visual amenity of the area.

3. Overlooking/loss of privacy:

The windows and balconies will overlook the bedrooms of the homes adjacent

4. Adequacy of parking/loading/turning:

4.1. the doubling in the number of dwellings will lead to a large increase in the amount of vehicles wishing to access the site, yet the space made over to access and parking on the sites is reduced and inadequate. More space needs to be made over to parking on the development site and the number of dwellings commensurately reduced to keep the status quo.

4.2. the parking spacing as shown in the diagrams seems to be wildly optimistic unless cars "2/3 size" from normal cars are envisaged as being owned by occupiers

5. Highway safety:

The massive increase in dwellings is likely to double the amount of vehicle movements on an already cramped site on a blind bend. The means of ingress and egress by vehicles to the proposed buildings needs to be redesigned to ensure the safety of pedestrians, cyclists, motorcyclists and other road users.

6. Traffic generation:

6.1. The increase in dwellings is likely to double the amount of traffic which is not beneficial to the community at large.

7. Layout and density of building:

7.1. The doubling of the number of houses will substantially increase the built density prevailing on in the locality and will therefore change its character negatively and irretrievably.

8. Site difficulties

The site is located on a bind bend adjacent to a tunnel next to the Kyd Brook/River Quaggy. Despite the assurances of the report by Unda, the use of soakaways for the increased built area will lead to further drainage issues in the immediate area, if there is not any enlargement of the drain capacity.

It is to be remembered that the site is built over part of the Chislehurst Cave system, and is adjacent to quarry and railway construction and therefore has structural issues to be addressed and may possibly be contaminated historically.

9. Design, appearance and materials:

The proposed designs are clearly out of scale with the surrounding homes. Further, they are out of character with the surrounding pattern of development

The designs as built are bulky and have an overly imposing massing effect, crowding the area and hemming the existing layout of homes unduly. I respectfully request that the application be rejected totally and enforcement action taken.

Comments from Consultees

Highways Officer: As the accommodation within the roof space is the same as the previous applications and the current proposal simply alters the roof profile so I would have no objection to the application.

Drainage Officer: I'll be happy for the already approved strategy to include three Acco Channels, Three soakaways and permeable paving to be implemented. Otherwise, the submitted FRA has not adequately assessed as how to manage surface water run-off from the site and the measures for restricting discharge rates.

Network Rail – no objections were raised to the previous applications subject to the development being undertaken without encroachment onto or damage to Network Rail land and infrastructure.

Conservation Officer: The proposed amendments to the side would have no impact on the CA so the main consideration is the impact of the change to the roof. The approved scheme in 2017 had a roughly 45 degree pitch and the proposal now is for a pitch of 65 degrees. This would marginally increase its prominence but it would still be legible as a roof and given the relative isolation of the site I do not

believe that this would amount to harm that was not present in the 2017 plans. On balance I find the proposal would preserve the character and appearance of the area.

The Advisory Panel for Conservation Areas (APCA): No objection raised to the previous application.

Tree Officer – no comments made.

Environment Agency: No comments made.

Environmental Health (Pollution) Officer: No comments made.

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

London Plan

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

Unitary Development Plan

- Policy BE1 – Design of New Development
- Policy BE11 – Conservation Areas
- Policy BE14 – Trees in Conservation Areas
- Policy H7 – Housing Density and Design
- Policy H9 – Side Space
- Policy NE7 – Development and Trees
- Policy T3 – Parking
- Policy T18 Road Safety

Draft Local Plan

- Draft Policy 1 – Housing Supply
- Draft Policy 4 – Housing Design
- Draft Policy 8 - Side Space
- Draft Policy 30 - Parking
- Draft Policy 32 – Highways Safety
- Draft Policy 37 – General Design of Development
- Draft Policy 41 – Conservation Areas
- Draft Policy 73 – Development and Trees
- Draft Policy 116 – Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 123 – Sustainable Design and Construction

Additional Guidance

Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance 2 – Residential Design Guidance
The Supplementary Planning Guidance for the Chislehurst Conservation Area

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Planning History

Planning permission was refused under ref. 18/03409 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space (RETROSPECTIVE). The refusal grounds were as follows:

‘The proposed development by reason of its scale, mass, bulk and design in a prominent location would appear unbalanced and harmful to the visual amenities of the Conservation Area contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.

The proximity of the proposed development to neighbouring properties and its size and height would lead to an unacceptably harmful relationship detrimental to amenities of neighbouring properties contrary to Policies BE1 and H7 of the Unitary Development Plan (2006).’

Planning permission was granted under ref. 17/03264 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space.

Planning permission was refused under ref. 17/03427 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space. The refusal grounds were as follows:

‘The proposed development is considered to result in an overall overdevelopment of the site, harmful to the character of the wider street scene contrary to Policies BE1, BE11 and H8 of the Unitary Development Plan, the Council's Supplementary Guidance 1 and 2 and Draft Local Plan Policies 6 and 37.’

Planning permission was granted under ref. 17/00988 for extensions to existing bungalow to form two semi-detached three storey dwellings with accommodation in roof space

Application ref. 13/03112 for the demolition of the existing dwelling and the erection of a three storey block of 6 flats was refused (together with the associated conservation area consent on the grounds that there would not be suitable replacement) on the grounds that:

"The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan."

"The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

A subsequent appeal was dismissed, however the Inspector's reasons and comments in reaching this decision are material to the current proposal.

In summary, the Inspector concluded that on grounds 1, 2 and 3 the development was acceptable and dismissed the appeal on ground 4 - highway implications. The Inspector stated:

"Notwithstanding that the character and appearance of the Conservation Area would be preserved, and that the development would result in less than substantial harm to the Conservation Area as an heritage asset, or my findings in relation to the effect on the living conditions of the neighbouring occupiers, and the effect on highway safety of the proposed off street parking provision, the material harm identified to highway safety from the inadequacies of the sight lines of the proposed access arrangements is substantial and overriding. It significantly and demonstrably outweighs the limited benefits of a very marginal increase in the supply of housing in the area."

A subsequent application, reference 12/01812, for a three storey block of 1 three bedroom and 6 two bedroom flats with accommodation within the roofspace and associated parking and landscaping was refused on the grounds that:

"The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment use of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing

character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan."

"The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

An associated Conservation Area Consent for the demolition of the existing dwelling was refused on the grounds that:

"In the absence of a planning permission for a suitable replacement building, it would be premature to grant consent for the demolition of the existing building, thereby contrary to Policy BE12 of the Unitary Development Plan."

These decisions were dismissed at the same appeal as the application above (13/03112) and for the same reasons, namely highway safety.

Permission was refused by Members under 13/04033 for demolition of existing dwelling and erection of a three storey 8 bedroom detached dwelling with accommodation within the roofspace and associated landscaping, despite a positive recommendation.

This application was refused on the following grounds:

'The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan; and

The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of the adjoining residential dwellings thereby contrary to Policy BE1 of the Unitary Development Plan.'

This decision was allowed on appeal.

A follow up application was received for major extensions to 'Jason' which was visually different to those as previously submitted and proposed a lower ridge and smaller building size. Application 15/01844/FULL6 - Two storey front extension, first floor extension to dwelling with balcony and terrace areas to rear, and front and rear dormer extensions within enlarged roof, was approved subject to conditions.

Considerations

The main issues relating to the application are

- Resubmission
- Principle of Development
- Design and Conservation Area
- Standard of Accommodation
- Neighbouring amenity
- Parking and highway safety
- Other matters

Resubmission

Following the grant of planning permission ref. 17/03264 for a similar development at Plans Sub-Committee on 9th November 2017, the current proposal differs from the permitted design with the introduction of attached side cycle stores to each dwelling along with elevational alterations to include the removal of the stone band at first floor level and alterations to the fenestration on the side elevations of the house. The angle of the roof shape to the front and rear has also been increased from 45 degrees to 65 degrees and the front and rear roof slopes have been set further back from the front and rear walls respectively in order to reduce the roof bulk and dormer protrusions. The front door to Plot 2 is also relocated to the side of the building with an access stairway and side gates.

Planning permission was refused under ref. 18/03409 for a roof angle of 70 degrees without the roof profile set back that is currently proposed.

Principle of Development

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the UDP sets out criteria to assess whether new housing developments is appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential

amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is located in a residential location where the Council will consider infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of an additional dwelling unit on this land is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding conservation area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements. Indeed, the principle of the development of the site has been established under the recent planning history.

Design and Conservation Area

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

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

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

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

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

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

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

The Inspector's decision in considering the appeal for 13/04033 is a significant material consideration in the determination of any future proposal and indeed the grant of permission under ref. 17/03264 was considered with this in mind. The scheme allowed at Appeal under 13/04033 was for a three storey replacement dwelling with roofspace accommodation and front and rear dormer extensions. The impact of the scheme upon the character of the Conservation Area and the amenities of neighbouring residents was considered by the Inspector to be acceptable, and would preserve the character and appearance of the Chislehurst Conservation Area.

Application ref. 17/03264 proposed two dwellings on the site, whereas those schemes as previously considered at appeal were for one dwelling with subsequent approved applications also for one dwelling only. Whilst there is limited evidence of semi-detached properties within the street scene, the plot was considered to read as stand-alone in character, set away from other residential form when viewed from the highway and obscured by vegetation to the side and rear boundaries. As a result, the principle of providing two semi-detached properties on the site was considered to be acceptable by Members.

In terms of the building currently proposed, the massing, scale and design of the built form is similar to that as approved within the previous application, being of 3 storey construction with roof accommodation and of approximately 17m in width and depth. The current proposal has increased the roof bulk by steepening the angle of the front and rear roof slopes from 45 degrees to 65 degrees. When

considering the previous Inspector's comments regarding the overall bulk, scale and massing of the development, the scheme proposed is considered to be acceptable in this regard and closely matches that previously permitted by Members. Whilst Members refused the previous application ref. 18/03409 on the basis of a harmful impact on the character of the Conservation Area, the overall design is considered to be similar and the reduction in roof bulk from a 70 degree angle to a 65 degree angle along with the reduction in dormer size is considered to reduce the roof bulk and Members may therefore consider this to be acceptable in light of the planning history.

