



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
Lisa.Thornley@bromley.gov.uk

DIRECT LINE: 0208 461 7566

FAX: 020 8290 0608

DATE: 5 February 2019

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 14 FEBRUARY 2019 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 13 DECEMBER 2018**
(Pages 1 - 12)
- 4 **PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Hayes and Coney Hall	13 - 40	(18/01537/FULL1) - 34 West Common Road, Hayes, Bromley, BR2 7BX
4.2	Bromley Common and Keston Conservation Area	41 - 66	(18/05112/FULL1) - Land rear of 15-21 Commonsides, Keston.
4.3	Bromley Common and Keston	67 - 80	(18/05281/FULL1) - 32 Lower Gravel Road, Bromley, BR2 8LJ
4.4	Farnborough and Crofton	81 - 86	(18/05329/TPO) - 89 Woodcote Drive, Orpington, BR6 8DT

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.5	Bickley	87 - 108	(18/02747/FULL1) - The Cottage, Fountain Court, Lawrie Park Road, Sydenham, London SE26 6EE

4.6	Bickley	109 - 118	(18/04099/FULL6) - 15 Golf Road, Bickley BR1 2JA
4.7	Bromley Town	119 - 126	(18/04979/FULL6) - 33 Hollingworth Road Petts Wood, Orpington BR5 1AQ
4.8	Chislehurst Conservation Area	127 - 136	(18/05175/FULL6) - 11 Heathfield, Chislehurst BR7 6AF
4.9	Petts Wood and Knoll	137 - 146	(18/05579/FULL6) - 148 Petts Wood Road, Petts Wood, Orpington, BR5 1LF
4.10	Petts Wood and Knoll	147 - 154	(19/00034/PLUD) - 40 Manor Way, Petts Wood, Orpington, BR5 1NW

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.11	Chelsfield and Pratts Bottom	155 - 190	(18/04573/FULL1) - The Chelsfield, 1 Windsor Drive, Orpington BR6 6EY

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Farnborough and Crofton	191 - 194	Confirmation of Tree Preservation Order (TPO) 2647 - Westfield, Farnborough Hill, Orpington, BR6 7EQ
6.2	Chislehurst	195 - 198	Confirmation of Tree Preservation Order (TPO) 2649 - Mulbarton Court, Kemnal Road, Chislehurst, BR7 6NE

This page is left intentionally blank

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 13 December 2018

Present:

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

Also Present:

Councillors Marina Ahmad, Graham Arthur, Will Harmer,
Russell Mellor and Peter Morgan

24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Kevin Brooks.

25 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

26 CONFIRMATION OF MINUTES OF MEETING HELD ON 18 OCTOBER 2018

RESOLVED that the Minutes of the meeting held on 18 October 2018 be confirmed and signed as a correct record.

27 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

27.1 CRYSTAL PALACE

(17/04576/FULL1) - 43 Selby Road, Penge, SE20 8ST

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

Oral representations in objection to the application were received. Oral representations from Ward Member, Councillor Marina Ahmad, in objection to the application were received at the meeting.

Councillor Ahmad referred to the history of the site and in her view the proposed was an overdevelopment of the site, out of character with the surrounding area that would impact on the residential amenity and the re-submitted parking survey was inadequate. Councillors Tony Owen, Kieran Terry and Keith Onslow also objected to the application.

The Chairman and Councillor Robert Evans referred to page 16 of the Chief Planner's report under the heading, 'Standard of Accommodation', that stated the rooms were above the standard expected, permitted development would allow for six occupants in a single residency, and the property held a license to be used as an HMO in accordance with the Authority's adopted standards.

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

1. The proposed development would, by reason of the number of bedrooms proposed, constitute an overintensive use of the site, detrimental to the residential amenities and out of character with the surrounding area contrary to Policy H11 of the Unitary Development Plan and Policy 9 of the Draft Local Plan.
2. The proposed development would be lacking in adequate on-site car parking provision and bicycle storage which 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 and Policy 32 of the Draft Local Plan.

**27.2
HAYES AND CONEY HALL**

(18/01537/FULL1) - 34 West Common Road, Hayes, Bromley, BR2 7BX

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

The report marked, 'to follow' on the agenda had been published on 7 December 2018.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Graham Arthur, in support of the

application were received at the meeting. A late submission from the applicant with photographs had been received and circulated to Members. An update from the Chief Planner's representative regarding Affordable Housing, Energy and Sustainability, and Planning Obligations had also been circulated to Members.

Councillor Arthur's view was that the proposed was an excellent quality development, sensitively designed that would sit well in the area and would provide much needed homes. The site had been unoccupied for some time and both he and local residents supported this development in the heart of the village.

The Chairman also said that the attractive prestigious development would be welcomed in the Borough but she had concerns with the proposed bulk and financial viability. Councillors Owen and Alexa Michael had no concern regarding bulk and they also approved of the design.

Members having considered the report, objections and representations, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to enable further consideration of the financial viability assessment and the full package of financial contributions.

**27.3
BROMLEY COMMON AND
KESTON**

(18/03151/FULL6) - Holwood House, Westerham Road, Keston, BR2 6HB

Description of application – Application for the construction of deer proof fencing, security fencing, railings and new gates.

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 28 August 2018, 18 September 2018, 26 September 2018 and 11 December 2018 and additional comments from a local resident had been received.

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.

**27.4
BROMLEY TOWN
CONSERVATION AREA**

**(18/03201/LBC) - The Royal Bell, 175 High Street,
Bromley, BR1 1NN**

Description of application - 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).

Oral representations in support of the application were received. Oral representations from Ward Member, Councillors Will Harmer, Councillors Russell Mellor and Peter Morgan, as Portfolio Holder for Regeneration, in support of the application were received at the meeting.

Councillor Harmer also spoke on behalf of his fellow Ward Member, Councillor Nicky Dykes. He referred to the Grade II Listed Building's long history and the site had been vacant for many years and in a prime location. He said this was an exceptional application and one hundred and twenty local residents had written to support the proposed development. Bromley Town centre lacked this type of venue which would be unique and he did not want to see the building fall back into disrepair. Councillor Harmer suggested that if permission were granted then a condition should be imposed to ensure both parts of the proposed development be opened at the same time.

Councillor Morgan's view was that this was the last opportunity to refurbish the Listed Building and it would improve the image of the town centre.

Councillor Mellor had been involved in the regeneration of the building over many years and supported the proposed application.

Comments from Councillor Michael Rutherford both as Ward Member and Chairman of Renewal, Recreation and Housing Policy Development Scrutiny Committee, in support of the application were reported and circulated to Members.

A letter dated 10 December 2018 from Bob Neill MP in support of the application had been received and

circulated to Members.

It was reported that a late submission with photographs from the applicant had been received and circulated to Members and that Highways Division had no objections to the application.

The Chairman and Councillor Terry supported the application that would benefit the town at a time when it faced many challenges.

Councillor Michael had visited the site twice in the last six months and reported that works to the restoration had commenced and she supported the application.

Councillor William Huntington-Thresher supported the application and suggested a condition be imposed that the rear building should not be occupied until the Grade II Listed Building had been restored.

Councillors Tony Owen and Keith Onslow both supported the application that would generate employment, had good transport links and would bring people into the town.

Comments in support of the application had been received from Councillor Nicholas Bennett JP, as the Council's Design and Heritage Champion, and circulated to Members. Councillor Bennett had visited the site and seen the plans for the restoration of the building and, in his view, it would be a sympathetic restoration of the late Victorian building that would undo the damage to the interior by previous owners to enable the fine and important building to be brought back into use after a number of years of neglect.

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

**27.5
BROMLEY TOWN
CONSERVATION AREA**

(18/03252/FULL1) - The Royal Bell, 175 High Street, Bromley, BR1 1NN

Description of application – 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.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillors Will Harmer, Councillors Russell Mellor and Peter Morgan, as Portfolio Holder for Regeneration, in support of the application were received at the meeting.

Councillor Harmer also spoke on behalf of his fellow Ward Member, Councillor Nicky Dykes. He referred to the Grade II Listed Building's long history and the site had been vacant for many years and in a prime location. He said this was an exceptional application and one hundred and twenty local residents had written to support the proposed development. Bromley Town centre lacked this type of venue which would be unique and he did not want to see the building fall back into disrepair. Councillor Harmer suggested that if permission were granted then a condition should be imposed to ensure both parts of the proposed development be opened at the same time.

Councillor Morgan's view was that this was the last opportunity to refurbish the Listed Building and it would improve the image of the town centre.

Councillor Mellor had been involved in the regeneration of the building over many years and supported the proposed application.

Comments from Councillor Michael Rutherford both as Ward Member and Chairman of Renewal, Recreation and Housing Policy Development Scrutiny Committee, in support of the application were reported and circulated to Members.

A letter dated 10 December 2018 from Bob Neill MP in support of the application had been received and circulated to Members.

It was reported that a late submission with photographs from the applicant had been received and circulated to Members and that Highways Division had no objections to the application.

The Chairman and Councillor Terry supported the application that would benefit the town at a time when

it faced many challenges.

Councillor Michael had visited the site twice in the last six months and reported that works to the restoration had commenced and she supported the application.

Councillor William Huntington-Thresher supported the application and suggested a condition be imposed that the rear building should not be occupied until the Grade II Listed Building had been restored.

Councillors Tony Owen and Keith Onslow both supported the application that would generate employment, had good transport links and would bring people into the town.

MEMBERS CONSIDERED THAT THE POSITIVE IMPACTS OF THE DEVELOPMENT ON THE TOWN CENTRE, THE CONTRIBUTIONS IT WOULD MAKE TO THE REGENERATION OF THE TOWN CENTRE AND THE BENEFITS FOR RESTORING THE STATUTORY LISTED BUILDING WOULD OUTWEIGH THE HARM IDENTIFIED WITHIN THE CHIEF PLANNER'S REPORT.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED AGAINST OFFICERS' RECOMMENDATIONS, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT. MEMBERS FURTHER AUTHORISED OFFICERS TO DETERMINE THE CONDITIONS AND INFORMATIVES, TO BE AGREED WITH THE CHAIRMAN, UNDER THE CHIEF PLANNER'S DELEGATED AUTHORITY PRIOR TO THE DECISION BEING RELEASED.**

**27.6
CHISLEHURST
CONSERVATION AREA**

**(18/04589/FULL1) - Jason, Yester Road,
Chislehurst, BR7 5HN**

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

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

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to condition 1 and the addition of two further conditions to read:-

“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 10 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of 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.

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

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

15. No subdivision of the proposed dwellings hereby permitted to create additional units shall be carried out 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.”

SECTION 3

(Applications recommended for permission, approval or consent)

27.7 CHISLEHURST CONSERVATION AREA

(18/02446/FULL1) - The Orchard, 1 Cricket Ground Road, Chislehurst BR7 5HD

Description of application - Detached three storey 4 bedroom dwelling with integral triple garage on land adjacent to The Orchard.

Oral representations in support of the application were received at the meeting. It was reported that the Tree Officer had no objections to the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with an amendment to condition 6 and two further conditions to read:-

“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 ten 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. ”

14. The development shall be implemented in accordance with the details set out in the Arboricultural Impact Assessment dated 27th October 2015, approved as part of the planning application,

under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

15. A revised Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Council prior to the commencement of development, which reflects the current development layout and design. The approved measures shall be implemented in full before development commences and retained for the duration of the construction period.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.”

**27.8
WEST WICKHAM**

(18/03046/FULL6) - 62 Courtfield Rise, West Wickham, BR4 9BH

Description of application – Single storey side/rear and two storey side/rear extensions with loft conversion.

Comments in support of the application had been received from Councillor Nicholas Bennett JP and circulated to Members. An email with photographs from the agent had been received and circulated to Members.

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.

**27.9
SHORTLANDS
CONSERVATION AREA**

(18/04312/FULL6) - 4 Den Road Shortlands Bromley BR2 0NH

Description of application – First storey side extension, conversion of garage and a new porch canopy.

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.

**27.10
WEST WICKHAM**

(18/04601/PLUD) - 126 The Avenue, West Wickham, BR4 0EA

Description of application – 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)**.

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

**27.11
PETTS WOOD AND KNOLL**

(18/04635/RESPA) - Bayheath House 4 Fairway Petts Wood Orpington BR5 1EG

Description of application – 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).

Oral representations in support of the application were received at the meeting. The correct ordnance survey map had been published on 7 December 2018.

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

**27.12
SHORTLANDS
CONSERVATION AREA**

(18/04727/FULL6) - 41 Hayes Way, Beckenham BR3 6RJ

Description of application – The erection of a part single/double storey rear extension, along with internal layout amendments.

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

An email and photographs had been received from the objector and circulated to Members. It was

reported that the Advisory Panel for Conservation Areas had no objections to 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.

The Meeting ended at 9.06 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 18/01537/FULL1

Ward:
Hayes And Coney Hall

Address : 34 West Common Road Hayes Bromley
BR2 7BX

Objections: Yes

OS Grid Ref: E: 540441 N: 166014

Applicant : Mr James Cross

Description of Development:

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

Key designations:

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

Update

This application was deferred without prejudice by Members of Plans Sub Committee No. 3 at the meeting held on the 13th December 2018, to enable further consideration of the financial viability assessment and the full package of financial contributions.

Following the meeting, the Applicant has made a revised offer of £700,000 towards affordable housing, health infrastructure and carbon offsetting. The applicant maintains the position that the development is unable to support any level of affordable housing contribution on the basis of the viability assessment and is strongly of the position that the £700,000 offer represents the maximum the development will support.

The Council's appointed viability consultant is reviewing the offer together with further information provided by the Applicant's consultant, received on 1st February 2019. A further update on this matter will be provided at the meeting in light of the advice received from the Council's viability consultant.

The contents of the original report are repeated below, updated where necessary. Since the application was originally considered by Members, the Council has adopted a new Local Plan and the report has been updated to reflect this.

Proposal

Planning permission is sought for:

- The demolition of existing buildings;
- Construction of 28 sheltered apartments for the elderly (age restricted to 60 years and over) 14 x 1 bed and 14 x 2 bed units;
- Electric buggy/cycle store;
- Refuse bin store; and
- 28 car parking spaces.

The following information has been submitted to support the application:

- Design Statement
- Planning Statement
- Affordable Housing Statement
- Statement of community Involvement
- Financial Viability Assessment
- Heritage Statement
- Transport Statement
- Planting Maintenance Schedule
- Completed CIL Questionnaire
- Noise Impact Assessment

Location

The site is located on the north-west corner of West Common Road and Ridgeway and is within a 500 metre level walk of Hayes Town centre and the railway station.

To the east of West Common Road opposite that site is Hayes School playing fields and also marks the western extent of the neighbouring Bromley, Hayes and Keston Conservation Area. The application site falls outside but adjacent to the Conservation Area.

The site is located in a predominantly suburban residential area with housing neighbouring the site to the north-east, north-west and south-west.

The site is occupied by an assortment of single storey buildings of various ages and appearance that have been converted over the years for office/storage use.

The site was previously occupied by heating and plumbing engineer company (until July 2017) who used the site for office administration, storage and retail trade counter purposes.

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:

- Impact on neighbouring residential amenity;

- Impact on road and pedestrian safety
- Overdevelopment of the site;
- Small residential properties would be more appropriate;
- Concern over the construction phase and the impact on the roads/parking conditions in the area and consider all construction traffic should be contained on site;
- Development is out of keeping with the area;
- Road had retained a semi-rural feel;
- Concern over the marketing of the site as it was set around £100,000 which is too high;
- Building proposed is too large;
- Not all the neighbours were consulted by agent or Bromley Council;
- Design is out of character, too prominent, overbearing and incongruous form of development;
- Use of materials out of character;
- Two storeys would be more appropriate in this location;
- Concerns over the living conditions of future occupiers given that West Common Road is very busy the occupiers would suffer from traffic noise and pollution;
- Given the orientation and solar gain together with the busy road next to the development the occupiers would be unable to open with the windows and given the lack of shading to the windows – the only windows which do have shade are below balconies which would in itself reduce natural light, and result in hot air being trapped under balconies leading to poor living conditions for the occupiers;
- Road is narrow with a number of cars parking during the day restricting it to a single lane;
- Concern that neighbouring house values might be lowered

Support:

- Efforts should be made to restrict parking on the narrowest sections of the road at peak periods;
- This is exactly what the corner needs;
- Will allow for larger homes to be put on the market;
- Housing for older people will be a benefit and keep them within the borough;
- Insufficient specialised housing in the area;
- Would be in keeping with the area.

Comments:

Comments and questions were raised by a local resident, the agent has responded to these questions in email dated (11/06/2018). These documents are available on the Council Website.

Local Groups:

Hayes Village Association:

Whilst the support the application in principle, concerns area raised over the adverse effect the development may have on an already congested access/egress.

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

Comments from Consultees

Secure by Design: I have reviewed the submitted plans for this development and feel that it could achieve secured by design, with the assistance of the South East design out crime office I have reviewed the submitted plans for this development and feel that it could achieve secured by design, with the assistance of the South East design out crime office. I would request that should this development be granted planning permission, that a Secured by Design condition should be attached, and that my contact details be passed to the applicant for Secured by Design consultation.

Thames Water: No objections subject to appropriate conditions regarding surface water drainage and informatives regarding water pressure.

Conservation Officer: The site is just outside the western boundary of the Bromley, Hayes and Keston Commons Conservation Area. A detailed heritage assessment of the buildings has been included and the conclusion that the structures hold very little architectural and historic interest is one I would agree with. In this respect the applicable policy is 42 (BE13of the UDP) relating to development adjacent to Conservation Areas and in particular views into and out of those areas.

The proposal is generally 3 stories in height and occupies most of the existing site. In terms of views into the Conservation Area I do not see that any are negatively affected. Views out of the Conservation Area would generally be those across the playing fields but given the separation of the road and the tree screening I would conclude that there would be no negative or overbearing impact on the Conservation Area. I raise no objection to the proposal and would note that the proposed style and materials would not be at odds with the wider context. If minded to recommend permission I suggest the materials are conditioned to ensure a high quality finish.

Environmental Health Pollution Officer: No objection in principle would have no objections to permission being granted subject to conditions regarding contamination.

With regards to impact on neighbours I have looked at the Noise Impact Assessment prepared by Clarke Saunders (doc ref AS10843.181114.NIA1.1) and agree with the conclusions.

The report includes measured ambient noise levels and then considers the impact of car park activity on the nearest habitable room in neighbouring premises. It is stated in the Report that existing noise is due to road traffic in West Common Road, and does not refer to any noise originating on the site itself.

This predicted noise includes both manoeuvring noise as well as door-slam noise as these are both treated differently in the guidance.

The boundary wall provides an effective barrier and the noise from the nearest cars was not considered as there is no line-of-sight to the first floor window, instead the noise from cars on the other side of the car park have been taken as the worst-case for the door slam noise.

In the daytime, the predicted noise from vehicle movements was found to be below the existing ambient noise level and therefore the impact will be negligible. The night-time door slams (expressed as Lmax) are not expected to exceed guideline levels even with the windows open.

My view is that noise from the car park would not result in loss of amenity and if used as grounds for refusal would be difficult to defend in an Appeal. It would be common for an Appellant to predict or measure the noise from the existing permitted use and make comparisons with the proposed use, which the Consultant has at this stage not done.

Drainage Engineer: The submitted "Drainage Strategy" Report carried out by Arch Associates dated April 2018 to provide permeable paving, attenuation cellular tank and hydrobrake to limit surface water run-off to 5l/s are acceptable. Therefore if the application is permitted conditions regarding a surface water drainage scheme for the site based on sustainable drainage principles and SUD conditions are requested.

Highways: West Common Road is a busy thoroughfare for vehicles and there are already concerns about speed of road traffic. The site is located in an area with low PTAL rate of 2 (on a scale of 0 – 6b, where 6b is the most accessible).

Vehicular access- The existing would be modified to 4.8m wide leading to the car parking area. This is satisfactory in principle All redundant vehicular crossovers should be reinstated to footway level. The issue of sight lines has been raised in the safety audit; however I agree with Paul Basham Associates response that "An assessment of road accidents in the area (as set out in the Transport Statement) indicates no such incidents have occurred at the access point. This access has therefore been working safely in its current arrangement. In addition the proposals would result in a reduction in vehicles using this access therefore providing betterment to road safety".

Car Parking- Twenty eight car parking spaces (inclusive of 2 disabled spaces) are indicated on the submitted plans; which is satisfactory.

Cycle parking- acceptable in principle.

Refuse storage- The refuse store is located adjacent to the site access, 6m from the highway boundary.

Please include conditions regarding Car Parking Layout, sight lines, refuse, cycle parking, Lighting, Construction Management Plan, Stopping up of the existing access and Highway Drainage with any permission:

Policy Context

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

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

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

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

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

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

London Plan Policies:

- 2.6 Outer London: vision and strategy
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.16 Protection and enhancement of social infrastructure
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.11 Green Roofs and Development Site Environs

- 5.13 Sustainable Drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Bromley Local Plan:

- 1 Housing Supply
- 2 Provision of Affordable Housing
- 4 Housing Design
- 8 Side Space
- 11 Specialist and Older People's Accommodation
- 21 Opportunities for Community Facilities
- 26 Health & Wellbeing
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 37 General Design of Development
- 42 Development Adjacent To a Conservation Area
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 83 Non-Designated Employment Land
- 99 Residential Accommodation
- 116 Sustainable Urban Drainage Systems (SUDS)
- 120 Air Quality
- 123 Sustainable Design and Construction
- 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
- 125 Delivery and Implementation of the Local Plan

Supplementary Planning Guidance

- Planning Obligations SPD
- Affordable Housing SPD
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)

The Control of Dust and Emissions during Construction and Demolition (July 2014)
Housing (March 2016)
Homes for Londoners - Affordable Housing and Viability (2017)

Planning History

90/02153/FUL – Planning permission was granted for a detached single storey storage building (Section 63 Application) (04.10.1990).

06/00444/FULL1 – Planning permission was granted for a single storey office extension, 2m high boundary fence and 36 car parking spaces (24.05.2006).

Considerations

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

- Principle of Development
- Heritage Assets
- Layout, Scale, Massing and Design
- Affordable Housing
- Housing Standards
- Wheelchair and accessible housing
- Impact on trees and landscaping
- Impact on Amenities of occupants of nearby residential properties
- Highways and Transport issues including cycling
- Refuse Storage
- Drainage
- Energy and Sustainability
- Contamination
- Secure by Design
- Planning Obligations
- CIL

Principle of development

The proposal would result in the loss of the existing commercial site and re-development of the site for retirement living (Class C3).

Policy 83 seeks improvements to the quality and quantity of employment floorspace on sites containing existing industrial and related employment uses outside designated SILs and LSISs.

Proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected.

Proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:

a - whether there is a demonstrated lack of demand for the existing permitted uses, including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,

b - whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units, and

c - where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of floorspace for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.

The policy requires evidence that recent, active marketing of the site for reuse or redevelopment for employment generating uses has been undertaken prior to submission of the planning application, over a minimum period of six months. Marketing should be undertaken in both traditional and web-based formats, through a property consultant or estate agent, reflecting the marketing value for the permitted uses on that land (based on evidence from recent and similar transactions and deals) and including lease terms and conditions that are reasonable and attractive to potential businesses. This is consistent with the London Plan and the Land for Industry and Transport SPG.

With regards to the loss of the commercial unit the Planning statement which was submitted with the application together with a supporting document from James Commercial states that the site has been marketed for a range of commercial possibilities since February 2017. The outcome of this marketing has resulted in only two external viewings of the site. The submission also includes a viability appraisal which considers the costs of redevelopment/refurbishment for alternative suitable commercial uses.

These reports conclude that the buildings on site are reaching the end of their economic life and the timber framed storage structures have a limited life span. Furthermore the buildings are fragmented in their layout which would make it difficult to find a tenant in their current condition. The report also highlights the limitations with the access to the site, given the narrow width of West Common Road. The report considers the possibility of the redevelopment of the site for employment purposes including offices and light industrial uses, and concludes that this would not be viable. It is accepted that the range of employment generating uses that might be acceptable at the site would be limited by virtue of the location of the site, including the restricted access arrangements and the sensitive northern and western site boundaries which adjoin existing residential development.

With regards to the provision of housing Policy 3.3 of the London Plan relates to increasing housing supply. There is a pressing need in London for more homes in order to promote opportunity and provide choice for all Londoners. Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the

highest quality environments. Policy 3.14 of the London Plan relates to existing housing and identifies the need to retain existing housing stock for all elements of the community. Paragraph 3.83 refers to the retention of existing sites providing an element of care and indicates that where shortfalls of specialist housing needs have been identified the possibility of using these sites for other providers of specialist or supported needs accommodation should be explored. Over the London plan period 2015 - 2025 older Londoners may require 3,600-4,200 new specialist units per annum (Para 3.50B). Annex A5 of the London Plan gives an annual indicative requirement benchmark figure for Bromley of 205 specialist housing units comprising a mix of private and intermediate sale to be provided.

Policy 11 supports the provision of specialist housing (including older persons accommodation) across all tenures. It requires suitably landscaped amenity space and convenient location for shops services and public transport appropriate to the mobility of residents. The site is less than 400m from Hayes Town Centre, 450m from Hayes Station and 100m from 2 bus routes to destinations including Bromley and Orpington.

The proposed scheme provides specialist housing for older people which clearly falls within Use Class C3 and as such the scheme is subject to affordable housing policy. The ability of the scheme to contribute towards the provision of affordable housing is considered in more detail elsewhere in this report.

Annex 5 to The London Plan sets out indicative annualised strategic benchmarks to inform local borough targets for specialist housing for older people, based on a 2014 assessment of demand set out in the Mayoral Housing SPG (2016) (Paragraph 3.7.11). The Bromley indicative annualised strategic benchmark is 205 units, however, given that this would be a significant proportion of the Borough housing target (641 units) the Mayoral Housing SPG (paragraph 3.7.13) notes that this is likely to be a reflection of the extent that overall housing need outstrips currently identified capacity, rather than a suggestion that the majority of additional housing should be specialist older person's accommodation.

What Annex 5 indicates is the tenure need being predominantly for private units, with some intermediate units but not for social rented units. However, where exceptional circumstances are demonstrated to support PiL this should reflect the tenure split as set out in Policy 2.

The supporting text for Policy 11 recognises that over the last decade there has been reduced reliance on residential care homes and a shift towards enabling people to retain their independence, remaining living in the community with appropriate support or in Extra Care Housing (ECH) which provides improved opportunities for the physically frail, and reducing the demand for residential care. However, there remains a potential growth in demand for both nursing and residential care for "Elderly Mentally Infirm" (EMI) people (para.2.1.80).

In addition, policies 11 and 26, all relate to the provision of specialist facilities including those for vulnerable groups and those for people with particular accommodation requirements. In all cases, development proposals will be subject to other environmental constraint policies such as design and highways considerations,

will need to be conveniently located for local shops and services, should provide suitably landscaped amenity space and should not result in significant harm to neighbouring residential amenity. The application site is conveniently located for Hayes Town Centre and the site would be capable of providing suitable landscaped amenity space. These issues are considered in detail below.

In terms of the provision of sheltered housing for older people it is acknowledged that this would be welcomed in the borough but whilst the NPPF indicates certain circumstances where 'great weight' is to be given to proposals it does not indicate that this should not outweigh other considerations such as design policies. The applicant has stated in support of the application that since 2014 there has only been 48 units of specialist sheltered housing provided in the Borough. Less than 10 units per year against a target of 205 units per year (London Plan AMR 2018) and as such there has been an under-provision of such units which should be taken into consideration.

Overall, the submission is generally consistent with the requirements under Policy 83 and on balance given the provision of residential units and given the constraints of the site, the principle of the redevelopment of the site for housing would be considered acceptable subject to an assessment of all other matters.

Density

London Plan Policy 3.4 states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. It is not appropriate to apply Table 3.2 mechanistically, with density ranges for particular types of location being broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.

The site is within PTAL zone 2 where there is a maximum range of 150 – 250 habitable units per hectare. The proposal scheme is for a density of 225.8hr/ha which would be compliant in this instance. However this is at the upper end of the range and as set out in the following section, this results in a form of development that would not be in keeping with the form, scale and pattern of development in the vicinity of the site.

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 is located adjacent to the Bromley, Hayes and Keston Commons Conservation Area and as such Policy 42 of the BLP seeks those development proposals adjacent to a Conservation Area will be expected to preserve or enhance its setting and not detract from view into or out of the area.

The site is just outside the western boundary of the Bromley, Hayes and Keston Commons Conservation Area. A detailed heritage assessment of the buildings has been included and the conclusion that the structures hold very little architectural and historic interest.