The design retains a traditional style based on classical proportions and using natural materials. The proposed single storey side cycle stores will be set back significantly from the building line and will be constructed with access from proposed front gates to either side of the pair of semi-detached dwellings, which have now been substantially constructed. The cycle stores are considered to be modest in bulk and will not compete with the architecture of the building as the previously refused proposal under ref. 17/03427 (which included larger side extensions to the houses) was considered to. The proposed front door for Plot 2 is relocated to the side elevation of the building and this is not considered to compete with the proportions and style of the dwellings. This is not considered to impact negatively in terms of design and appearance and it is considered that the proposal would therefore respect the character of the Conservation Area.

The submitted sectional drawings indicate the removal of land to the rear of the proposed footprint in order to accommodate the dwellings, resulting in the ground floor of each house not being sunken into the ground. The appearance of a three storey dwelling is therefore similar for both the front and rear elevational view and this has previously been considered to be acceptable.

Car parking is provided to the front elevation of the properties within a communal area. The extent of the hardstanding is substantial, however a generous area of soft landscaping is proposed, particularly close to the highway to soften the appearance of the parking area.

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 H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to

supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National 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.

Table 3.3 of the London Plan requires a Gross Internal Area of 130sqm for a four bedroom dwelling. These space standards have been met and the submitted sectional drawings indicate a suitable head height for each floor. The shape, size and layout of the rooms in the proposed building are considered satisfactory. All habitable rooms would have satisfactory levels of light and outlook. The size and scale of the private amenity space are considered to be acceptable.

Neighbouring Amenity

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

The Inspector previously found that the impact upon neighbouring amenity was acceptable given that there is a significant degree of vegetation along the property boundaries of the application site which currently affords a high level of screening and protects the privacy of neighbouring properties. In addition, No. 3a Southill Road is set up on a land level much higher than the application site and the development will not result in the possibility of direct overlooking as the land levels and vegetation screening will continue to protect the privacy and amenities of the residents of neighbouring properties and the future occupiers of 'Jason' itself. The introduction of the additional bulk proposed to the sides of each dwelling would be minor and would not create any further issues of overshadowing, loss of light or visual impact for neighbouring properties.

Whilst this is a material consideration, it is noted that the footprint of the properties under ref. 17/03264 extended further to the rear and closer to the boundary with Nos. 3 and 3a Southill Road than that which was previously considered. Despite this, the separation to these neighbouring dwellings was considered acceptable by Members. Under ref. 18/03409, Members considered the building to result in a harmful impact on neighbouring amenities by reason of its bulk and siting in close proximity to neighbouring houses, however the siting and height of the structure

has not altered from the recently permitted scheme. In addition, it is considered that the rearrangement and removal of windows at the upper floor levels on the flank elevations of the building would not create a further degree of overlooking or loss of privacy, in fact the opposite. The proposed front and rear roof dormers and other fenestration will remain as previously permitted and therefore would not introduce further opportunity for overlooking or loss of privacy.

The trees within the site largely prevent inter-visibility between the site and the neighbouring dwellings. Whilst the development encroaches into the canopy spread of the tree closest to the boundary, this tree is to be retained and the Arboricultural Officer has previously commented that the development would not impact on this tree subject to safeguarding conditions. The retention of the high level planting is considered pertinent to the protection of current living conditions of neighbouring properties and therefore conditions are recommended to protect them.

The floor plans submitted as part of the application indicate that the flank windows would serve non-habitable rooms, therefore these could be obscurely glazed by way of condition in order to protect the amenities of neighbouring properties.

Parking and Highway Safety

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

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

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

Yester Road is a classified road, a local distributor and although the site is within walking distance of Elmstead Woods station it is within a low (2) PTAL area.

The proposed site plan shows a shared centralised access way with parking located around a joint forecourt area. A pedestrian access is also provided adjacent to the railway bridge and to the north-east of the site. The proposed car parking area is considered to be acceptable, with an access which is wide enough for two cars to pass one another. No objections are raised in principle from a

highway safety perspective and the parking and access arrangements remain as permitted under ref. 17/03264.

Other Matters

The site is located adjacent to the railway and Network Rail has raised no objections. The site is also located within Flood Zone 2 and the submitted Flood Risk Assessment has been referred to the Environment Agency. The details of the submitted Flood Risk Assessment are considered to be acceptable by the Council and it is concluded that the risk of flooding is low. A suitable condition can be imposed to ensure appropriate measures are taken.

Sustainability

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

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

CIL

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

Conclusion

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the Conservation Area and would not be detrimental to the amenities of adjoining neighbours. No impact on highway safety or would result and the standard of accommodation for future occupants is considered to be acceptable.

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

and the following conditions:

- 1 The approved landscaping scheme approved under ref. 17/00988 shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

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

- 2 The boundary enclosures approved shall be permanently maintained unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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

- 4 The turning area(s) hereby approved shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.**

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

- 5 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 0.6m in height, and these means of enclosure shall be permanently retained as such.**

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

- 6 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junction with Yester Road and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 0.6m in height in advance of this sight line, which shall be permanently retained as such.**

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

- 7 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 0.6m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.**

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

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

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

- 9** The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking for 2 cycles per unit (including covered storage facilities where appropriate) shall be provided at the site in accordance with details hereby approved, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

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

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

- 12** Details of flood prevention and mitigation measures shall be implemented as set out in the Flood Risk Assessment submitted under the application hereby permitted and shall be permanently maintained thereafter.

Reason: In order to comply with Policy 5.12 of the London Plan and in order to minimise flood risk.

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

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to

ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

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

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interests of highway safety.

- 15** a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

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

You are further informed that :

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

- 2** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

- 3** 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 Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 4** You are advised to contact Network Rail Asset Protection Kent prior to the commencement of any works at the site in order to ensure all operations at the site are carried out without damage to or encroachment onto Network Rail land.

- 5** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

- 6.** 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

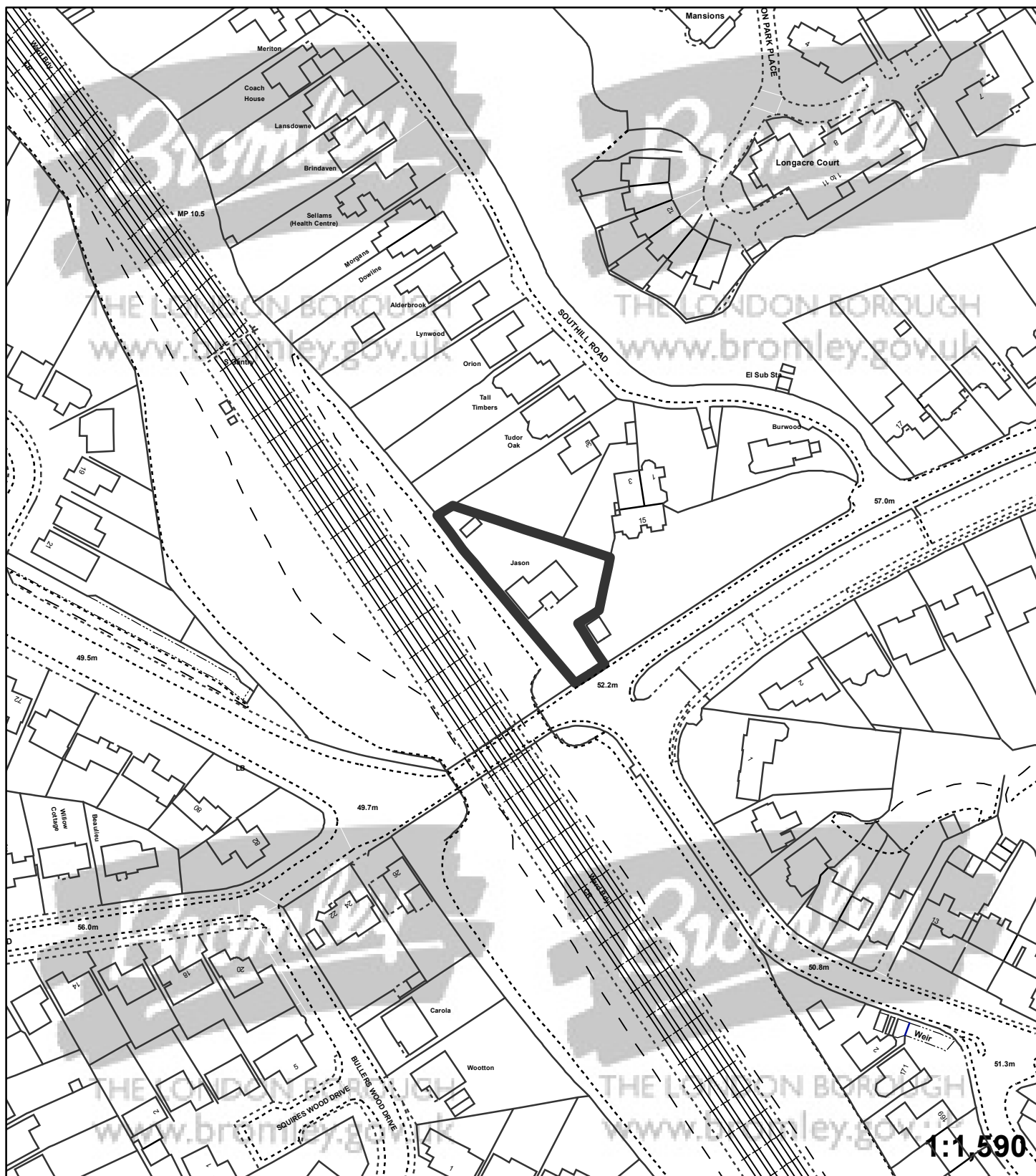
immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

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Application:18/04589/FULL1

Address: Jason Yester Road Chislehurst BR7 5HN

Proposal: Demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space (RETROSPECTIVE APPLICATION)



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

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

Application No : 18/02446/FULL1

Ward:
Chislehurst

Address : The Orchard 1 Cricket Ground Road
Chislehurst BR7 5HD

Objections: Yes

OS Grid Ref: E: 543878 N: 169851

Applicant : Mrs Susan Andrews

Description of Development:

Detached three storey 4 bedroom dwelling with integral triple garage on land adjacent to The Orchard

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

It is proposed to subdivide the southern part of the garden of The Orchard, and erect a detached three storey dwelling which would lie between the dwelling at The Orchard and Lothlorien to the south. The subdivided plot would measure 13m in width and 47m in depth.

The proposed dwelling would have three storeys of accommodation, including the second floor which would be provided within the roof space, and an integral triple garage. The bedrooms would be provided on the ground and first floors, whilst the main living accommodation would be provided on the second floor. A small balcony/terrace would be provided to the rear at first floor level, whilst a front balcony is proposed at second floor level.

The dwelling would be set back 1.5m from the side boundaries of the site, and 13.5m from the front boundary. It would maintain a separation of 3.5m to the host dwelling, and 2.5m to the adjacent dwelling at Lothlorien. The dwelling would use an existing vehicular access from Cricket Ground Road.

The application was supported by the following documents:

- Design and Access Statement
- Arboricultural Impact Assessment

Location and Key Constraints

This site is located on the corner of Watts Lane and Cricket Ground Road, and measures 0.06ha in area. It lies within Chislehurst Conservation Area, and borders the Green Belt to the north and west. Four elm trees and a horse chestnut situated along the frontage of The Orchard are protected.

The site is bounded to the south by a recently constructed detached two/three storey dwelling known as Lothlorien, and to the east by an access road leading to two dwellings known as Priestfield and Wellwood.

Comments from Local Residents and Groups

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

Objections

- Loss of privacy and light to neighbouring properties
- Large windows and high-level balcony at the rear would overlook neighbouring properties
- Trees may need to be removed
- Design and layout of the property detracts from the area
- Would set a precedent for the further redevelopment of The Orchard
- Overdevelopment
- A three storey dwelling is out of character with the area
- Additional pressure on traffic

Local Groups (The Chislehurst Society)

- A greater side space should be provided in the Conservation Area
- Detrimental impact on the street scene in Cricket Ground Road
- Overdevelopment
- Harmful to the character and appearance of the Conservation Area

Comments from Consultees

APCA: The proposals are a cramped overdevelopment of the site at variance with the character of large houses in spacious grounds within Cricket Ground Road.

Conservation Officer: The proposals are unlikely to have a detrimental impact on the character and appearance of Chislehurst Conservation Area.

Highways: The proposed dwelling would use an existing vehicular access, and would have a good sized triple garage with parking for a number of vehicles on the frontage. No highways objections are therefore raised.

Drainage: The proposed use of permeable paving and soakaways to attenuate for surface water run-off are considered acceptable.

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

London Plan Policies

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

Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
G6 Land Adjoining Green Belt
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

Emerging Local Plan

3 Backland and Gardenland Development
4 Housing Design
8 Side Space
30 Parking
32 Road Safety
37 General Design of Development
41 Conservation Areas
53 Land Adjoining Green Belt
73 Development and Trees

Supplementary Planning Guidance

Major's Housing SPG
National Planning Policy Framework (NPPF)
SPG Chislehurst Conservation Area

Planning History

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

Permission was granted in 2016 (ref.15/05248) for the demolition of The Orchard and Orchard Cottage, the retention of the existing swimming pool building and garage, and the erection of a detached two storey 5 bedroom dwelling with accommodation in the roofspace, an integral double garage and a one bedroom annexe on the first floor (Plot A), and a detached two storey 4 bedroom dwelling with accommodation in the roofspace and an integral double garage (Plot B). This permission has not been implemented but is still extant (expires 6th May 2019).

Considerations

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

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

Principle

The principle of residential development on the site of The Orchard has already been established by the granting of permission in 2016 for the redevelopment with two new houses. The current proposals are for the retention of the existing dwelling at The Orchard and the addition of a single infill dwelling which would be considered acceptable in principle in this residential area, but only where it is designed to complement the character of surrounding developments, the design and layout would provide suitable residential accommodation, no important trees would be lost, and it would provide adequate parking and amenity space.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 17 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 2 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan. The proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

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

The proposed dwelling would provide reasonable separations to the neighbouring properties, and would not appear unduly cramped or overdominant in the street scene. It would have similar eaves and roof ridge heights as the neighbouring properties, and although it would be situated on a narrower plot than the dwellings previously proposed on the site, and the adjacent dwellings at The Orchard, Lothlorien and Shalimar further to the south, there is a mix of plot sizes in Cricket Ground Road, and the size of the proposed dwelling would appear proportionate to its plot size.

Heritage Impact

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

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

Within or adjacent to a Conservation Area:

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

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

The site lies within Chislehurst Conservation Area which has a high standard of spaciousness and residential amenity. The proposed dwelling is considered to sit comfortably within its plot, and given that permission has previously been granted for a larger dwelling on this plot (albeit on a larger sized plot), it is not considered to cause harm to the visual amenities of the street scene, and would preserve the character and appearance of the Conservation Area.

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 H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National 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 minimum space standards for the proposed 4 bedroom 8 person dwelling is 130sq.m., and it would provide 386sq.m. floorspace which would comply with the required standards.

Amenity space is provided by way of a 17m deep rear garden which is considered acceptable for a family-sized dwelling.

Highways

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

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

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

No highways objections are seen to the proposals which include a triple garage and room for frontage parking.

Neighbouring amenity

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

The proposed dwelling would project only slightly beyond the rear elevation of Lothlorien to the south, and would not result in undue loss of light to or outlook from this property. First floor flank windows are proposed that would face

Lothlorien, but these serve only a bathroom and a dressing room, and can be conditioned to be obscure glazed.

The proposed dwelling would project further to the rear of The Orchard to the north, but it would be angled away from the rear elevation of the host dwelling, and would not cause a significant loss of outlook or light. First floor flank windows are proposed in the northern flank elevation, but they would serve bathrooms and a staircase, and can be conditioned to be obscure glazed.

The dwelling at Priestfield lies at the rear of the site next to the south-eastern corner of the plot, and a good level of tree screening is currently provided to this boundary which would be retained. The proposals would not therefore have a detrimental impact on the amenities of those residents.

Concerns have been raised by residents of properties to the rear of the site regarding overlooking from large rear windows and a rear high-level balcony, however, the only balcony on the rear elevation is at first floor level, and it would be only 1.2m deep and located some distance from neighbouring properties with good tree screening in between. A large second floor window is proposed in the rear elevation, but it be located a good distance away from the nearest properties, and rear windows at second floor level are not uncommon in a residential area.

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.

Trees

With regard to the trees on the site, the Tree Protection Plan and Arboricultural Method Statement submitted with the proposals are considered acceptable and demonstrate that important trees on the site would be adequately protected.

CIL

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

Conclusion

The proposals are not, therefore, considered to detract from the character and spatial standards of Chislehurst Conservation Area nor have a detrimental impact on residential amenity or on important trees on the site.

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

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 BE1 of the UDP 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.

4 (a) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a survey of the condition of the road shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Any damage caused to the surface of the road during the construction phase of the development shall be reinstated to a standard at least commensurate with its condition prior to the commencement of the development (as evidenced in details submitted to satisfy part (a)) prior to first occupation of the development hereby approved.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate protection of the road can be secured in the interest of pedestrian and vehicular safety and to comply with Policy T18 of the Unitary Development Plan.

5 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 BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

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

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

2. Proposed hardstanding and boundary treatment

3. A schedule detailing sizes and numbers of all proposed trees/plants

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

(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details

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

7 (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 BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 8 Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.**

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

- 9 Before the development hereby permitted is first occupied, the proposed windows at first floor level in the flank elevations of the dwelling 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 windows shall subsequently be permanently retained as such.**

Reason: In the interests of protecting residential amenity in accordance with Policy BE1 of the UDP

- 10 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.**

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies BE1, NE7 and NE8 of the Unitary Development Plan.

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

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

12 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the flank elevations of the dwelling hereby permitted,

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy BE1 of the UDP.