The proposal is generally 3 stories in height and occupies most of the existing site. In terms of views into the Conservation Area it is considered that the development would not have a significant impact and in terms of views out of the Conservation Area, these views would generally be those across the playing fields but given the separation of the road and the tree screening it is therefore considered that there would be no negative impact on the adjacent Conservation Area. However, it is considered that the proposal would result in harm to the character of the wider area in more general terms, as set out in the following section of the report.

Layout, Scale, Massing and Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all developments, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires LPA's to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and

support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings, while not preventing or discouraging appropriate innovation. New developments must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 130 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Policy 37 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

The site is on the junction with West Common Road and Ridgeway and is highly visible from an appreciable distance from both directions. West Common Road is relatively busy with on-street parking during the day which therefore restricts the width of the road to a single lane. The area surrounding the site comprises a mix of new and older style buildings and includes both residential and non-residential development. The residential properties to the south and west of the site comprise mainly inter-war period (1930's) two storey semi-detached and detached houses. Opposite the site to the east is Hayes School playing fields which are bounded by tall trees. To the north is a single dwelling which fronts onto West Common Road, with the Rosary Church and Priest House beyond. The general character of residential development in the vicinity of the site is larger dwellings set in plots fairly uniform

depth and width, with a traditional frontage development layout with generous rear gardens.

With regard to the site itself, it is acknowledged that the commercial use is not generally in keeping with the wider residential context. However, the existing buildings are long established and are all low rise, and therefore have a limited visual impact in the wider area and on neighbouring occupiers.

Conversely, the proposed development would comprise a single building in excess of 60m in width (along the West Common Road frontage) and of significant depth and height, which would appear overly large and be at odds with the established character of the locality. The development would have the appearance of filling the entire length of the site in West Common Road, with insufficient separation to boundaries to provide an appropriate setting for a building of the scale proposed. Whilst the architectural approach adopted takes cues from the existing domestic properties in the area, including use of half-timber gables, bay windows, facing brickwork and pitched roofs, the building is of a significant scale that would dominate this prominent corner site and appear as a discordant feature in the street scene.

The height and scale of the building, with three storey elements and accommodation in the roof space, would be at odds with the established domestic character and scale of the locality. Whilst the proposed building has been set back from the front and side boundaries fronting West Common Road and Ridgeway, the separation is not adequate to offset the significant mass of the building, which would appear overly dominant and as a consequence would fundamentally alter and harm local character. Whilst attempts have been made to articulate the building with gables, recesses and varied material treatment, the building would still be perceived as being far larger and bulkier than any other building in the vicinity of the site. In addition the building would sit ahead of the building line in West Common Road established by the properties to the north at No. 32 and to the south at No. 56 and beyond.

It is considered that the proposed building would appear cramped when viewed from West Common Road and Ridgeway given the very limited separation to boundaries for such a large single building. The northern edge of the site would be dominated by hard standing required to accommodate the off-street parking proposed, with limited space retained at the rear of the building to provide communal amenity space. It is not considered that this would be sufficient to provide an appropriate landscaped setting for the development, or to offset the significant scale of the building. Consequently the degree of site coverage would be excessive; the site would be dominated by buildings and hard surfaces with little relief in the built form to enable the development to assimilate into the wider area. Having regard to the above, it is considered that the proposal would result in a cramped overdevelopment of the site, which would fail to respect or complement the established character of the locality, resulting in harm to the visual amenities of the street scene.

Affordable Housing

Affordable housing will be sought on sites capable of providing 10 dwellings or more, a site area of 0.5ha or on sites providing over 1000 square metres of residential floorspace. The London Plan, at policy 3.8, states that Londoners should have a

genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. The Mayor's Housing Supplementary Planning Guidance reflects the tenure imbalance across London, and encourages the provision of a range of housing options which reflect the diversity of tenure amongst older households.

Policy 3.12 of the London Plan requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The London Plan (2016) Annex 5 indicates a specialist housing for older people "annualised strategic benchmark" for Bromley of 140 private sale units per annum and 65 intermediate sale units. There is a zero benchmark for affordable rented units. Draft Local Plan Policy 2 Provision of Affordable Housing will ensure that intermediate models, which developers are still devising, come forward to meet the need, subject to viability.

The development is considered liable for the provision of affordable housing on site as set out in the Policy 2 which requires 35% provision (on a habitable room basis). Given the zero benchmark for affordable rented units this provision will be sought as "intermediate" provision.

Policy 2 states that payment in-lieu of affordable housing on site will only be acceptable where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that:

- it would be impractical to transfer the affordable housing to a registered provider (RP); or
- on-site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed; or
- on-site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location.

In such instances the maximum level of affordable provision must be sought.

The applicant has submitted a report on Affordable Housing and Viability which concludes that the scheme could not viably support the provision of affordable housing on site. This is on the basis that the development would generate a deficit against the benchmark land value, which the applicant has based on the value of an alternative residential development on the site. As set out in the Planning Practice Guidance, benchmark land value should be based upon the existing use value of the site, including a premium for landowners. The Homes for Londoners SPG echoes this and

states that the existing use value plus premium is usually the most appropriate approach, and that an alternative will only be considered in exceptional circumstances. Furthermore, if an alternative use value approach is sought, this must fully reflect policy requirements and will generally only be accepted where there is an implementable planning permission for that use. Where there is no such permission, the SPG advises that this approach should only be used if the alternative use would fully comply with development plan policies.

In this instance, there is no implementable planning permission for the alternative development that the developer is seeking to rely on and officers do not consider that the alternative use value approach has been justified. The applicant's viability assessment has been independently reviewed by an expert consultant appointed by the Council and it has been confirmed that the scheme would generate a surplus against the benchmark land value (based on the existing use value of the site) and would therefore be able to viably support the provision of affordable housing units. Even if the Council were to accept the applicant's approach to utilise an alternative use value to establish the benchmark, the independent assessment of the viability concludes that a surplus would be generated against their proposed alternative scheme, indicating that the residual land value of the development would exceed the applicant's own benchmark.

Whilst the preference in policy terms would normally be for the provision of affordable housing on site, in this instance it is accepted that, given the nature of the residential accommodation for retirement living, a payment in lieu would be acceptable on balance. The applicant has stated that the special characteristics and nature of sheltered retirement housing is such that it is not practical or feasible to include an element of affordable housing within the proposed development. The applicant goes on to state that furthermore, by reason of the communal nature of the shared facilities within the development together with the management arrangement for providing a concierge/house manager and services covering regular maintenance of the building, access, parking and communal landscaped gardens, Registered Housing Providers are either unable or unwilling to meet these charges.

Having regard to the above, the Council is of the opinion that the development can viably make a contribution towards affordable housing. However at the time of writing, agreement has not been reached with the applicant as to the contribution and as matters stand the development would be contrary to Policy 2 of the BLP and Policies 3.9, 3.11 and 3.12 of the London Plan.

Housing Standards

London Plan policies 3.4, 3.5 and 3.8 set out housing standards relating to density, minimum unit size standards and housing choice. These policies provide the context for the Mayor's Housing SPG May 2016 which sets out the current guidance in respect of the standards required for all new residential accommodation. The Housing SPG deals with the quality of residential accommodation, setting out baseline and good practice standards for dwelling size, room layouts and size, circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 3.3 of London Plan Policy 3.5 sets out the minimum unit space standards for new development. Annex 1 of the Housing SPG set out all the current standards. All of the proposed units will be required to meet the minimum standards to ensure that all baseline standards are met and units are capable of providing a good standard of accommodation throughout. Whilst the minimum standards are acceptable it is reflective of the level of development proposed. Larger units would be welcomed and provide a better level of residential amenity as well as being more desirable.

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight (standards 29 and 32, Housing SPG). There must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement.

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements. The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet.

The Housing SPG also says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. Policy 7.15 of the London Plan states that development proposals should seek to manage noise by mitigating and minimising potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development. At the same time development proposals should improve and enhance the acoustic environment and promote appropriate soundscapes (including quiet areas); separate noise sensitive development from major sources (such as road, rail, etc) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation; and where it is not possible to achieve separation of noise sensitive development and undue noise sources, without impacting other sustainability objectives, then any potential impact should be mitigated through the application of good acoustic design principles.

The layouts indicate that all the flats would meet the minimum space standards for one and two bedroom units. However, a number of units would be single aspect, however none would be south facing.

Policy 3.5 also requires design of new housing development to consider elements that enable the home to become a comfortable place of retreat. All units must benefit

from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. The minimum depth and width for all balconies and other private external spaces should be 1500mm.

Where communal open space is provided, development proposals should demonstrate that the space is overlooked by surrounding development; accessible to disabled people, including people who require level access and wheelchair users; designed to take advantage of direct sunlight; and has suitable management arrangements in place.

The majority of flats benefit from either a terrace or balcony which meets the minimum standards in the SPG. Due to their relationship with The Knoll and in order to protect the amenity of neighbouring occupiers and to avoid mutual overlooking from adjacent flats within the development site, some units do not benefit from any private amenity space. However, the applicant has proposed additional internal living space which is generally equivalent to at least the area of the open space requirement. The Housing SPG, at paragraph 2.3.32 advises that this is acceptable "In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings...". In this instance, and given the proposed communal open space, this is considered acceptable.

Having regard to the above, the development would provide an adequate standard of living accommodation for all future occupiers and would therefore accord with Policy 37 of the BLP.

Wheelchair and accessible housing

In accordance with London Plan Policy 3.8, 90% of all new dwellings will be required to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. The remaining 10% of dwellings will be required to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Only in cases where the Local Authority will have nomination rights over occupants (social or affordable rent) will a unit be required to be fitted out as a wheelchair accessible unit (in accordance with Part M4 (3) 2b). Any market or Intermediate units will therefore need to be designed to be adaptable for use as a wheelchair unit in future.

The accommodation schedule and floor plans submitted demonstrate that the proposed units would all comply with the minimum space standards set out in the Technical Housing Standards. A lift is provided at each floor of accommodation and the applicant has also provided written confirmation that 90% of apartments are M4 (2) compliant subject to some very minor amendments to internal door positions. They also confirm that minor internal amendments to flats 2, 4 and 7 will make these M4 (3) compliant.

Conditions would be required to secure the relevant category of building regulations for the units which are wheelchair accessible and adaptable and those designated as wheelchair user dwellings if planning permission was forthcoming.

Impact on Trees and landscaping and biodiversity

Landscaping is an integral part of the development and is fundamental to ensuring that the development responds appropriately to the character of the site and surrounding area and provide a high standard of amenity for future occupiers. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy 73 of the BLP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which, in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

This application was accompanied by an indicative landscaping plan and a Tree Constraints Plan (TCP). The site address is free of tree protection legislation and the significant trees are identified and categorised as B.

Subject to the imposition of a landscaping condition and tree protection conditions no objections are raised in this respect.

Impact on the amenity of occupants of nearby residential properties

Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by Policy 7.6 of the London Plan.

Concern is raised over the proximity of the new building to the properties in the surrounding roads, namely The Knoll. It is considered that the siting and scale of the development is too close to the boundary and would result in an unreasonable sense of enclosure to the adjacent properties.

When considering the car parking area immediately adjacent to No. 32 West Common Road concern was raised over the introduction of a parking area adjacent to the property. It is noted that there is a high level of hard-surfacing to the existing commercial site; this was only used during 'businesses hours' and the introduction of a residential car parking area close to the neighbouring property may lead to increased noise and disturbance. To address these concerns a Noise Impact

Assessment prepared by Clarke Saunders (doc ref AS10843.181114.NIA1.1) was submitted

The report includes measured ambient noise levels and then considers the impact of car park activity on the nearest habitable room in neighbouring premises. It is stated in the Report that existing noise is due to road traffic in West Common Road, and does not refer to any noise originating on the site itself.

This predicted noise includes both manoeuvring noise as well as door-slam noise as these are both treated differently in the guidance.

The boundary wall provides an effective barrier and the noise from the nearest cars was not considered as there is no line-of-sight to the first floor window, instead the noise from cars on the other side of the car park have been taken as the worst-case for the door slam noise.

In the daytime, the predicted noise from vehicle movements was found to be below the existing ambient noise level and therefore the impact will be negligible. The night-time door slams (expressed as L_{max}) are not expected to exceed guideline levels even with the windows open.

It is therefore considered that noise from the car park would not result in any significant loss of amenity. However concerns are still raised over the impact on the amenities of the neighbouring properties in The Knoll give the scale of the development would result in an unreasonable sense of enclosure.

Highways and Transport issues including cycling and refuse

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 are severe (Para.32).

Plans and decisions should also ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised while at the same time taking into account policies set out elsewhere in the Framework. Therefore developments should be located and designed to, among other things: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (Paras.34-35, NPPF).

London Plan and BLP Policies also encourage sustainable transport modes whilst recognising the need for appropriate parking provision. In accordance with paragraph 39 of the NPPF, if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development, its accessibility in relation to public transport, the type, mix and use of development, local car ownership levels and the overall need to reduce the use of high-emission vehicles. Car parking standards within the BLP and the London Plan should therefore be used as a basis for assessment.

West Common Road is a busy thoroughfare for vehicles and there are already concerns about speed of road traffic. The site is located in an area with low PTAL rate of 2 (on a scale of 0 – 6b, where 6b is the most accessible).

With regards to vehicular access the existing would be modified to 4.8m wide leading to the car parking area. This is satisfactory in principle and all redundant vehicular crossovers should be reinstated to footway level. The issue of sight lines has been raised in the safety audit; however the Council's Highway Engineers are in agreement with Paul Basham Associates response that "An assessment of road accidents in the area (as set out in the Transport Statement) indicates no such incidents have occurred at the access point. This access has therefore been working safely in its current arrangement. In addition the proposals would result in a reduction in vehicles using this access therefore providing betterment to road safety".

While there are no specific parking standards within the development plan for 'retirement housing', given the site's PTAL rating twenty-eight car parking spaces (inclusive of 2 disabled spaces) are indicated on the submitted plans, this parking provision is considered acceptable.

Cycle parking is proposed in the form of 2 Sheffield stands which is in excess of the London Plan's requirement for 1 short-stay space per 40 units. Due to the intended demographic of the development, relatively few residents will own or ride bicycles and they have also provided an area for residents to store mobility scooters. These storage facilities are located close to the main entrance of the building and easily accessible to the highway. As such this is considered acceptable.

Overall, the proposed car parking arrangements for this development are considered acceptable, given the likely traffic to be generated by the development and, there is unlikely to be any demand for additional on-street parking to serve the development. Sufficient sightlines have been proposed to ensure that vehicles can safely enter and exit the site onto West Common Road.

Refuse storage

All new developments should provide adequate facilities for refuse and recycling, 3 x 1100ltr bins for general waste, 5 x 240ltr bins for recyclables and food waste are proposed within an internal storage area towards the front of the building. The rate of bins per number of units proposed falls below the Council's normal requirements for refuse and recycling. Given the extent of space surrounding the proposed building,

there is sufficient space for alternative means of refuse storage to be agreed post decision and this can be managed through a planning condition.

Drainage

Policy 5.13 of the London Plan requires developments to 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 is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

Any application should demonstrate how the principles of Sustainable Drainage Systems have been applied to the development in line with the guidance contained in the NPPF and the London Plan. Bromley requires surface water runoff rates and volumes from development to be managed in accordance with the London Plan.

The submitted "Drainage Strategy" Report carried out by Arch Associates dated April 2018 to provide permeable paving, attenuation cellular tank and hydrobrake to limit surface water run-off to 5l/s are acceptable.

Conditions have been suggested with regards to this and SUDS.

Thames Water has also not raised any objections subject to appropriate.

Energy and sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and BLP Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, Chapter 5 of the London Plan (2016) and the Supplementary Planning Guidance entitled Sustainable Design and Construction (the latter document provides an example of a report format for an Energy Statement that the Council has found relevant and comprehensive). This is also covered in Policy 37 (f) of the BLP, regarding sustainable design and construction and renewable energy.

To comply with Policies 5.7 – 5.11, the development should provide at least a 20% reduction in CO2 emissions from on-site renewable energy generating technology. This is to be calculated after savings from the inclusion of energy efficiency measures and the main efficient source of energy (where this is not in itself renewable) have been taken into account. If a reduction of 20% is not feasible, the energy assessment should explain why. An Energy Statement should be submitted

with the application that is related to the particular development proposed for the site and should demonstrate the feasibility of installing the particular measures proposed.

The layout of the scheme should ensure that there is sufficient space on site for any equipment and fuel storage, if required, and should investigate implications of fuel delivery. The potential site and form of buildings and flues should be included in the information submitted with the application. In cases where the form of renewable energy cannot be fully determined at time of application, feasible options must still be presented. It is unlikely to be possible to submit details for the compliance of a condition regarding energy efficiency / renewable energy where additional permissions may be required (e.g. for flues or buildings not in the original application).

To accord with Policy 5.3 “Sustainable Design and Construction”, the Design and Access Statement should demonstrate how the proposal will meet the minimum standards regarding sustainable design principles as set out in the Mayor’s SPG.

To accord with Policy 5.6 “Decentralised Energy in Development Proposals”, the proposal should seek to connect to existing or planned decentralised energy networks, or the feasibility of a site wide Combined Heat and Power system should be considered.

To accord with Policy 5.9 “Overheating and Cooling”, the Energy Statement should demonstrate how the development will reduce potential overheating and reliance on air conditioning.

An energy statement has been provided on the 12th December, the report states that by including fabric solutions, Communal Air or Ground Source Heat Pumps (HPs) this would help meet with the planning target in terms of reducing the sites carbon dioxide emissions by onsite renewable energy, and allow the site to reduce its total energy demand. The report also proposes a cash-in-lieu contribution of £51,840. This has been assessed by officers and would be considered an appropriate figure.

Contamination

The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (Para.109, NPPF).

No objections to permission being granted in principle have been raised by the Environmental Health officer subject to conditions regarding contaminated land assessment and associated remedial strategy together with a timetable of works.

Secured by Design

The proposal should incorporate Secured by Design principles (as required by Policy 37 (h)) to take account of crime prevention and community safety.

Details over how the development could achieve secure by design principles have been included within the Design and Access Statement and as such it is considered that given this is a new building these would be achievable subject to conditions if permission was forthcoming.

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 125 of the BLP 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.

As outlined in the Housing SPG, from 1 October 2016 the Mayor will apply a zero carbon standard to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E). Given the deficiencies in the submitted energy assessment it is not known whether a carbon offsetting contribution would be required.

The development, as proposed, would necessitate the following contributions, however at the time of writing the report these have not been agreed:

Energy and Sustainability: £51,840
Health: £32,946.00

Provision of Affordable Housing.

In accordance with the Planning Obligations SPD the Council would be seeking a contribution to health care infrastructure. In terms of health contribution the applicant considers that there are significant benefits on healthcare deriving from sheltered housing and the Planning Statement (Section 4) references examples and evidence of how sheltered housing leads to improved health, reduced cognitive decline and overall savings to the NHS. Accordingly the applicant has not agreed to the required financial contribution towards Healthcare.

With regard to education infrastructure, no contributions are sought on the basis of the accommodation proposed as retirement flats, which is not anticipated to result in increased education impacts. In the event that the development was acceptable in all other respects, it is anticipated that the specific nature of the accommodation would be controlled by planning condition.

On a 'without prejudice' basis the Applicant has offered a total of £700,000 towards an off-site affordable housing contribution and inclusive of the healthcare contribution in the event of the Planning Committee being minded to grant planning permission for the proposed development. This would break down to:

Healthcare Contribution: £32,946.00

Carbon offset cash-in-lieu: £51,840.00

Affordable Housing payment-in- lieu: £615,214.00

However, at the time of writing it has not been demonstrated that the contribution towards affordable housing represents the maximum reasonable level that the development can support. Furthermore the Applicant has made the offer on a 'without prejudice' basis, and in the event that planning permission is not granted for the development the offer may be reduced or withdrawn entirely by the applicant. Without the unconditional agreement of the Applicant to meet the contributions necessary to mitigate the impacts of the development and a sufficient payment towards affordable housing, the application would be contrary to Policy 125 of the Local Plan.

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 proposed re-development of the site for use as sheltered accommodation / retirement living apartments would result in the increased provision of a specialist housing type that would meet an identified need. It is considered that the loss of the employment use has been justified in line with Policy 83 of the Bromley Local Plan and therefore the principle would be acceptable as it would contribute to the strategic aims of the London Plan in promoting housing choice, taking account of the changing age and varying needs of London's older population.

However the proposed design, layout and scale of the proposal is not considered to respect surrounding development and respond to the context of the site and would have a significantly detrimental impact on the amenity of neighbouring occupiers.

In terms of contributions no agreement has been made with regards to Healthcare contributions and the provision of affordable housing required by Policy 2. Insufficient justification has been provided to demonstrate that affordable housing could not be provided as part of this development given the outcomes of the Council's appointed independent assessors of the applicants Financial Viability Assessment.

The proposed development would result in an additional 28 residential units within a sustainable location, which would boost the supply of housing within the Borough and make a contribution towards meeting a 5 Year Housing Land Supply. However, in this case it is not considered that this contribution would outweigh the other policy objections with particular regard to affordable housing and the harmful impact on the character of the area. It is therefore recommended that planning permission is refused.

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 26.09.2018, 16.11.2018, 22.11.2018, 12.12.2018

RECOMMENDATION: APPLICATION BE REFUSED

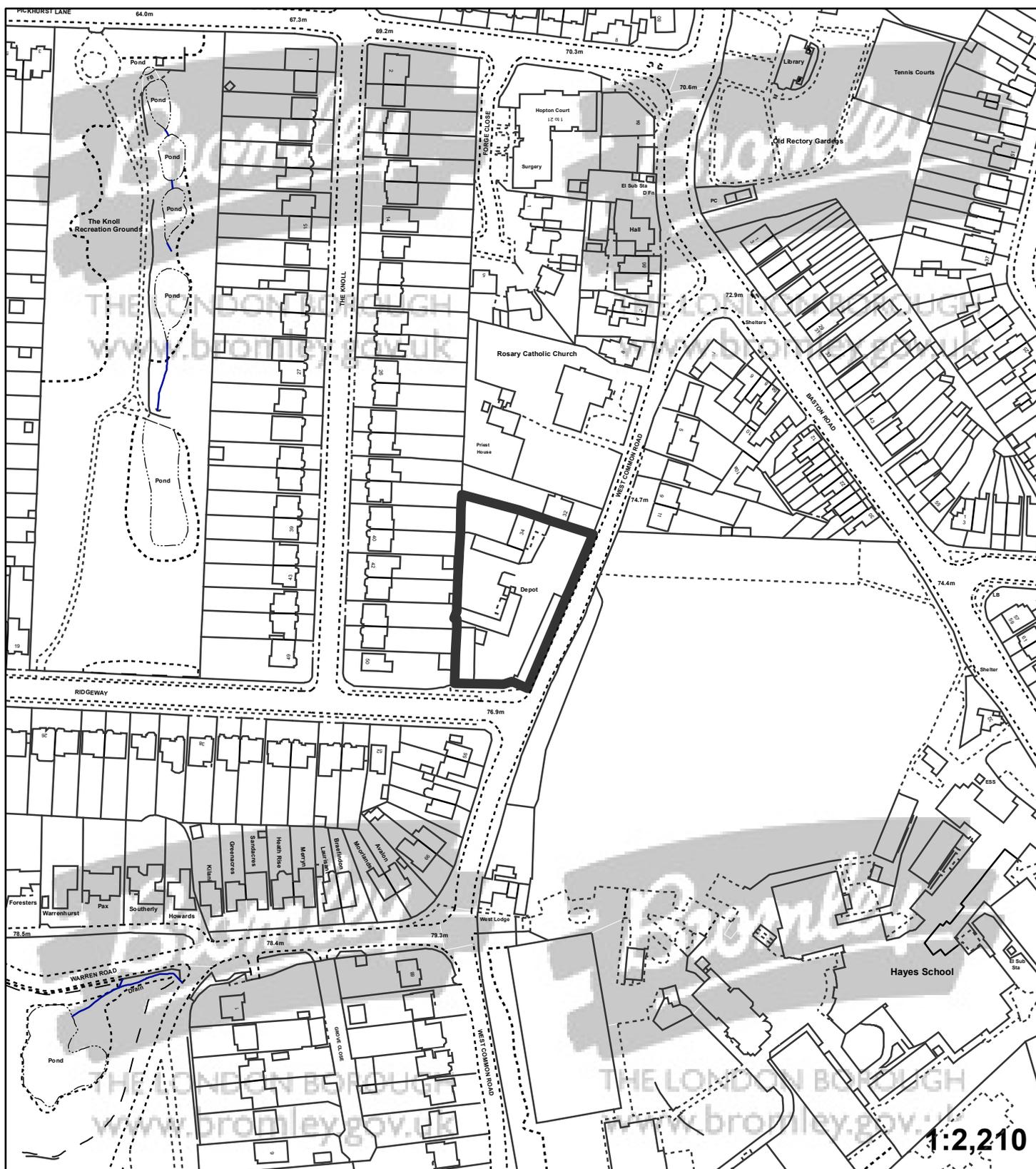
The reasons for refusal are:

- 1. The proposed development by reason of its prominent siting, height, scale, massing, dominant design and excessive degree of site coverage in this prominent location, represents an uncharacteristic punctuation in the streetscene out of character and context to the scale and massing of the existing buildings and general pattern of lesser scale of development in the vicinity harmful to the visual amenities of the area and contrary to Policies 4 and 37 of the Bromley Local Plan (2019) and Policies 7.4 and 7.6 of the London Plan (2016).**
- 2. The proposed development would fail to provide an adequate level of affordable housing on site or as a payment in lieu, contrary to Policy 2 of the Bromley Local Plan (2019) and Policies 3.9, 3.11 and 3.12 of the London Plan (2016).**
- 3. The applicant has not agreed to the payment of the contributions required to mitigate the impact on healthcare infrastructure and carbon emissions in the Borough arising from the development, contrary to Policies 124 and 125 of the Bromley Local Plan (2019), and Policies 5.2, 5.3, 5.6, 5.9 of the London Plan and the Council's Planning Obligations SPD.**

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"

This page is left intentionally blank

SECTION '2' – Applications meriting special consideration

Application No : 18/05112/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land Rear Of 15 - 21 Commonsides
Keston

Objections: Yes

OS Grid Ref: E: 541364 N: 164662

Applicant : Mr P Beckingham

Description of Development:

Erection of a detached two storey five bedroom dwellinghouse, vehicular access, refuse store, means of enclosure and associated landscaping on land at the rear of 15-21 Commonsides.

Key designations:

Conservation Area: Keston Village
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

Planning permission is sought for the erection of a detached two storey five bedroom dwellinghouse, vehicular access, refuse store, means of enclosure and associated landscaping on land at the rear of 15-21 Commonsides.

The dwelling will be two storey in format with an approximate width of 12.1m and depth of 11m at its maximum extents. The main roof is hipped to the elevations with a central flat section behind at 7.8m ridge height and 5m to the eaves. The front elevation has gabled design features either side of a central front entrance.

The dwelling will be set centrally within the site with an approximate average distance from the flank elevations of the dwelling of 6m to the rear boundaries of properties at 15-21 Commonsides and 7m to the rear boundaries of 9 and 10 Keston Gardens. A rear garden curtilage at 11-12m depth is proposed. A front curtilage depth of an average 8-9m to the boundary with the access way is proposed.

The dwelling will be finished in facing brickwork indicated to match local stock at ground level and render at upper level with clay roof tiles. Detailing of black painted oak timber is indicated to front gables. A rooflight is indicated to the central main roof.

Access to the site will be gained via an existing access way to be widened to 2.7m width leading to an on site parking area with a vehicle charging point.

The application was supported by the following documents:

- Design and Access Statement
- Planning and Heritage Statement
- Transport Statement
- Part M Compliance Statement
- Energy Statement
- Preliminary Ecological Appraisal
- Arboricultural Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement

Location and Key Constraints

The site is located on the east side of Commonsides and comprises an area of land hitherto undeveloped enclosed by other built development on all sides. The site is accessed via an access way, registered as Public Footpath 297 which also provides access both vehicular and pedestrian to a property known as Willow Grange to the east of the site. The public footpath connects further to the east to Keston Gardens.

The site is located in Keston Village Conservation area. A Tree Preservation Order relates to two Lime Trees on the northern boundary of the site. The site is not within the Green Belt.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received. Many subject areas have been repeated amongst commentators which can be summarised as follows:

Objections:

- Concerns with expected loss of light to property and garden.
- Loss of line of sight and outlook to a green space.
- Overbearing aspect to neighbours.
- Concerns regarding impact of construction process in terms of noise, disturbance and use of the public footpath during works for heavy plant.
- Concerns regarding grass strip and silver birch trees adjacent to Commonsides and how construction vehicles might damage this.
- Dwelling is too large for the site and of a disproportionate size and not sensitive to the surrounding area. Preference to see a bungalow built.
- Inappropriate and totally out of keeping development for the area.
- Destruction of wildlife habitat on the land.
- Will overlook to neighbouring property.
- Will cause loss of privacy
- Will block light to properties on Commonsides.