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

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

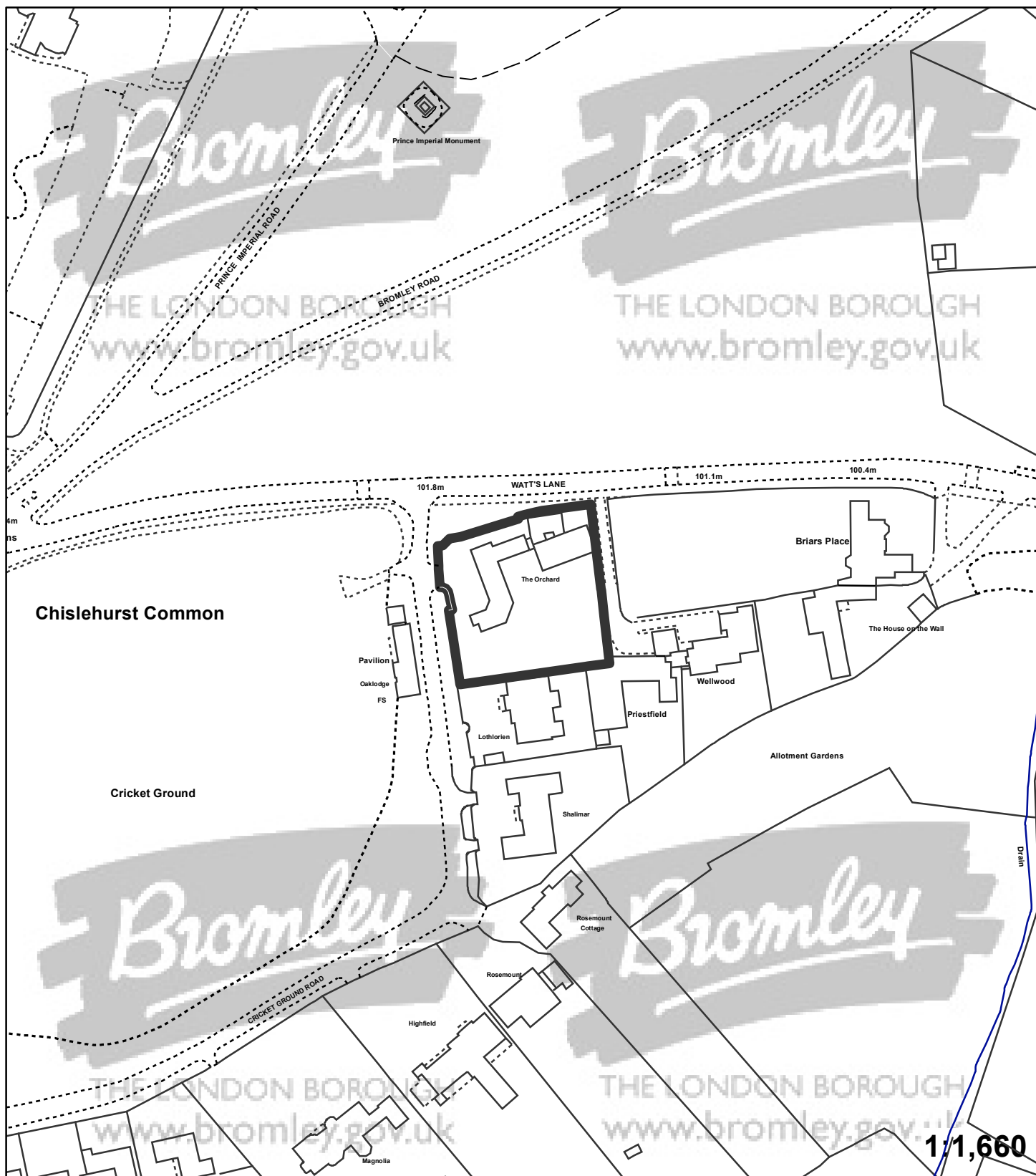
You are further informed that :

1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:18/02446/FULL1

Address: The Orchard 1 Cricket Ground Road Chislehurst BR7 5HD

Proposal: Detached three storey 4 bedroom dwelling with integral triple garage on land adjacent to The Orchard



"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 : 18/03046/FULL6

Ward:
West Wickham

Address : 62 Courtfield Rise West Wickham BR4
9BH

Objections: Yes

OS Grid Ref: E: 538909 N: 165423

Applicant : Mr Jim Grey

Description of Development:

Single storey side/rear and two storey side/rear extensions with loft conversion

Key designations:

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

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 1 held on the 15th November in order to seek the relocation of the front entrance to the side.

The applicant has stated that they wish for the application to be determined as it was formerly submitted. They have provided a detailed response showing images of properties with front doors on same style houses. The full text of this information is available to view on file.

The contents of the original report are repeated below.

Proposal

The application proposes a single storey side, part one/two storey rear and first floor side extension with dormer window.

The single storey side extension would have a width of 1.9m and a depth of 12.8m. It would feature a pitched roof which would join the proposed first floor side extension.

The first floor side extension would be built on the existing catslide roof and would increase the floor area of the first floor where there is currently a roof void. The roof would adjoin the main dwelling at a height to provide habitable room within the loft, and two dormers would be included in the flank roofslope of the extension.

The rear extension would on the ground floor wrap around the existing kitchen extension and have a maximum depth of 4.4m and a width of 8m this would have a height of 2.8m. The first floor would have a depth of 3m and a width of 3.472m.

Location and Key Constraints

The application site hosts a part one/two storey chalet bungalow on the northern side of Courtfield Rise, West Wickham.

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

- Same plans as before and therefore same reason for objection.
- Ground floor side extension would come right up the driveway and be extremely close to driveway of 64.
- Loss of light.
- Loss of privacy.
- No other house of that style has the front door at the front of the house.
- Out of character.
- No issues if they did the same extensions everyone else has.
- Would set a dangerous precedent.
- Extension takes away off street parking and will result in more on street parking.
- Gross proposal in size and appearance.

Response from applicant

- We have not been re-submitting the same plans.
- Have taken planning advice.
- Many houses with doors at the front and side extensions.
- We have amended the side extension roof design to keep it more in keeping.

Revised Plans were received on the 1st October and local residents were reconsulted. The following comments were received;

- Can't see anything different from the previous proposals.
- Ground floor side extension is too close to driveway.
- Loss of light.
- No other house has this kind of extension at the side.
- No issue with the top side extension, loft conversion and back extension.
- Loss of privacy.
- No houses in this style in the road that have a front door at the front of the house (2 or 3 that do are a different style).
- The gap between No.64 and the side extension would only be the driveway of No.64.

- Out of character.
- Would spoil the aesthetic appearance of the housing in the road.
- Removal of garage and reduction of driveway would reduce off-street parking and increase congestion on street parking.
- Rear extension would project right up to boundary, blocking light and causing overshadowing.
- Gross proposal both in size and appearance.
- Previous objections still apply.

Further Revised Plans were received dated 22nd October and neighbours reconsulted. The following comments have been received, and Members will be updated verbally if any further representations are received;

- Please see previous objections.
- Plans have not been sufficiently changed.
- Property would be overdeveloped and imposing.
- Loss of privacy.
- Out of keeping with rest of the street (including position of front door).
- Loss of parking space will further crowd the road.
- Would set a precedent for similar developments.
- Ground side extension too close to neighbour's driveway.

Policy Context

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

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

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

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

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

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

The weight attached to the draft policies increases as the Local Plan process advances.

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

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

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

H9 Side Space

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

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

- 17/05125/FULL6 - Single storey side and rear extension - Refused
- 17/05127/FULL6 - Single storey side, part one/two storey rear and first floor side extension with dormer window - Refused
- 18/00264/FULL6 - Part one/two storey side and rear extensions, loft conversion and elevational alterations.- Refused

Considerations

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

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

Resubmission

The application was previously refused for the following reasons:

1. The proposed rear extension, by reason of its excessive depth would create a tunnelling effect and cause significant harm to the outlook and amenity of the adjoining occupiers at number 60, contrary to Policies BE1 and H8 of the Unitary Development Plan and Draft Policies 6 and 37 of the emerging Local Plan
2. The proposed side extension by reason of its unsympathetic design would cause significant harm to the character and appearance of both the host dwelling and street scene, contrary to Policies BE1 and H8 of the Unitary Development Plan and Draft Policies 6 and 37 of the emerging Local Plan

The main alterations from the previously refused application that are proposed within the current application are the following;

The rear extension at ground floor has been reduced in depth from 4.4m to 3m along the boundary with No.60. It would retain a 3.47m wide section with a depth of 4.4m.

The first floor rear extension has been reduced to 3m in depth.

The proposed side extension has been altered from a flat roof to a pitched roof which slopes from the main dwelling down towards the flank boundary of the site.

The proposed roof alterations to provide accommodation at first floor and within the loft have altered to include the addition of two dormers in the flank roofslope, and have been set back from the front of the property to retain a section of the existing catslide roof.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Within the previous application, concerns were raised with regards to the flat roof design of the single storey side extension given the open nature of these properties. Where other similar extensions have been built in the area they have featured pitched roofs to be more sympathetic to the design of the chalet bungalows with large cat-slide features. The current application retains a single storey side extension of the same depth and width, though has altered the roof design to include a pitched roof which pitches away from the flank boundary. The pitched roof design is considered more in keeping with the host dwelling than the previous application and is considered sufficient to overcome the previous refusal ground, in that it would not appear as an unsympathetic addition to the host

dwelling or have an unacceptable detrimental impact to the visual amenities of the area.

It is noted that there have been several alterations to the roof of properties in this area to extend the first floor where the catslide roof is. The alterations proposed would create significant bulk in the roof which would be highly visible given the shared driveways and the elevated position within the road.

This design would result in a roof enlargement which is reduced in bulk and scale to that proposed within the previously refused application 17/05127/FULL6, where it is noted that no concerns were raised regarding this particular element. The current application includes the addition of two dormers in the flank roofslope, though these would be modest in their scale and are not considered to harm the appearance of the host dwelling. Furthermore, the extension has been set back 0.5m from the front of the dwelling to retain a section of the existing catslide roof and provide a more subservient appearance compared to that previously proposed. Given the above, it is therefore considered on balance that any impact would not be so detrimental as to warrant refusal of the application given other similar extensions in the vicinity.

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

Side Space

The Council requires all developments at first floor level to maintain a 1m space from the side boundary to the flank wall for the full height and length of the development. The proposed development would retain a 1m side space for its full length and is therefore considered to comply with Policy H9.

Neighbouring amenity

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

The proposed single storey extension has been reduced in depth within this application so that it would project 3m in depth along the shared boundary with No.60. This is considered sufficient to overcome the previous refusal grounds, in that the rearward projection would not be considered excessive and would not result in a tunnelling effect. It is therefore considered the extension would not result in an unacceptable level of harm to outlook or light from this neighbour.