- Concerns regarding traffic increase using the footpath also used by school children.
- Detrimental impact on wildlife. Area contains important species. Mitigation proposed not considered suitable.
- Concerns regarding the removal of trees on site.
- Concerns regarding overshadowing and loss of privacy.
- Concerns regarding the provision of boundary fencing.
- Comments made regarding alternative designs of dwellings considered more suitable.
- Comments regarding the utility service connection that will need to be made.
- Concerns the footpath will be become a road.
- Concerns regarding the method of access from Commons side to the access way itself.
- No light to the access way for safe access.
- Site is wild woodland not wasteland.
- Proposal will devalue all the neighbouring properties.
- Similar property to north was built prior to surrounding properties. Proposal is therefore backland development and not acceptable.
- Concerns have been raised regarding a disputed strip of land along the access way and ownership therein.

Note: Following clarification, the LPA is content that the red lined boundary of the application site detailed in the submitted drawings accurately reflects the sites demarcation.

Support:

- Development could enhance the area and make good an area which has become a wasteland. Commentator has made suggestion with respect to vehicular access width and arrangements and the management of the construction process.

Local Groups:

- Keston Village Residents Association has commented in respect of the adequacy of the access, the usage of the footpath by residents and potential damage to protected trees. It asked that strict conditions be placed such that no obstructions are to be allowed on the footpath and tree protection measures be put in place to be approved and monitored by the LBB Tree Officer.
- Friends of Keston Common have submitted general comments relating to trees.

Comments from Consultees

APCA:

No objection in principle. Detailed materials to be approved by officers. Preference should be given to timber windows, rather than grey aluminium, in accordance with the guidance in the SPG. We consider that this new building is not likely to harm the SPG.

Conservation Officer:

The origin of this small plot is unclear but historic OS maps show it as part of a larger self-contained plot going back to 1868 but at this current time it is best considered as a remnant of plot subdivisions over the years. Given its secluded location and unkempt nature I find it makes little or no contribution to the conservation area and its development would not cause any harm in principle.

The scale and design of the proposed house is acceptable and it will essentially be out of view for most observers. APCA have suggested the use of timber windows but given its lack of prominence in the conservation area I find this would be an overly onerous demand and I suggest a standard materials condition would suffice. The significance of the nearby locally listed building at the Rectory would not be impacted. In conclusion the proposal accords with the aspirations of Policy 41 and the Keston Village Conservation Area SPG.

Environmental Health Pollution Officer:

No objections.

Drainage Engineer:

There is no public surface water sewer near the site. As such the applicant is required to explore the option of disposing surface water run-off in a soakaway.

Highways:

Footpath FP 297 links Commonsides to Keston Gardens and on its way it passes between No 21 and Sunabon and then No 10 and No 11 Keston Gardens.

Whilst the applicant may own the subsoil of the right of way, as indicated on drawing title Proposed Site Layout drawing number 18012-P-200 Rev E, the public pedestrian right over the land is paramount and the land owner must not interfere or obstruct this right in any way.

The applicant has now satisfied the Council as Highway Authority that (s)he has vehicular right to access the site however this development must not encroach on the footpath or damage it during construction. Any such damage must be rectified to the Council's standards as soon as possible and thereafter the footpath must not be subject to any further damage.

As we are now satisfied that a suitable private right exists, once the applicant is aware of the commencement of construction he must notify the Council in order that arrangements can be made for the suspension of the public pedestrian rights

over FP 297 and the cost of any formal proceedings to secure such suspension would be charged to the applicant.

Tree Officer:

The application is supported with tree survey details, an impact assessment and method statement. The proposed development will require the loss of various C category trees within the site and a mature B category lime tree. Two lime trees on the front boundary are subject to Tree Preservation Order (TPO) 1789 and are shown for retention on the Tree Protection Plan (TPP).

The current condition of the site with multiple self-seeded trees suggest past clearance. The removal of C category trees is not opposed on the basis of British Standard 5837 principles. The B category lime tree proposed for removal is a key requirement to facilitate access. Mitigation efforts have been outlined in the impact assessment and are acceptable to enable conditional consent to be recommended. A planning condition will relate to tree planting to ensure satisfactory mitigation is achieved. A replacement tree of specimen size will be requested under condition. The tree constraints have been addressed to an acceptable degree. The most significant trees are shown for retention and ensure a continued public contribution. I would recommend permission be granted subject to conditions.

External Consultees

Ramblers Association:

No response received at time of writing.

Policy Context

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

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

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

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

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

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

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

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

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Local Plan

1	Housing supply
4	Housing design
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
41	Conservation Areas
43	Trees in Conservation Areas
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

SPG Keston Village Conservation Area.

Planning History

There is no relevant planning history relating to the application site itself. The site has been hitherto undeveloped as detailed above.

Considerations

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

- Principle
- Design and Conservation

- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees and Ecology
- Other (drainage/flooding/noise/pollution)
- CIL

Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

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

Policy 3 of the Local Plan, Backland and Garden Land Development states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good

standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

In this case residential dwellings of all forms surround the site in a primarily residential area. It is acknowledged that the proposal would alter the pattern of development with a new built form where none currently exists. However, this is considered unavoidable if better use is to be made of the currently vacant site which also needs to be considered against the strong support in principle for making efficient use of land in sustainable urban locations. The site appears as an anomaly in the local development pattern and is self contained but with direct access to the public realm currently. There are no designations relating to the land preventing its development for housing.

Therefore the provision of a residential use on the land in the form of a single dwellinghouse appears acceptable in principle only. This 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.

Design and Conservation

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.

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.

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

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;

is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

Policy 7.6 of the London Plan states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Policy 7.8 of the London Plan states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require 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 building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

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

the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

Policy 41 of the Local Plan details that proposals for new development within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces and respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.

The Keston Village Conservation SPG states in relation to new development that the Council will need to ensure that any development proposals preserve or enhance the character of the area.

It is noted that the undeveloped and open natural state of the site in relation to residences bordering and adjacent to the application site in the locality forms the general character and setting of the site and its environs within the locality and as such it is this character that it is desirable to preserve and enhance.

The proposed building would be of a comparable footprint, size and scale to other detached properties locally to the north, east and south. To the west this would be of a larger nature due to the terraced format of the Commonsides houses. However, it is considered that the resultant building will adopt a scale, footprint and form and use of materials generally characteristic of the locality and the immediately adjacent properties. The square shaped footprint will provide a complimentary massing form and a full pitched characteristic roof as viewed from ground level will be similar to adjacent property.

The spatial separation proposed is also well above 1m at between 6 to 7m on either flank of the building with a relatively deep and wide rear garden which will maintain the open spatial characteristics of the site to its boundaries.

In terms of the design approach, the replacement dwelling is of a high quality traditional design and is similar in character to the area generally. This approach is considered to maintain the character and appearance of the conservation area.

The Council's Conservation Officer has not raised any objections to the proposals. On balance, it is considered that the proposal retains the character and appearance of the conservation area to public areas and the wider streetscene. The individual contribution that the proposed property has will also add to and enhance that character.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage

and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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

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

A Part M compliance statement has been submitted in respect of this.

The floor space size of the house is approximately 231.5m². The nationally described space standard requires a Gross Internal Area of 128m² for a 5 bedroom 8 person dwelling house on two levels. On this basis the floorspace provision is considered acceptable.

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

In terms of amenity space, the depth and good proportions to the garden space provide a substantial quality space for the purposes of the potential number of occupiers of a five bedroom family dwellinghouse.

Highways

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

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

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

Two adequately sized parking spaces including an electric vehicle charging point are provided on the property. The Council's Highways Officer has not raised objection in this regard.

Concerns have been expressed by neighbouring residents regarding the impact of the dwelling on conditions of safety, including that of pedestrians along the registered footpath FP297, should planning permission be granted. The width of the access and the surfacing of it are noted. The applicant has also submitted legal confirmation to the LPA that they have a legal vehicular access right over the land forming the access.

Given this subsequent confirmation, it is not considered that the proposed development would be likely to have a significantly greater impact on road safety and the free flow of pedestrian and vehicular traffic by having an additional dwelling other than Willow Grange using it for access that would warrant refusal of the application for this particular reason.

Furthermore, in view of the provision of an adequate level of on-site parking, concerns expressed regarding the potential that unneighbourly parking could impede the access beyond the site for emergency vehicles, are not considered to represent defensible grounds for the refusal of planning permission.

Therefore, due to the relatively minor impact of the additional residential unit on parking issues in the vicinity it is considered the proposal would accord with Local Plan Policies 30 and 32 and Policy 6.13 of the London Plan.

Cycle parking

Cycle parking is required to be two spaces for the dwellings proposed. The applicant has provided details of a location for lockable cycle storage within a garden shed/store. Due to the reclusive location of the plot an implementation condition is requisite in this regard.

Refuse

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

Construction methodology.

Concerns have been raised by residents regarding the construction process due to the restricted width of the access way to the site. A Construction Management Plan is recommended in this regard to be sought by condition. This can also be required to have specific regard to the nuances of the access to the site and comments made by the Highway officer regarding construction when submitted to the LPA and reviewed for discharge.

Neighbouring amenity

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

Concerns have been raised regarding loss of light and outlook caused by the new dwelling. However, given the separation distances to neighbouring dwellings closest elevations at a minimum average of 25m or more, the side space retained between the property boundaries and the good level of screening, which decreases the impact of the building, it is considered that there will be minimal impact in terms of outlook and daylighting to adjacent property. On balance, it is considered that the building will not be detrimental to neighbouring residential amenity.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An energy Statement has been submitted with the application that states that the development will achieve a 35.9% reduction in site-wide regulated CO2 emissions beyond the requirements of the Building Regulations Part L (2013) baseline.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

Trees

Policy 73 of the Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy 77 of the Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

Policy 43 of the Local Plan states that development will not be permitted if it will damage or lead to the loss of one or more significant and/ or important trees in a Conservation Area, unless removal of the tree/s is necessary in the interest of good arboriculture practice, or the benefit of the development outweighs the amenity value of the tree/s. In granting permission for the development, one or more appropriate replacement trees of a native species will be sought on site through the use of conditions or planning obligations.

An indicative landscaping layout has been submitted as shown on the proposed site layout plan drawing that details the areas given over to landscaping. The site also contains a Tree Preservation Order relating to two lime trees towards the northern boundary of the site. A number of trees are also indicated to be removed on site to facilitate the development.

The Council's Arboricultural Officer has reviewed the scheme as detailed above and not raised objections in this respect with regard to the tree constraints of the site being addressed to an acceptable degree. Further details and compliance with the proposals can be secured by condition.

Ecology

London Plan Policy 7.21 states that development proposals should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policies 70 and 72 of the Local Plan state similarly.

A preliminary ecology appraisal has been submitted in relation to a number of ecological subject areas. In particular the report has concluded that there are no badger setts or badger activity on the site or evidence of bats roosting. Officers are satisfied that there is no ecological harm in these respects. It is however recommended that further details of the recommendations of the report at Section 4.5 are secured prior to commencement of any works on site. A planning condition is recommended in this regard.

CIL

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

Conclusion

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality or conservation area. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

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

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

- 3 (i) Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority.**

(ii) The following British Standards should be referred to:

BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

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

(iiii) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Part (i) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition

may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

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

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

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

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

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

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

5 (a) Prior to commencement of the development hereby approved (excluding demolition) details of turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority.

(b) The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate arrangements can be secured in order to enable vehicles to enter and leave the site in a forward direction,

in the interest of pedestrian and vehicular safety and to comply with Policies 30 and 32 of the Bromley Local Plan

- 6** 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 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 7** Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan

8 (a) Notwithstanding the submitted Preliminary Ecological Appraisal hereby approved, further details regarding the implementation on site of the recommendations at Section 4.5 shall be submitted to and approved by the local planning authority prior to the commencement of any works on site.

(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 protect biodiversity and protected species in accordance with Policies 70 and 72 of the Bromley Local Plan and Policy 7.19 of the London Plan.

9 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 Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

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

(b) The development shall be carried out in accordance with the approved details.

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

11 (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

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

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

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

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

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

13 (a) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works.

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

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policies 30 and 37 of the Bromley Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

14 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan

15 (i) Prior to commencement of above ground works; full details of all proposed tree planting including a specimen lime tree (container grown), shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

(ii) All trees planting shall be carried out in accordance with those details and at those times.

(iii) Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, 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 37, 43, 73 and 74 of the Bromley Local Plan

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

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

17 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 32 Bromley Local Plan.

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

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

- 19 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

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

Reason: In order to comply with Policy 32 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

- 21 The development shall be implemented in accordance with the details set out in the Arboricultural Method Statement (4914/18-03) dated 30th October 2018, approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.**

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with 37, 43, 73 and 74 of the Bromley Local Plan.

You are further informed that:

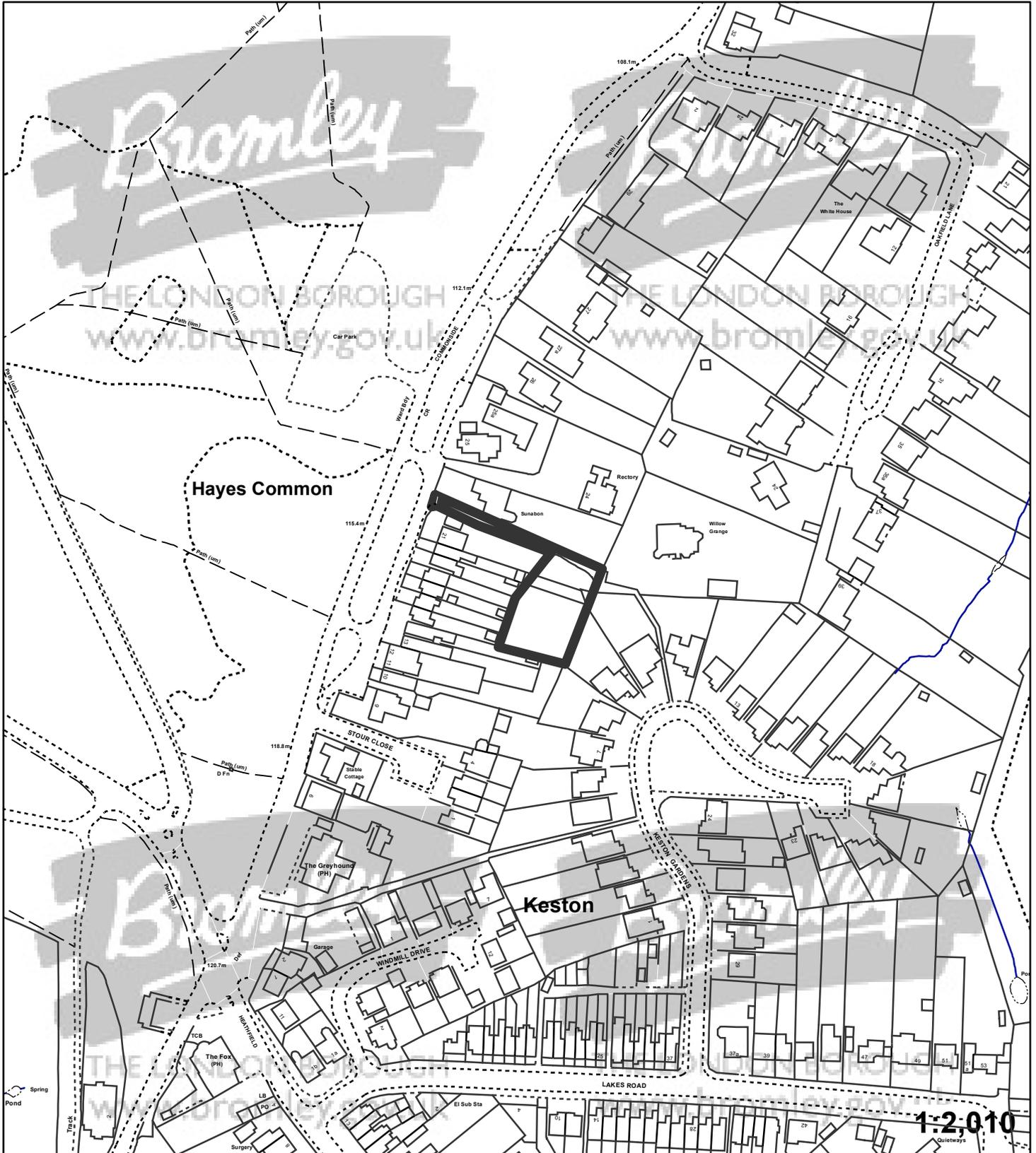
- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**
- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk**

- 3** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 4** Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 5** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 6** 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.
- 7** Street furniture/ Statutory Undertaker's apparatus "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.
- 8** The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.
- 9** The applicant is advised that a grant of planning permission does not entitle applicants to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way.

Application:18/05112/FULL1

Address: Land Rear Of 15 - 21 Commonside Keston

Proposal: Erection of a detached two storey five bedroom dwellinghouse, vehicular access, refuse store, means of enclosure and associated landscaping on land at the rear of 15-21 Commonside.



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

This page is left intentionally blank

SECTION '2' – Applications meriting special consideration

Application No : 18/05281/FULL1

Ward:
Bromley Common And
Keston

Address : 32 Lower Gravel Road Bromley BR2 8LJ **Objections: No**

OS Grid Ref: E: 542570 N: 166166

Applicant : Mr Xhebexhia

Description of Development:

Construction of a new attached two-bedroomed house

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 22

Proposal

The application seeks planning permission for an attached two bedroomed house. The ground floor of the dwelling will measure 4.0m in width for a depth of 14.5m. The first floor element of the proposed will measure 10.7m in depth with a width of 4.0m which increases to 4.2m at the rear. The proposed dwelling will measure 8.3m in height at its maximum pitching down to 5.6m at the eaves. The single storey rear element of the proposed will project out in line with the existing rear extension of No.32 at a depth of 3.1m and width of 2.8m. The rear projection will have a maximum height of 3.1m with a roof lantern that projects 0.4m from the flat roof. For the proposed dwelling one off street parking space is proposed to the rear of the application site and one to the front. An off street parking space is also proposed to the front of the existing dwelling.

Location and Key Constraints

The application site comprises a two storey semi-detached dwelling located on the corner of Lower Gravel Road and Ribston Close, Bromley. The property is not listed and does not lie within any area of special designation.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one representation was received which supports the proposal.

Comments from Consultees

Highways:

Comments received 17.12.2018:-

Please ask the applicant to clarify if the crossover from the front will be kept for the new house and the proposed rear parking is for the donor house.

No one will park at the rear and walk to the entrance to the front of the house. I think the existing crossover can be extended away from the junction and 2 parking spaces created 1 each for donor and proposed house. It all depends how much depth is available from bay window to the footpath. I am not sure if the applicant has explored this option.

Comments received 14.01.2019:-

The applicant was asked to clarify if the crossover from the front will be kept for the new house and the proposed rear parking is for the donor house. My concern was that resident will not park at the rear and walk to the entrance to the front of the house. I thought the existing crossover can be extended away from the junction and 2 parking spaces created 1 each for donor and proposed house. I was not sure if the applicant has explored this option.

The applicant has now amended the drawing and shown a parking space accessing from the Lower Gravel Road. I have double checked that there is depth available from bay window to the footpath which is 5.25m. I have also checked with Area management team and they are happy to extend the existing crossover to facilitate another parking space to the front. The applicant can also apply for the other crossover from Ribston Close as a second parking space for the donor house.

Please include the following with any permission:-

Condition:-

OC03 (Satisfactory parking)

AG24 (Highway drainage) details of ACO channel and soakaway pit.

Non Standard Condition:-

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

Informative:-

DI16 (Crossover)

Non Standard informative:-

Street furniture/ Statutory Undertaker's apparatus "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."

Housing: The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Drainage: Thames Water should be consulted because a foul public sewer crosses the site. The applicant is committed to discharge surface water run-off into a soakaway. Please impose condition PC06.

Thames Water:

Waste Comments:-

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water comments:-

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Environmental Health: I have looked at this application and would have no objections to permission being granted.

Waste Services: No comments received.

Policy Context

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

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

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

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2018). 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

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Bromley Local Plan

- 1 Housing Supply
- 3 Backland and Garden Land Development
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 37 General Design of Development

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Housing: Supplementary Planning Guidance (March 2016)
- Technical housing standards - Nationally Described Space Standard (March 2015)

Planning History

90/00854/FUL - Detached double garage - Application Permitted.

92/00177/FUL - Single storey side and rear extension - Application Permitted.

18/00447/FULL6 - Part one/two storey side and rear extension - Application Refused.

Reason for Refusal:

The proposed two storey side extension, by reason of its bulk and lack of adequate side space, would result in a cramped form of development and appearance within the streetscene. The proposed height and width of the extension would also have an unbalancing effect on the semi-detached properties which would be harmful to their scale and sitting when viewed from Lower Gravel Road. The proposed extension would therefore result in a detrimental impact upon the spatial standards and visual amenity of the area and harm to the appearance of the host dwelling, contrary to Policies H9, H8 and BE1 of the Unitary Development Plan and Policies 37, 6 and 8 of the Draft Local Plan.

18/04298/FULL6 - Double storey side and part ground floor rear extension - Application Permitted.

Considerations

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

- o Principle
- o Design
- o Standard of Residential Accommodation
- o Neighbouring Amenity
- o Highways
- o Sustainability
- o CIL

Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2016) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement

the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

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

Bromley Local Plan Policy 3 - Backland and Garden Land Development states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

The application site consists of a two storey semi-detached residential dwelling and the area of land to its side and rear. The land on which the development would sit forms part of the outdoor garden space for No.32 and therefore Policy 3 of the Bromley Local Plan is relevant. As set out above the policy states that new residential development will only be acceptable on garden land if certain criteria are met. The application site is situated within an area which is predominantly made up of detached and semi-detached houses. Each of these houses is positioned within their defined plots with front entrances that face onto Lower Gravel Road. While the properties are of varying sizes none are the result of an extension to an existing dwelling.

It is recognised that the host dwelling benefits from planning permission for a side and rear extension which is of a similar design, scale and bulk as the proposed. In this instance the proposal includes the addition of a porch which positions the front entrance of the proposed onto Ribston Close. This front porch leads to the development being read as a separate dwelling and not as an extension to a semi-detached property. As a result the additional dwelling turns a pair of semi-detached dwellings into a terrace of three. As a terrace the proposed unbalances the two dwellings which are of a particular architectural style and which sit within spacious

plots on a prominent corner. Its proposed positioning on this prominent corner also leads to a crowding of the junction between Lower Gravel Road and Ribston Close. The aspects of the development which make it acceptable as an extension (i.e. being set back from the front elevation of No.32 and having a lower ridge height) result in the structure being a discordant feature in the context of the streetscene when read as an additional dwelling which has a negative impact on the character of the wider area.

The proposed development would result in the subdivision of the garden, and the loss of the area along the side of No.32. The large garden area is a key characteristic of the host dwelling and its subdivision would create two narrow plots that would impact on the amenity space for future occupiers of both the additional dwelling and of No.32. The amenity space left for the additional dwelling is also impacted on by the proposed parking space to the rear which would result in the further loss of garden space. It is recognised that the approved extension would have resulted in the loss of the area to the side of No.32. However, the development is for one whole unit and as a result the rear of the plot would not be divided into two with the additional space created by the extension available for the enjoyment of future occupiers of the host dwelling.

While the development as an extension has been determined to be an acceptable addition to the host dwelling, as an additional unit it would result in an intensified use of the land. This intensification would change the character of its use and would have a negative impact on the amenity of future occupiers to both No.32 and the proposed unit.

Therefore, the land is not considered suitable in principle for further residential development when taking account of the above, the advice of the NPPF and local and national policies in relation to development on garden land.

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

The ground floor element of the proposed dwelling will sit in line with the front elevation of No.32. This element of the proposed will retain the separation distance of 6.0m to the public highway and the first floor element will be set back a further 0.8m from the front elevation. The roof of the proposed will be pitched to mirror the roof of No.32 with a ridge height that is 0.3m lower. Towards the rear of the proposed the ridge line will sit 0.6m lower than that of No.32 which, coupled with the pitched roof, will help to reduce its scale and bulk along Ribston Close. A minimum 2.0m side space will be kept from the flank elevation to the boundary for the full height and length of the building in line with the requirements set out in Policy 8 of the Bromley Local Plan.

As stated above the entrance to the property would face onto Ribston Close which leads to the structure being read as an additional property rather than as an extension to a semi-detached dwelling. When read as an additional dwelling the proposed creates a terrace of three and its design results in an unbalancing of the existing dwellings. It is considered that this unbalancing would unduly harm the character and appearance of the host dwelling and the general character of the streetscene. While the houses along Lower Gravel Road are of varying size and design there is a degree of uniformity with each sitting within their defined plots with front entrances that face onto Lower Gravel Road. It is considered that the design of the proposed dwelling would be disruptive to this uniformity and harmful to the general character of the area as a result of its scale, form and layout.

On this basis it is considered that the development of an additional dwelling would not complement the scale, form and layout of adjacent buildings and would cause significant harm to the character and appearance of the 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 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

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

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

The floorspace of the proposed unit is approximately 88.81m² as scaled from the drawings. Details have not provided on the number of persons the unit is proposed for. The nationally described space standard 2015 set out that in order to provide two bedspaces a bedroom is required to have a floor area of at least 11.5m². The proposed floor plans indicate one bedroom with a floor area of approximately 12.21m² and a second bedroom with a floor area of 13.32m². The proposal has therefore been assessed against the minimum space standards for a two bedroom four person unit. Table 3.3 of the London Plan requires a Gross Internal Area of 79m² for two storey dwellings that are two bedroom four person units. With regard to the above it appears that the size of the proposed for its intended occupancy would comply with the minimum standards contained in the London Plan.

The nationally described space standard set a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The section drawing on the submitted plans indicate that the dwelling would have a floor to ceiling height of 2.6m which reduces to 2.4m for the single storey rear element. Taking this into account it is considered that the proposed dwelling would provide a unit of adequate quality in line with the requirements of London Plan Policy 3.5 and Policy 4 of the Bromley Local Plan.

It is proposed to divide the existing garden area of No.32 into two. As a result of the division the garden for the proposed dwelling would measure approximately 82m². The remaining garden for No.32 would then measure approximately 78m².

It is considered that the proposed amenity space will be an adequate provision for future occupiers of the dwelling with direct access to the garden from the rear of the building. It is also considered that the division of the garden area would not result in the existing dwelling being left with an inadequate amenity space.

Neighbouring Amenity

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

The first floor rear element of the proposed dwelling would project past part of the rear wall of No.32 by 3.7m. The first floor rear of No.32 is 'L' shaped with a window that serves a bedroom positioned adjacent to the proposed dwelling. The proposed rear projection would enclose this rear window creating a visually dominant form of development which would result in a loss of outlook, prospect and daylight to the occupiers of No.72, contrary to Policy 37 of the Bromley Local Plan.

The proposed dwelling would be separated from other neighbouring properties by Lower Gravel Road and Ribston Place. Taking into account the separation distance between the properties, positioning of the proposed dwelling and the orientation of the site it is considered that the development would not result in overshadowing, loss of light or an overbearing impact to other neighbouring properties. The proposed window in the flank elevation at first floor will serve a bathroom. The window is indicated as being obscure glazed which can be secured by condition as part of any approval to reduce overlooking and loss of privacy. The proposed windows to the front and rear elevations, because of their location and size, would not result in an increased chance of overlooking over and above that which already exists from No.32.

Highways

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

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

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking

standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

Following the submission of the amended plans, received on 14th January, two off street parking space would be provided for the proposed house, one to the front of the dwelling and one at the rear. An off street parking space is also proposed to the front of the existing dwelling. No objection has been raised from the Council's Highways Officer subject to inclusion three conditions. Therefore due to the relatively minor impact the additional unit will have on parking issues in the vicinity it is considered the proposal would generally be in accordance with Bromley Local Plan Policy 30 and Policy 6.13 of the London Plan.

Cycle parking

Cycle parking is generally required to be 1:1 for residential development. The applicant has provided details of a location for lockable cycle storage. The proposed unit is for two bed four persons and as part of the development sufficient garden space is to be provided which would allow for adequate cycle storage. It is therefore considered that the proposal is generally in accordance with Policy 6.13 of the London Plan.

Refuse

The applicant has provided details on the submitted plans which show the provision of adequate facilities for refuse and recycling. A condition can be included as part of any approval to ensure the facilities are completed prior to occupation in accordance with Policy 37 of the Bromley Local Plan.