With regards to the neighbour at No.64, no concerns were raised within the previous application. The ground floor rear and side extensions would remain set in 1m from the shared boundary and whilst the roof of the side element would increase in bulk, it would pitch away from the boundary and is therefore not

considered to result in any significant additional harm compared to the previous application. Furthermore, the first floor rear extension has been reduced in its rearward projection from the previous application. The first floor side extension has been enlarged from the previous application, though to a scale similar to that proposed under ref: 17/05127/FULL6, where it was not considered that it would harm the amenities of the neighbouring property. Given the above it is therefore considered that any harm to the amenities of this neighbour would not be sufficient to warrant a refusal of the application.

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

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable as 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 01.10.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning**

permission unless previously agreed in writing by the Local Planning Authority.

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

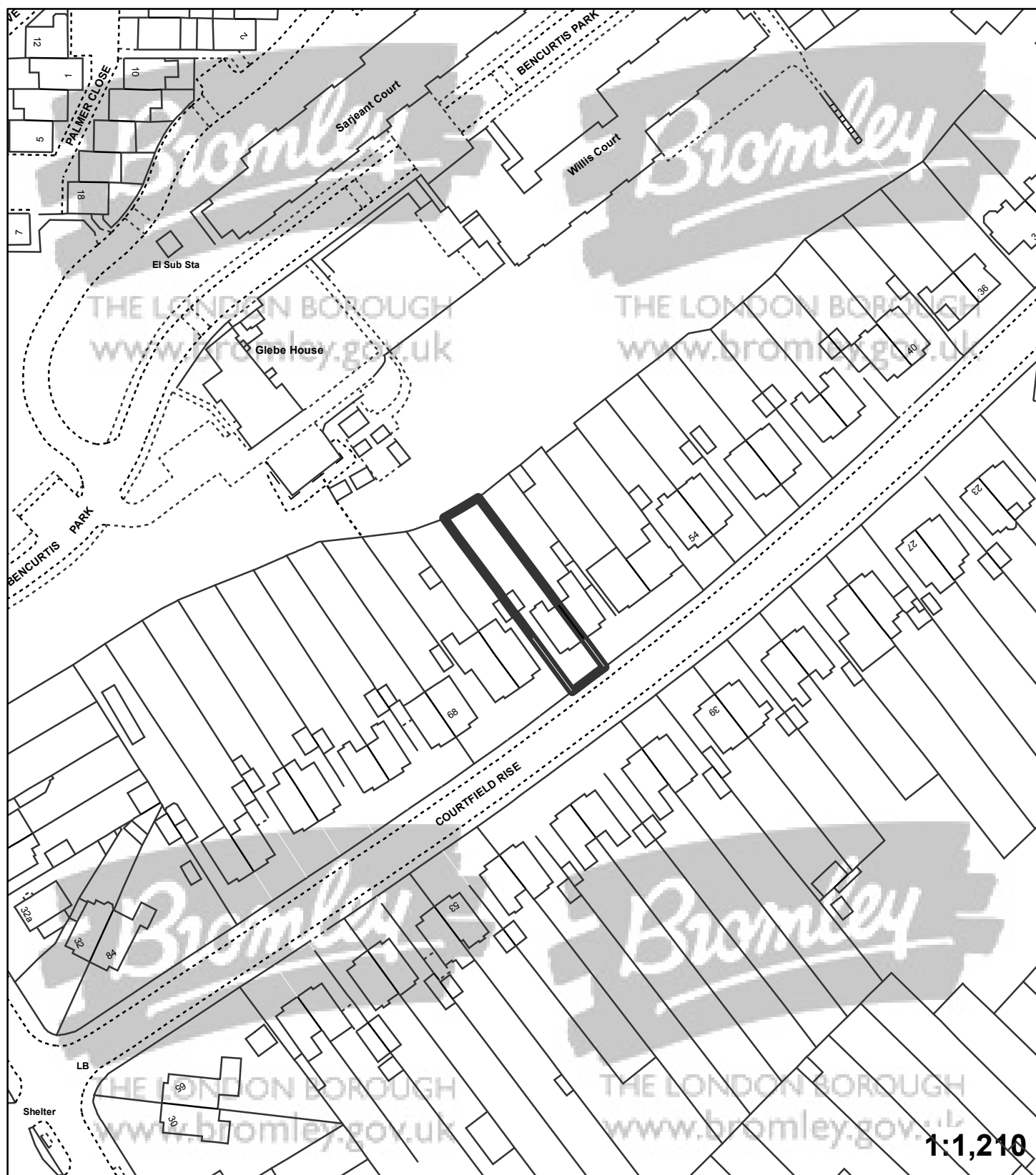
- 4 Before the development hereby permitted is first occupied the proposed window(s) in the first floor flank elevation and the flank dormer windows shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more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

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

Application:18/03046/FULL6

Address: 62 Courtfield Rise West Wickham BR4 9BH

Proposal: Single storey side/rear and two storey side/rear extensions with loft conversion



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

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

Application No : 18/04312/FULL6

Ward:
Shortlands

Address : 4 Den Road Shortlands Bromley BR2
0NH

OS Grid Ref: E: 538860 N: 168618

Applicant : Mr Toks Taylor

Objections : YES

Description of Development:

First storey side extension, conversion of garage and a new porch canopy

Key designations:

Conservation Area: Shortlands

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Open Space Deficiency

Smoke Control SCA 21

Smoke Control SCA 9

Proposal

The application seeks planning permission for the conversion of the garage to a habitable space and for a first floor side extension. The proposed first floor side extension would measure 3.1m in width, 2.8m in depth with a total height of 6.5m, including a pitch roof. The garage conversion would include the replacement of the garage door with a window on the front elevation. The roof of the garage and the lobby area would be pitched with a height of 3.8m with an eaves height of 2.7m. There would be a new pitched-roof canopy in front of the porch, measuring 3.1m wide and 1m deep.

Location and Key Constraints

The application property is located at the western end of Den Road, near the junction with Shortlands Road. The site is triangular in shape and tapers considerably to the rear. The property is not listed and it lies in the Shortlands Conservation Area. 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

Conservation Officer: "The property is right on the edge of the CA and given that this first floor extension would be well set in from the boundary, I do not see that any harmful impact would occur in conservation terms. If minded to recommend permission I suggest matching materials condition."

Highways: "The development will result in loss of one parking space by conversion of the garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore on balance as it is a small development I raise no objection to this proposal."

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings in December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

London Plan Policies

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

Unitary Development Plan

- H8 Residential extensions
- H9 Side Space
- BE1 Design of new development
- T3 Parking
- BE11 Conservation areas

Draft Local Plan

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

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Supplementary Planning Guidance for Shortlands Road

Planning History

00/02851/TREE - Remove one maple (rear garden) (TREE IN CONSERVATION AREA) - 16.10.2000 (No objections)

04/00370/FULL6 - Single storey side/rear extension - 24.03.2004 (Permitted)

06/00460/FULL1 First floor side extension - 15.03.2006 (Refused)

10/01249/FULL6 First floor side extension - 22.06.2010 (Refused) and its reason for refusal was:

"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 first floor/ two storey development in the absence of which the first floor side extension would constitute a cramped overdevelopment of the site, out of character with the street scene and conducive to a retrograde lowering of the spatial standards to which the Shortlands Conservation Area is at present developed, thereby contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan and the Shortlands Conservation Area Supplementary Planning Guidance."

Considerations

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

- Planning refusal (10/01246/FULL6)
- Design
- Heritage Impact
- Neighbouring amenity
- Highways
- CIL

Planning refusal (10/01246/FULL6)

A similar proposal for the first floor side extension was refused in 2010. In the refused scheme, the first floor side extension was proposed above the garage and lobby area. It was proposed to be set back 0.85m from the front elevation and would have extended between 0.5m and 1.5m from the side boundary.

In the current proposal, the size of the first floor side extension would be smaller and it would be set back 1.3m from the front elevation and would extend between 1.5m and 2.6m from the shared boundary with No. 6.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 of the UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the UDP and Draft Policy 6 of the Draft Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area. Policy H9 states that the Council will normally require a minimum of 1m side space from the side boundary of the site to be retained in the case of a proposal two or more storeys in height.

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.

It is considered that the first floor side extension, the garage conversion and the proposed front elevation alterations would be visible from the highway. However, the proposed pitched roof design of the garage and lobby area is considered sympathetic and it would enhance the appearance of the host dwelling.

In this proposal, the proposed first floor side extension is modest and would be set back 2.6m from shared boundary at the front and 1.5m at the rear; and the ground floor garage conversion would be located immediately adjacent to the shared boundary. Members should be aware that the bulk and form of the ground floor conversion is already existed. It is noted that usually within a Conservation area that the side spaces should be more generous to preserve and enhance the character of the conservation area. Given that the first floor side space is sufficient, the proposal would not result in a terracing effect and cause a cramped appearance within the wider streetscene. As such, it is considered that the proposal does not conflict with the reason for the side space policy and as such is compatible.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not result in a detrimental impact upon the spatial standards and visual amenity of the area.

Heritage Assets

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

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

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

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution

but also through development that leaves the character or appearance of the area unharmed.

The site falls within the Shortlands Road Conservation Area which is characterised by:

"Buildings in the area include a variety of architectural styles, but are a compatible blend of styles and materials. Building scale varies from large two and three storey freestanding to detached houses of similar era, and more modest dwellings from the early decades of the twentieth century. The use of typical materials contributes significantly to the character and appearance of the Area. Hung terra cotta club tiles is common on upper levels of walls, often found in conjunction with bold timber gables." (3.2-3.3, SPG)

The property is located on the edge of the Shortlands Road Conservation Area. The proposed pitched roof would enhance the appearance of the host dwelling. The first floor extension would be set back 1.3m from the front elevation of the host dwelling and 2.6m from the shared boundary. It is considered that the proposal would be well set in from the site boundary and it would enhance the character and appearance of the conservation area.