Sustainability

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

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

CIL

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

Conclusion

It is considered that the development in the manner proposed is unacceptable in principle as it would constitute garden land development which would have an impact on the character, appearance and context of the area by reason of its scale, design and siting. The development would also result in a significant loss of amenity to local residents contrary to Policies 1, 3, 4 and 37 of the Bromley Local Plan.

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

as amended by documents received on 14.01.2019

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

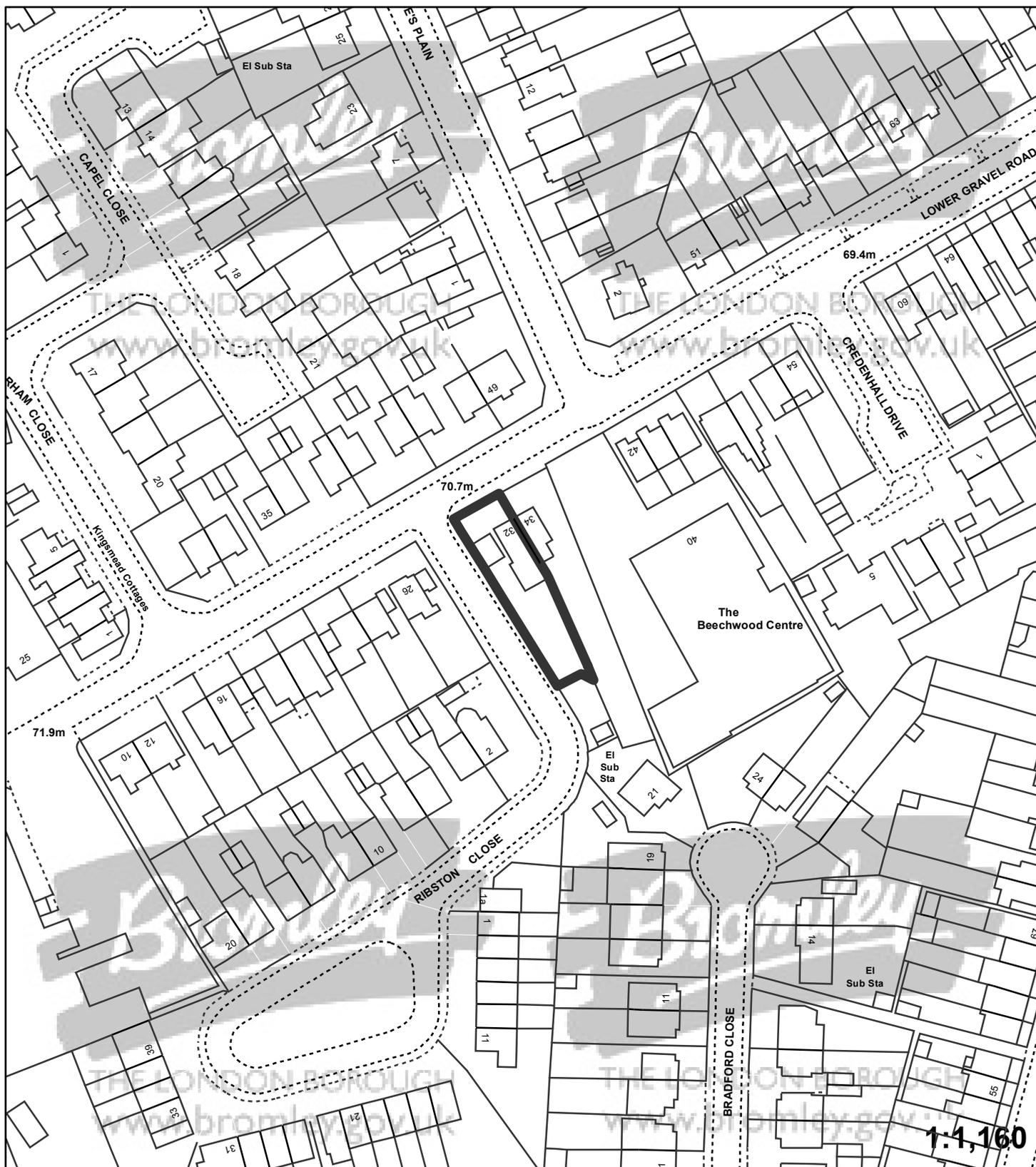
01: The proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design and siting and the amenity of future occupiers through the subdivision of the plot. The development would impact on the surrounding development pattern and spatial layout of the area and would have a serious and adverse effect on the visual amenity of the streetscene contrary to Policies 1, 3, 4 and 37 of the Bromley Local Plan.

02: The proposed two storey rear element of the proposed dwelling, by reason its depth and positioning, would result in a dominant form of development, harmful to the neighbouring residential amenities of No.32 by way of a loss of outlook, prospect and daylight contrary to Policy 37 of the Bromley Local Plan.

Application:18/05281/FULL1

Address: 32 Lower Gravel Road Bromley BR2 8LJ

Proposal: Construction of a new attached two-bedroomed house



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

This page is left intentionally blank

Application No: 18/05329/TPO

Ward:
Farnborough & Crofton

Address: 89 Woodcote Drive,
Orpington, BR6 8DT

OS Grid: E:545051 N: 166514

Applicant: Miss Vicky Ironside

Objections: Yes

Description of Development:

**T1 Maple – Fell to ground level and treat stump.
SUBJECT TO TPO 1101**

Proposal

The application has been made on behalf of the neighbouring property owners at 101-105 Woodcote Drive. The subject maple tree (T1) is proposed to be felled in accordance with recommendations issued by those acting on behalf of the insurance company. The tree is protected under the above mentioned Tree Preservation Order (TPO).

Location

The application site is comprised of 9 flats, private gardens and communal grounds associated with 89-105 Woodcote Drive. The properties are typical in design and take the appearance of terraced townhouses. The site is located at the end of the cul-de-sac and backs onto the railway to the east.

A number of trees across the development have been protected by way of TPO.

Consultations

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

- Two supporting representations were received.

Considerations

The officer made a site visit to the application site on 15th January 2019. Access was only available internally to the flat occupying the first and second floor. The officer concurs with the data tabled in Appendix 1 of the Arboricultural Assessment Report. The maple tree (T1) is not in the zone of influence for Nos. 101-105 where the damage has been reported. This is calculated by multiplying the height of the tree with a factor of 1.25 for a high water demand tree, 0.75 for a moderate water demand tree and 0.5 for a low water demand tree. Maple trees are moderate water demanding tree species.

The tree has been reduced in the past consistent with application 94/02714/TFL. Applications 99/03731/TPO, 01/03895/TPO and 03/03021/TPO have resulted in refusals for similar reduction specifications. A maple tree on the opposite side of the turning circle, adjacent to 85 Woodcote Drive, has been reduced in accordance with

application 17/05105/TPO. Trees in the street scene are awarded high amenity value and remain an important attribute to the development.

The proposed felling of the subject tree has been recommended by the insurance company and consulting arboriculturist acting on behalf of the policy holder. The following supporting documents have been appended to the application:

- Engineering Appraisal Report
- Arboricultural Assessment Report
- Level and Crack Monitoring
- Root Identification
- Site Investigation Report, including soil analysis and foundation detail

External damage was not noticeable from the publicly accessible aspects of the properties. Access was not available to the private garden space. Internal cracks were being repaired during the site visit and have appeared along the window frames and internal walls. The cracks take a horizontal/vertical fashion along the ceiling, wall and window frames. Damage is categorised as slight in accordance with Building Research Establishment (Digest 251). Crack width is a maximum of 5mm on this basis.

Two trial pits were excavated as part of the subsidence investigation. Trial Pit 1 (TP1) was excavated adjacent to 89-93 Woodcote Drive on the western aspect of the terraced block. Trial Pit 2 (TP2) was excavated on the eastern aspect of the block where the insured properties are located. Foundations were revealed to a depth of 1.1m in TP1 and 80cm in TP2. Roots discovered within TP1 have been identified as maple (*Acer*).

Foundations revealed in both trial pits have been installed at different depths. Trial pit 2 revealed shallower foundations to a depth of 80cm. Historic subsidence appears to have taken place at this end of the block and has been addressed by applying underpinning to the existing foundation. Building Control reference 05/00956/OTHBN6 relates to Pile Cap and Beam underpinning. Pile depths appear to be 60cm.

The results of crack monitoring carried out on behalf of the policy holder conclude that the influence of trees is responsible for cyclical movement of the properties as a result of soil moisture loss.

A heave assessment has not been included in this application.

The estimated costs of repair range from £22, 000 to £100,000.

Conclusion

The foundations of the rear extension are considerably shallower than what is required to withstand the influence of mature trees at this distance. The required foundation depth has been calculated to be a minimum of 1.65m based on the highest reading of soil plasticity. This calculation is only in respect of the presence of the subject tree. The property dates back to the 1970s. It is likely the subject maple tree was planted in the street scene planting as part of the developments landscaping.

A monetary value has been applied to the tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system.

The value applied to the maple tree is £64, 809.

The effect of other trees to the east of the block on the surrounding ground would have been foreseeable at the time of construction. The foundations would therefore have needed to be excavated to a level where the water table is uninfluenced by root activity. Underpinning applied between 2005 and 2007 appears to be shallower than what is required to extend beneath the soil influence of nearby trees.

The subject maple tree is outside of the zone of influence in respect of 101-15 Woodcote Drive and would only be in the zone of influence of 89-93 Woodcote Drive. No evidence has been submitted as part of this application to prove damage is occurring to the western aspect of the building. Evidence of damage is only demonstrated for the eastern side of the building (101-105 Woodcote Drive).

The internal cracking was noted to be horizontal and vertical mainly on the northern flank of the building and partially within in the centre of the upper bedroom. As underpinning has been applied to the eastern flank of the building to the above mentioned specification, the movement appears to be associated with the northern flank that was not addressed with underpinning. The adequacy of foundation depth and underpinning is therefore questioned and requires further assessment. The investigation needs to explore the reasons why underpinning has not been successful, why underpinning to greater depth is not a viable solution and why underpinning was not applied to the northern elevation. The investigation remains inconclusive as stated within the Engineering Appraisal Report.

A heave assessment has not been included in the supporting evidence. An argument would therefore need to be presented to the Council with regard to ruling out underpinning as a practical solution or consideration of alternative mitigation efforts.

This application has not fully demonstrated the case for removing the subject tree. The costs of repair are predicted to be significantly lower than the value of the trees based on the other mature trees that have been implicated in the claim. The trees are high amenity features, contributing to the wider local landscape. The removal of protected trees would have a damaging impact on the character of the area and negate the objectives of the TPO.

It is recommended that committee members refuse the application.

Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs.

Members are also informed of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

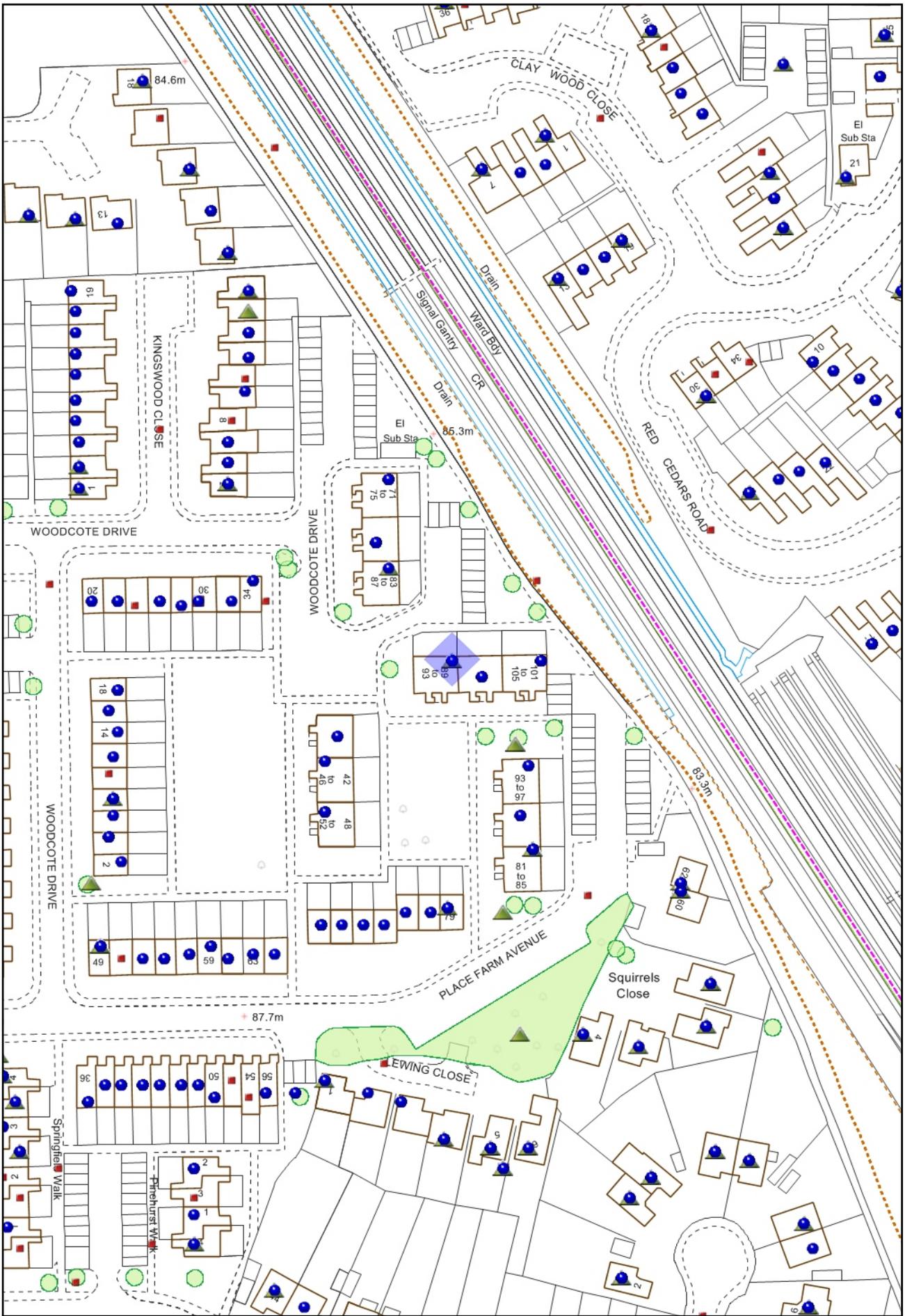
T1 Maple - Fell to ground level and treat stump.