Highways

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

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

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

No technical objections are raised from a highways perspective regarding the proposal in terms of its impact on road safety and on-street parking.

Neighbouring amenity

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

overbearing impact, overlooking, loss of privacy and general noise and disturbance.

With regards to No.6, the proposed first floor side extension would project closer to the shared boundary with a minimum 1.5m distance. It is noted that there is no first floor windows in the flank elevation of this neighbouring property. Taking into account the positioning of the proposed extension, the separation distance of the neighbouring property at first floor level and the orientation of the site, it is considered that, on balance, the neighbouring amenity impact of the extensions would not be adverse enough to warrant a reason for refusal.

The proposed conversion of the garage and the new canopy would not lead to an increase in noise level. The proposed window to the front elevation, because of its location and size, would not result in an increased chance of overlooking over and above that which already exists.

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

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 materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

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

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

- 4 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the east flank elevation of the first floor side extension hereby permitted,**

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy BE1 of the UDP.

Application:18/04312/FULL6

Address: 4 Den Road Shortlands Bromley BR2 0NH

Proposal: First storey side extension, conversion of garage and a new porch canopy



"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 : 18/04601/PLUD

Ward:
West Wickham

Address : 126 The Avenue West Wickham BR4
0EA

Objections: No

OS Grid Ref: E: 539015 N: 166727

Applicant : Mr & Mrs Turner

Description of Development:

Hip to gable roof alteration to incorporate rear dormer and front roof lights.
Demolition and replacement of existing ground floor rear extension. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 2

Proposal

The application seeks a lawful development certificate for a single storey rear extension and roof alterations to incorporate a hip to gable end extension, rear dormer, window to the gable end elevation and two rooflights to the front roof slope.

Location and Key Constraints

The application site comprises a two storey semi-detached dwelling on the southern side of The Avenue, West Wickham. The property is not listed and does not lie within any area of special designation.

Consultations

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

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A, B, C and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted

Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

Planning History

There is no recent or relevant planning history at this site.

Conclusions

Class A permits the enlargement, improvement or other alteration of a dwellinghouse. In this instance, the proposed single storey rear extension would fall within the scope of Class A and is considered to be permitted development for the following reasons:

- o The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- o The extension will not exceed 50% of the total curtilage of the original house.
- o The height of extension will not exceed the height of the highest part of the dwellinghouse.
- o The height of the eaves would not exceed those of the original house.
- o The proposed extension does not extend beyond a wall that fronts a highway and forms the principal or side elevation of the original house.
- o The enlarged part of the dwellinghouse would have a single storey and not extend beyond the rear wall of the original dwellinghouse by more than 3m in depth in the case of semi-detached dwellings. The depth is shown to be 3.0m
- o The enlarged part of the dwellinghouse would have a single storey and would not exceed 4m in height. The height is shown to be 3.8m.
- o The extension is within 2m of a boundary and the eaves height for the extension will not exceed 3m. The height of the eaves is shown to be 2.8m.
- o The proposal does not consist of or include a veranda, balcony or raised platform.
- o The proposal does not consist of or include the installation, alteration or replacement of a microwave antenna.
- o The materials proposed for the exterior are indicated to be similar in appearance to those of the exterior of the existing dwellinghouse.

Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. In this instance, the proposed rear dormer extension would fall within the scope of Class B and is considered to be permitted development for the following reasons:

- o The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- o The extension will not exceed the height of the highest part of the existing roof.
- o The extension would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.
- o The resulting extensions volume falls within 50 cubic metres allowed in the case of a semi-detached dwelling.

- o The proposal does not consist of or include a veranda, balcony or raised platform.
- o The house is not sited within a conservation area.
- o The materials proposed for the exterior are shown to be similar in appearance to those used in the construction of the roof of the existing dwellinghouse.
- o The dormer provides a minimum 0.2m, separation from the eaves of the dwelling.
- o The window located within the flank wall of the proposed is shown to be obscure glazed and non-opening below 1.7m from the internal floor level.

Class C covers other alterations such as the installation of roof lights. In this instance the proposed front roof lights would fall within the scope of Class C, and are considered to be permitted development for the following additional reasons:

- o The proposed roof light to the front elevation will not project more than 0.15m from the roof slope.
- o The proposal does not consist of or include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Class G covers alterations such as the alteration of the soil and vent pipe. In this instance the proposed extension of the soil and vent pipe would fall within the scope of Class G, and is considered to constitute Permitted Development.

It is therefore considered that the certificate be granted.

RECOMMENDATION: CERTIFICATE BE GRANTED

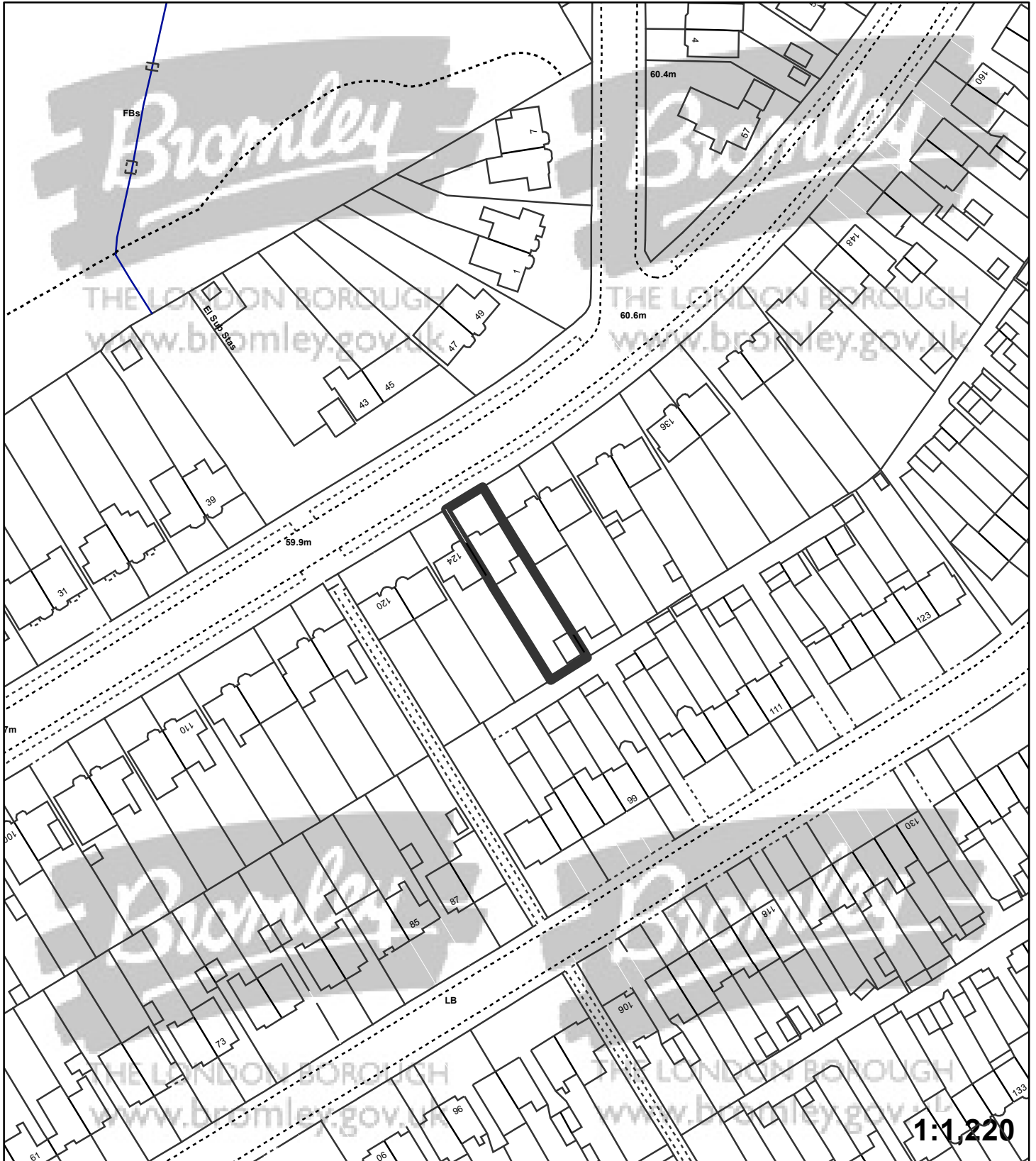
- 1 The proposal as submitted would constitute permitted development by virtue of Classes A, B, C and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

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Application:18/04601/PLUD

Address: 126 The Avenue West Wickham BR4 0EA

Proposal: Hip to gable roof alteration to incorporate rear dormer and front roof lights. Demolition and replacement of existing ground floor rear extension. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**



"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 : (18/04635/RESPA)

Ward:
Petts Wood And Knoll

Address : Bayheath House, 4 Fairway, Petts Wood, Orpington, BR5 1EG

Objections: Yes

OS Grid Ref: E: 544521 N: 167577

Applicant : Mr Y Osman

Description of Development:

Change of use of first and second floors at Bayheath House and Cardinal House from Class B1(a) office to Class C3 dwellinghouses to form 16 flats together with associated parking (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class O Part 3 of the GPDO).

Key designations:

Adj Area of Special Res. Character
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 4

Proposal

The application proposes the change of use of first and second floors of Bayheath House and Cardinal House from B1(a) Office to C3 residential to form 16 flats together with associated parking under Class O, Part 3, of Schedule 2 of the GPDO.

The application is supported by the following documents:

- Application forms,
- Application drawings,
- Supporting/Planning Statement
- Noise Assessment

Location and Key Constraints

The application site relates to Bayheath House and Cardinal House, a three storey post war building located on and turning the corner of Station Square and Fairway. The application site comprises the first and second floors, currently occupied by offices, and part of the car park to the rear of the building. The ground floor of the building comprises shops and other commercial/business units.

According to the Council's records and third party comments the site (and the existing Daylight Inn opposite) is known to have previously comprised a petrol filling station and vehicle maintenance garage known as Dunstonian Garage.

Planning History

No relevant history.

Policy Context and considerations

This application for prior approval is determined in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The following paragraphs are relevant to this application, with regard to a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule:

O.1 Development is not permitted by Class O if—

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - i. on 29th May 2013, or
 - ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

Conditions

O.2.—(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class O

O.3. For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003/49 or any other place of public entertainment.

Comments from Local Residents and Groups

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

Local Groups

Petts Wood and District Residents' Association (PWDRA)

- Flooding risks on the site
- The Developer should demonstrate to the Council's satisfaction before the commencement of the development that peak foul water flows should not exceed that of the existing building/use in order to avoid foul water flooding,
- Impacts of noise from commercial buildings on the intended occupiers of the development
- The close proximity of The Daylight Inn public house and its standard opening hours from 0700-2330 and extended Friday-Saturday opening hours from 0700-0030 could have adverse noise impacts on the future residents. The Council's Licensing Department should be consulted with regard to previous license breaches and noise complaints.
- Contamination risks on the site
- The application site lies on a former motor repair garage and petrol station (1930-early 1970s) with the possibility that the underground petrol tanks were retained and other general vehicle contaminants to have leached into the ground. The ground floor business owner has special insurance against potential contamination. In the absence of an Environmental Survey or Soil Survey the Developer should demonstrate to the Council's satisfaction through an Environmental Site Assessment and site history investigation if the tanks remain and the likely risk of contamination and the scope of any necessary mitigation, to avoid future contamination and health risks to the construction workers and the future residents.

Comments from Consultees

Drainage Engineer: No water/drainage comments. Please consult Thames Water regarding foul water drainage.

Environmental Health Housing Officer: The proposed flats would be located above, next to and opposite a busy commercial area [noise source], the noise levels and frequency during unsociable hours may result in a significant adverse effect on the health and wellbeing of the occupants. The proposed conversion of the existing commercial properties will result in the new flats sharing party walls and floors with each other and existing commercial premises. Adequate sound insulation should be provided between the new dwelling and the existing premises to protect the

health and wellbeing of the occupants. It may be appropriate to require an Environmental Noise Assessment or Internal Sound Transmission Assessment for this proposal.

Environmental Health Pollution Officer: Comments raised by third parties are noted. According to the Council's mapping system the Daylight Inn site (opposite the application site) was formerly the "Dunstonian Garage" this is classified as a specific site and has therefore been subject to remedial measures. The application site was formerly a garage and filling station connected with the Dunstonian Garage and as such it may contain potential contaminants due to its previous use. However the site is covered in hard surfacing and the proposal relates to the first and second floors only and therefore the potential risk to future occupants would be low.

The property lies close to the railway and "Iceland" supermarket car park and could be adversely affected by noise and related disturbances

The Applicant has since submitted an acoustic assessment which finds that specialist glazing/trickle ventilators will be required to ensure that internal levels are acceptable. the report recommend that high and medium spec acoustically rated "through-the-frame" trickle ventilators and double glazing of differing pane thickness and separation are installed. The report goes on to state that it will be necessary for the glazing specifications to be confirmed at detailed design stage. As such it is recommended that a scheme of noise mitigation measures is submitted to the Council for its approval, by planning condition. Notwithstanding the above advice the Applicant is also recommended to ensure compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017, and to contact the Council's Environmental Health department if contamination is found on site and the Applicant could be advised of this by planning informative.

Highways: There is an existing access to the rear parking area from Fairway and this access arrangement would remain the same. According to the submitted Transport Note the vehicular trip generation for residential use is concluded to be less than the existing office use. Notwithstanding this, if the transport levels differ from the Applicants estimate there is unlikely to be a significant increase in vehicular trips arising from the proposed residential use. There are currently 24 parking spaces on the site which will be retained. 16 spaces would be allocated to the proposed 16 residential units and the remaining 8 spaces would be allocated to the remaining ground floor retail units. The spaces for the residential units should be available to the residents at no additional charge. The parking area should be lit in accordance with the relevant British Standard. The cycle storage should be covered and secure. The Council's Waste Services Department would need to approve the refuse storage and collection arrangements. No objection subject to the recommended conditions:

OC03 Car parking details to be implemented

PC16 Measures to accommodate arrangements construction vehicles

AG12 Cycle parking details required

AG13 Lighting details for parking area
H28 car park management

Licensing: There is no recent record of licensing breach or noise complaint arising from The Daylight Inn public house opposite the application site.

Thames Water: No comments received.

Assessment

O.1 Development is not permitted by Class O if—

(a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;

Note: The building site is not located on article 2(5) land.

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

i. on 29th May 2013, or

ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

Note: According to the application details and site observations the application site is partially vacant however it is concluded to have been in office use when last in use.

(c) the site is, or forms part of, a safety hazard area;

Note: The site is not and does not form part of, a safety hazard area.

(d) the site is, or forms part of, a military explosives storage area;

Note: The site is not and does not form part of a military explosives storage area.

(e) the building is a listed building or is within the curtilage of a listed building; or

Note: The building is not and does not lie within the curtilage of a listed building.

(f) the site is, or contains, a scheduled monument.

Note: The site is not and does not contain a scheduled monument.

Conditions

O.2.—(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

The proposal and associated car park would utilise the existing access point on Fairway. The proposed residential use would not result in a significant increase in transport levels and vehicle trips as compared with the existing office use. The provision of 16 parking spaces for the proposed residential use and the retention of 8 parking spaces for the remaining ground floor units would be acceptable. For these reasons there is no objection from the Council's Highway Department in relation to the transport and highways impacts of the development subject to the recommended conditions regarding car parking provision, car parking management, car park lighting, cycle parking, construction/transport management and refuse/recycling storage and collection facilities.

(b) contamination risks on the site,

The Council's Environmental Health Officer notes the former use of the site as a vehicle garage and filling station and confirms that the redevelopment of the site for retail/commercial and office use would have been subject to the appropriate remediation measures at that time. Furthermore the site is covered in buildings and hard surfacing and the proposed residential use would be located in the upper floors the building not the ground floor and it would not disturb the existing exterior hard surfacing. For these reasons the Council's Environmental Health Department concludes that the potential risk to the future occupants would be low. Notwithstanding this, in the event that contamination is found on site, which could include the building fabric during the conversion works, the Council would advise the Applicant to cease works and to contact the Council and this could be managed by planning informative.

(c) flooding risks on the site,

There is no objection from the Council's Drainage Engineer in relation to surface water flooding risks on the site. The drainage utility services would be managed through the Building Regulations and is not a planning matter relating to Class O of the GPDO. Thames Water has not offered comments in relation to the flooding risks on the site, nonetheless on the basis that there is no objection in terms of surface water drainage and providing that the water utility service is acceptable (subject to Building Regulations) the effects of foul water drainage issues (the remit of Thames Water) would not comprise a significant flooding risk.

and

(d) impacts of noise from commercial premises on the intended occupiers of the development,

The Council's Environmental Health Department notes the location of the site above, adjacent to and surrounded by a busy commercial area within Fairway and Station Square and recommends that suitable sound insulation is installed to protect the health and wellbeing of the occupants. The Applicant's submitted acoustic report recommends installation of sound insulation/attenuation measures including trickle ventilators and double glazing; some of which would be specified

at the detailed design stage. As such the Council's Environmental Health Department raises no objection provided that a scheme of noise mitigation measures is submitted to the Council for its approval, by planning condition, and the Applicant is reminded of compliance with the with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 by way of planning informative.

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Other matters

All other matters raised have been considered however they are either not relevant to planning or not relevant to the provisions of Class O of the GPDO and therefore they do not materially alter the Council's conclusion.

Conclusion

Having regard to the above it is concluded that the proposed development under Class O would not have unacceptable transport and highways impacts, contamination risks, flooding risks, and noise impacts on the intended occupiers of the development and that prior approval should be granted in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

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 29.11.2018

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

1. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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: To comply with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3. Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the 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 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 to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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

Reason: In order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6. (a) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works,

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

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In the interest of visual amenity and the safety of occupiers of and visitors to the development to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

7. Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

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 to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works, (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects and to provide acceptable transport and highway impacts in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9. Details of a scheme of noise mitigation measures, in full compliance with the recommendations of the submitted acoustic report (RBA Acoustics, reference: 9072.RP01.EBF.0, 28 November 2018) to meet the criteria specified in table 7, shall be submitted to the Local Planning Authority for written approval. This shall also include consideration to maximum noise levels in accordance with BS8233:2014 and ProPG. Once approved the scheme shall be implement in full prior to the use commencing and permanently maintained thereafter.

Reason: In order to mitigate the noise impacts from commercial premises on the intended occupiers of the development in accordance with Class O of Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

You are further informed that :

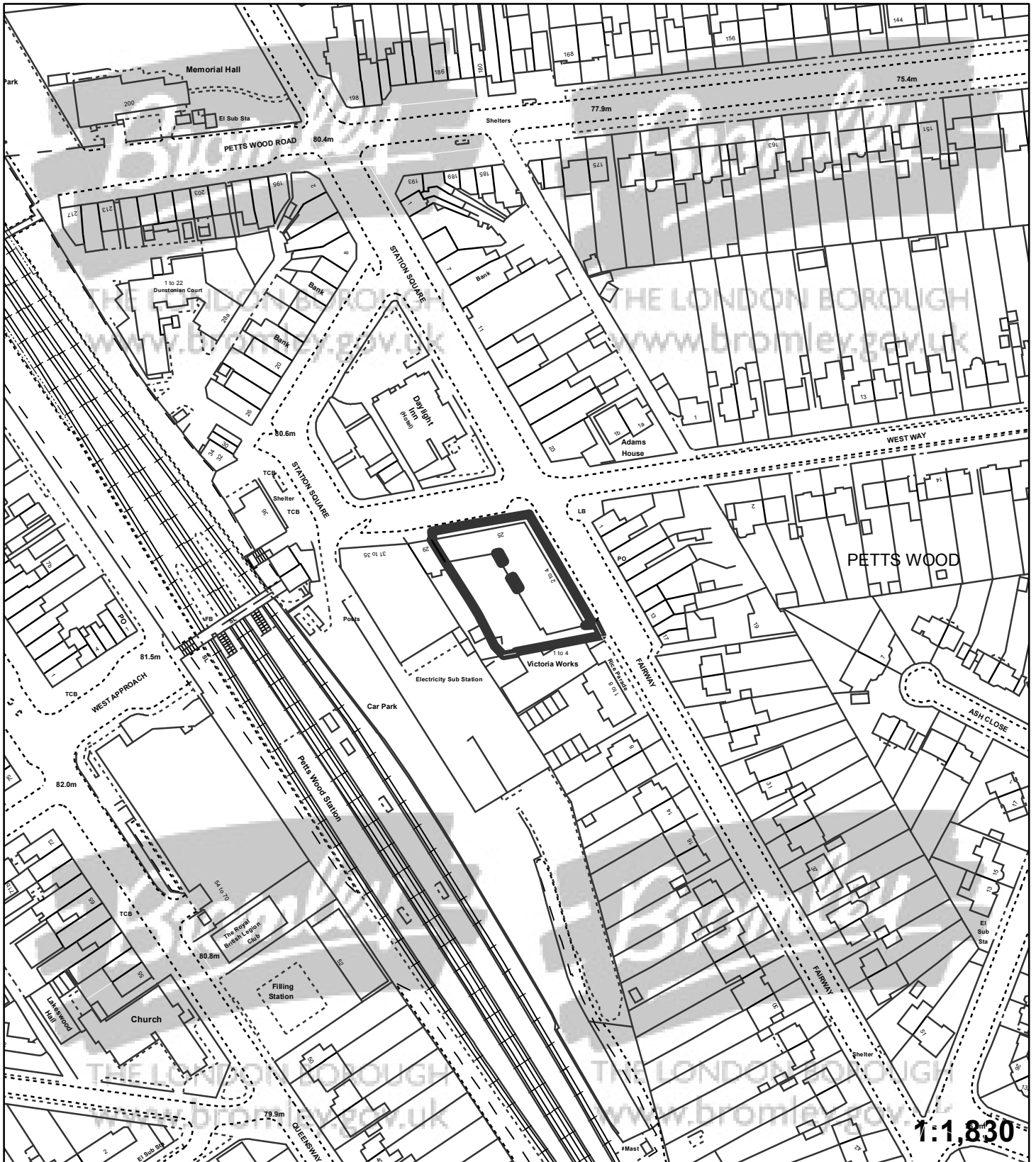
- 1. Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.**
- 2. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The**

contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Application:18/04635/RESPA

Address: Bayheath House 4 Fairway Petts Wood Orpington BR5 1EG

Proposal: Change of use of first and second floors at Bayheath House and Cardinal House from Class B1(a) office to Class C3 dwellinghouses to form 16 flats together with associated parking (56 day application for prior approval in respect of transport and highways, contamination and flooding)



"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 : 18/04727/FULL6

Ward:
Shortlands

Address : 41 Hayes Way Beckenham BR3 6RJ

OS Grid Ref: E: 538471 N: 168504

Applicant : Mr James Cullen

Objections : YES

Description of Development:

The erection of a part single/double storey rear extension, along with internal layout amendments

Key designations:

Conservation Area: Park Langley
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

The proposal includes a part one/ two storey rear extension. The proposed part one/ two-storey rear extension would measure 3.5m in depth and would span the full width of the dwelling. The proposed single-storey rear extension would be located to the east side of the property and would incorporate a lean-to mono-pitched roof with a maximum height of 3.7m and an eaves height of 2.9m. The two storey extension would have a dual-pitched roof with a maximum height of 7.4m.

Location and Key Constraints

The application relates to a two-storey detached residential dwelling, which is located on the north side of Hayes Way. It benefits from off-street parking and a large rear garden. The surrounding area is residential in character and the property is located within the Park Langley 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

- Rearward projection too deep;
- The design is not sympathetic to the host dwelling and the neighbouring properties ;

- Tunnelling effect;
- Impact on loss of light and overbearing to the neighbouring property;
- Large in scale and disproportionate to neighbouring properties;
- Over dominant and not in keeping within the "garden suburb" conservation area;
- Small alleyway-like side space would increase the chance of burglaries;
- Proposed first floor frosted windows would overlook the neighbouring properties.

Park Langley Residents Association (PLRA)

- The current proposal is very similar to the previous refused application;
- The size and depth of the extension would result in a detrimental visual impact, loss of prospect and loss of light to No. 43 Hayes Way.

Comments from Consultees

Conservation Officer: "Given the rearward projection on the neighbouring properties, and the fact that the extension is to the rear, I do not feel any harm would arise to the conservation area."

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings in December 2017 and the Inspector's report is awaited. These

documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

London Plan Policies

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

Unitary Development Plan

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

Draft Local Plan

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

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Supplementary Planning Guidance for Park Langley Conservation Area

Planning History

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

84/00436/FUL - First floor side extension and conversion of garage to study detached house - 05.04.1984 (Permitted)

03/03837/TREE - Intention to crown reduce by 30% field maple in front garden and crown reduce by 30% 1 plum in back garden TREES IN CONSERVATION AREA - 04.12.2003 (No objection)

11/02763/FULL6 - Part one/two storey rear extension - 23.11.2011 (Refused)

The reason for refusal of the above planning application was:

"The proposal would be over dominant 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 and depth of rearward projection thereby contrary to Policy BE1 of the Unitary Development Plan."

Considerations

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

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- CIL

Resubmission

The current proposal is similar to the previous scheme that was refused (planning ref: 11/02763/FULL6) for a part one/ two storey rear extension. Compared to the previous scheme, the current proposal has now reduced the depth of the rear extension from 4.5m to 3.5m. The single storey rear extension would now have a lean-to mono pitched roof with a rooflight.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 of the UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the UDP and Draft Policy 6 of the Draft Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

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

It is considered that the main bulk and form of the proposal would be located to the rear of the host dwelling and it would not be visible from the public highway. The proposed materials would match the existing and it is considered the proposal would be in keeping with the host dwelling.

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

Heritage Assets

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

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

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

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

In the Supplementary Planning Guidance for Park Langley, it states that "the section of the Park Langley Estate that was developed prior to the outbreak of the First World War (1914-18) has a cohesive Garden City character that it will be important to preserve and enhance. Many of the individual houses make a positive contribution to the character and appearance of the conservation area. Harmonious diversity of design was a stated aim of the developers. As a result, there are very many different types and styles of houses in the estate."

With regards to the character of the Park Langley Conservation Area, developments should respect the "landscape and spatial characteristics of the area and ensure that the green and spacious aspect of the estate is not eroded." In addition, "proposals that would bring about a reduction in the spatial standards of

the area, most particularly an erosion of existing side space between dwellings, will normally be resisted."

The proposed design and appearance is acceptable and does not have any significant harm to the conservation area. In terms of spatial standards the proposed extension is to the rear and does not result in any terracing to adjoining properties. It has no significant harm in terms of spatial standards and distances towards boundaries than the existing property. It is considered that the proposed development would preserve the character and appearance of the Park Langley Conservation Area.

Neighbouring amenity

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

The two storey development would have a rearward projection of 3.5m. The element to the west boundary is single storey and would be set off from the shared boundary by some 1m. To the east, the single storey extension would have a minimum distance of 1.4m from the shared boundary. No. 43, the neighbouring property, has had a part one/ two storey extension with the single storey element to the boundary adjacent to the application site. There is a bedroom sited above this single storey element with the rear window being the sole window to that room.

The objections from the neighbours and the PLRA were noted and the depth of the extension would have some impact on the visual amenities of No. 43. However, the form and bulk of the proposal would be mitigated by the generous size and width of the gardens. It is considered that the proposal would not create any sense of enclosure and it would not result in a significantly dominant or overbearing form of development.

With regards to the potential loss of daylight and sunlight from No. 43, there may be some overshadowing during the afternoon hours. In the applicant's Daylight and Sunlight Report, it demonstrates that the diffuse daylighting of the neighbouring property, in particular the first floor bedroom window, would not be adversely affected. The 45 degree splay from the neighbour's first floor bedroom window would not be breached by the proposal. It is considered, on balance, the form of the proposal is not adverse enough to warrant a refusal.

In relation to the privacy issues, the scheme would include a number of windows within the flank elevations at first floor level. The applicant has proposed to obscure the proposed windows within the side facing elevations, which would prevent any unacceptable loss of privacy beyond the current arrangement.

It is noted that the proposed two-storey rear extension would be set back 1.4m from the shared boundary with No. 43. Members should be aware that Policy H9

(Side Space) of the UDP is not applicable to this scheme as the proposal does not involve in any side extensions.

Having regard to the scale, siting, separation distance, orientation, 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.

Subject to the imposition of conditions regarding the use and retention of obscure glazing to the first floor flank windows, it is not considered that an unacceptable loss of privacy to neighbouring dwellings 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 Park Langley Conservation Area.

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

as amended by documents received on 22.11.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

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

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

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

Application:18/04727/FULL6

Address: 41 Hayes Way Beckenham BR3 6RJ

Proposal: The erection of a part single/double storey rear extension, along with internal layout amendments



1:1,650

"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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