REASON:

The application has failed to acknowledge the adequacy of the building's foundations and adequacy of existing underpinning. No consideration has been given to potential heave or future risk of instability. Mitigation efforts with trees retained have not been demonstrated or explored. Tree value is predicted to outweigh the estimated cost of repairs. The proposals would negate the objectives of the TPO and therefore conflict with Policy 73 of the Bromley Local Plan (adopted January 2019).

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and Ivy from protected trees.



Planning

© Crown copyright and database rights 2015.
Ordnance Survey 100017661.

 **89 Woodcote Drive, Orpington, BR6 8DT**



Tuesday, January 29, 2019

1:1250



This page is left intentionally blank

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

Application No : 18/02747/FULL1

Ward:
Crystal Palace

Address : The Cottage Fountain Court Lawrie Park Road Sydenham London SE26 6EE **Objections:** Yes

OS Grid Ref: E: 535017 N: 170771

Applicant : Framley Estates Ltd

Description of Development:

Demolition of existing garages and The Cottage and the erection of 5 x 3-bed dwellings, associated parking and landscaping with amended visibility splays at the access to Lawrie Park Road.

Key designations:

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

Proposal

Planning permission is sought for demolition of existing dwelling (The Cottage) and garages and the erection of five detached 3-bedroom dwellings, associated parking and landscaping with amended visibility splays at the access to Lawrie Park Road.

The current proposal differs from the previous withdrawn scheme 17/04458/FULL1 for the following main reasons:

- All dwellings would be detached,
- There would be one consistent dwelling design measuring approximately 6.5m x 8.9m, 5.5m high to the eaves and 7.7m to the top of the mansard roof as compared with the previous design with 2 different dwelling designs; detached each measuring approximately 6.8m x 11m, 5.3m high to the eaves and 7.3m to the top of the mansard roof and semidetached each measuring approximately 6.9m x 7.3m, 5.0m high to the eaves and 7.8m high to the top of the mansard roof,
- Plots 1 and 2 would be positioned along the south east boundary rather than the north west boundary with the access drive repositioned accordingly,
- There would be 8 parking spaces rather than 9,

The application is supported by the following documents:

- Application forms,
- Application drawings,
- Planning Statement,
- Design and Access Statement,
- Accommodation schedule,
- Arboricultural Implications Assessment
- Transport and parking statement including vehicle tracking/swept path analysis,
- Ecological report,

Location and Key Constraints

The application site relates to Fountain Court located on the southern side of the highway close to the junction with Crystal Palace Park Road. The application site is set behind Fountain Court abutting the railway line and accessed via a driveway/track running alongside Fountain Court. The site is occupied by a detached two storey dwelling; known as "The Cottage" which has been vacant for some years, as well as several garages arranged around The Cottage, although they are in a state of disrepair. The site is predominantly level and the boundaries are marked by a mixture of close boarded fencing, palisade fencing, chain link fencing as well as trees and other vegetation. The site is accessed by the Lawrie Park Road entrance, along a track separating Fountain Court from 79 Lawrie Park Road. The track varies in width along its length, and passes directly adjacent to the flank elevation of Fountain Court. It slopes downwards from the road towards The Cottage. The area is residential in nature; characterised by a mixture of large detached three/four storey Victorian style villas (some subdivided into flats) and purpose built three/four storey flatted development with corresponding amenity space and parking. Within these flatted developments there is a range of building designs including; conventional pitched tiled roofs, flat roofs and mansard roofs including the seven 4 storey blocks at "Park Court" opposite the site access.

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

General

- Previous schemes have been refused,
- The proposal is no more feasible than previous schemes,
- Previous decisions have given hope of a permission being granted,
- Part of the land is under Possessory Title and there are easement rights for Fountain Court and Lichfield House,
- Historically the land only ever formed the garden to Fountain Court,
- The proposal would devalue neighbouring properties,
- The existing property should be renovated; occupied by only one household,
- Garden land is not in the definition of 'previously developed land' and Mayor of London SPG discourages development on garden land,
- 90% of garden land was removed from the SHLAA,

Character and design

- Despite the reduction in house size the site coverage, footprint, bulk, design and density of the residential use would overdevelop and dominate the site,
- The proposal would have a cramped appearance from within the site and neighbouring sites; failing to reflect the spacing in the area/in other residential developments,
- The house design is unattractive and box like, a modern mass housing style, and would be out of keeping with the 1930s style Fountain Court or Lichfield Court and would fail to respect its character and pattern of development,
- An earlier approval had a more sympathetic and bespoke house design,
- Protected and important trees to the amenity of the area and neighbouring properties have already been removed without authorisation. Replacement mature trees should be replanted,
- The arboricultural report does not account for previously felled trees,
- The proposal would harm the adjacent Conservation Area,

Amenities

- The close proximity would cause overshadowing and overbearing effect on Fountain Court,
- The close proximity would overlook Fountain Court,
- The proposal; including the access passed Fountain Court, would cause noise, light and disturbance to Fountain Court,
- The access; which would be in constant use would cause a highway hazard to neighbouring occupants and children in Fountain Court,
- The land provides a valuable buffer between the railway line and neighbouring properties,

- The close by railway line would cause noise and disturbance to the future occupants in the dwellings and in the gardens and an acoustic assessment to establish mitigate the harm has not been submitted. Developments should be physically separated from railways and should not rely solely on sound insulation,
- The proposal would fail to provide satisfactory outdoor amenity space for the future occupants,

Highways

- Lawrie Park Road is a busy Local Distributor Road, supporting two busy bus routes, and it has not been categorised or assessed correctly in earlier planning applications,
- The access track and its visibility is only suitable to serve one (the existing) dwelling; according to Bromley's Highway Design Criteria for New Development (LBB, 1998),
- The narrow access and track; 2.5m wide at the narrowest point, cannot accommodate emergency vehicles, service vehicles such as refuse and recycling or support the number of dwellings (swept path analysis is required to demonstrate this),
- The narrow access comprises the means of escape for some of the properties in Fountain Court,
- There would be no dedicated footpath along the track to separate pedestrians from vehicles; especially for children playing at Fountain Court or residents accessing the storage units along the access,
- The narrow access would be further narrowed by erecting signage within the carriageway,
- The provision of hydrants, dry riser system or sprinklers is not an appropriate alternative to gaining proper fire engine access,
- The Inspector's recommended visibility splays incorrectly combine vehicle and pedestrian standards together which is incorrect and unsuitable,
- The proposal would fail to provide appropriate visibility splays,
- The existing garages have mainly been used for storage not for parking vehicles; therefore there is no history of vehicles regularly using the track,
- The regular use of the access track would adversely affect the amenities of the existing residents; particularly where they would pass the narrow pinch point,
- There are already traffic congestion and parking issues in Lawrie Park Road; causing damage to parked cars,
- The proposal would exacerbate existing congestion/parking issues,
- The gradients at the highway access would exacerbate hazardous conditions for pedestrians; especially those using the existing track to access Fountain Court,
- The greater use of the access would prejudice pedestrian safety,
- Traffic calming such as speed humps would create a hazard for pedestrians,
- The previously agreed traffic light entry/priority system is not shown in the plans,
- The access, traffic calming and priority systems in themselves would be hazardous to pedestrians,
- The refuse vehicle(s) waiting on the highway for any length of time would cause an obstruction and traffic congestion close to the busy T-junction with Crystal Palace Park Road, particularly for the frequent bus service route,
- There would be insufficient parking; exacerbating on-street parking congestion, highway safety issues and pressure on busy junctions and prejudice free flow of traffic,

Ecology

- The submitted ecological report identifies that the building and trees accommodate bat roosts a European protected species,
- The site also accommodates endangered nesting birds and invertebrates,
- The suggested bat box would be insufficient,

Waste collection

- The proposal does not provide adequate waste storage/collection facilities; the bin carrying distance would exceed the Council's standard 30m distance,
- Refuse collectors would not make multiple trips over of 100m for each dwelling through all of the traffic calming measures,
- Neighbouring properties had to place bins closer to the highway to reduce the carrying distance so this is unfair,

Other

- The proposal and amount of development is only for profit,
- The profit margin has led to a downgraded design scheme,
- It would not serve the affordable housing need,
- The proposal would accommodate 15 units and would fail to provide affordable housing,
- The proposal would not promote Designing out Crime,

Support

General

- There is an extant planning permission (DC/15/04210/FULL1) for one 5-bedroom dwelling on the site and the highway visibility has already been approved,
- There is an extant planning permission (appeal) for two 4-bedroom dwellings on the site,
- Either of the extant permissions could be implemented and both would result in the demolition of the existing dwelling,
- The development would not encroach on Lichfield Court,
- The site is disused, derelict/unkept, unsecured and open to fly tipping and vandalism,
- The existing cottage is in a poor state of repair,
- The proposal would make use of a vacant and disused site and would overcome associated issues; vandalism and crime etc.,
- The proposal has addressed all of the previous and current objections,
- The proposal would improve on the existing extant permissions,

Housing need

- The proposal would contribute towards the housing need in the Borough and in London,

Design

- The design is detailed and tasteful,

Amenities

- The site is below and well separated from Fountain Court and would not cause overlooking,
- The proposal would be screened from neighbouring properties,
- Construction noise and disturbance is inevitable and would be temporary,

Other

- The Applicant has demonstrated that the previous issues including site access and refuse collection have been overcome,

Comments from Consultees

Drainage Engineer: The proposed use of permeable brick paving on the access road as well as rainwater harvesting to collect surface water run-off would be acceptable. no objection is raised subject to the recommended surface water condition.

Environmental Health Housing Officer: No comments received

Environmental Health Pollution Officer: No objection in principle subject to recommended informatives regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008, and discovering any suspected contamination on site.

Highways: The site is located on the south side of Lawrie Park Road. The site is located in an area with moderate PTAL rate of 3 (on a scale of 1 - 6, where 6 is the most accessible). Vehicular access – a signal controlled road would be provided to allow safe and manageable traffic through the single track access road. This is acceptable subject to detailed design. Car parking – eight car parking spaces would be provided which is acceptable. Cycle parking – London Plan would be adhered to. Bin store – this is acceptable in principle; please also consult Waste Management Team. In response to some of the third party comments the Applicant has provided some additional transport information including vehicle swept path analysis. The Council's Highway Department confirms that larger vehicles such as refuse vehicles can service the site from Lawrie Park Road, smaller service vehicles can service the site, and a traffic signal control would be provided to allow safe and manageable

traffic through the proposed single track access road. The Council's Highway Department therefore raises no objection on highway grounds subject to the following recommended access, car parking, cycle parking, highway drainage, refuse storage/collection and Construction Transport Management Plan (CTMP) condition(s).

Metropolitan Police Designing Out Crime Officer: Proposals for less than 10 units would not be required to incorporate planning conditions relating to crime and criminality and Secured by Design as a matter of course however the proposal could still achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products thereby reducing the vulnerability of the development and minimising the risk of crime; improving the amenity value of the scheme and the living conditions of the future occupiers. The Applicant could be advised of this by planning informative.

Orpington Field Club: Offered the following recommendations in relation to the previous scheme 17/04458/FULL1:

The grant of planning permission for this development should be conditional on the following:

- Lighting sympathetic for bats,
- The incorporation of bat bricks in the new builds. (For more information re these, where and how to site them see: <http://www.habibat.co.uk> and http://www.bats.org.uk/pages/construction_industry.html),
- The incorporation of some native planting
- Ivy covered areas including trees should be cleared/felled with due care and attention in case roosting bats are present, using soft felling techniques where appropriate.

Thames Water: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to Thames Water's guide to working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The developer is expected to demonstrate the measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application. Thames Water recommends the following informative relating to **A Groundwater Risk Management Permit**. Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection based on the information provided. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application subject to the following informative relating to **Minimum Flow Rate Pressure**.

Tree Officer: The trees proposed for removal are relatively low value and have limited or no public visibility, and there is no objection to their removal. Some extensive pruning would also be required, particularly to T8 and T9 to facilitate the development. There would be some encroachment in to retained trees RPAs and therefore tree protection should be employed during construction. Subject to the recommended tree protection condition there would be no objection to the proposal.

Waste Services: No comments received on the current application. However Waste Services offered the following recommendations in relation to the previous scheme 17/04458/FULL1:

There is not an issue for Waste collection as the crew will walk materials out of the site (it is not containerised as all 'single' dwellings). The applicant's highways consultant has provided a copy of correspondence from waste services in respect of this matter confirming that:

"there is no requirement to house containers in a bin store in the entrance road or anywhere else on the site - as the Waste collection operatives will walk to the edge of the individual properties

boundaries (down the access road to the properties themselves) to achieve collection of waste materials; subject to the collection vehicle being able to stop in a safe position on the public highway as to not cause an obstruction to other road users or pedestrians at any time. The householders on site must comply with LBB's requirements for containing waste to enable this methodology."

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

The application shall be determined in accordance with the following policies:

London Plan Policies

Policy 3.3 Increasing housing supply
Policy 3.5 Quality and Design of Housing Development
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and Woodlands

Bromley Local Plan

Policy 1 Housing Supply
Policy 3 Backland and Garden Development
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 33 Access for all
Policy 37 General Design of Development
Policy 73 Development and Trees

Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems
Policy 118 Contaminated Land
Policy 119 Noise Pollution
Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

Bromley SPG1 General Design Principles
Bromley SPG2 Residential Design Guidance
London Housing SPG 2016

Planning History

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

11/00926/OUT – Demolition of existing dwelling, erection of a block of five 3-storey dwellings with associated parking was refused for the following reasons:

1. The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development and hard surfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on-site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.
3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The corresponding appeal was dismissed for the following reasons:

The Appeal Inspector noted that much of the appeal site is verdant and peaceful. A terrace of dwellings of the height and length indicated on the drawings would have appeared incongruous and intrusive and it was noted to be likely that the areas of hard surfacing would be considerably more extensive than at present. The proposal would have been perceived as a cramped and intensive form of development with a hard urban character which would have been at odds with adjacent green spaces and inappropriate in its context. The Inspector concluded that the proposal would have been an overdevelopment of the site as well as detrimental to the residential amenities of existing residents at Fountain Court and compromising highway safety in Lawrie Park Road. The

12/02533/OUT – Demolition of the existing dwelling and garages, erection of one detached and two semidetached dwellings with associated parking was refused for the following reasons:

1. The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development and hard surfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on - site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.
3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and

disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the UDP.

The corresponding appeal was dismissed for the following reasons:

- The impact on visual amenity,
The Inspector noted that the site is visually insulated from its wider surroundings by the road frontage development and the railway land adjacent. It was considered that the proposed housing would be small scale and well related to the adjoining development which at that time was being built. Separation distances and intervening vegetation between the site and Fountain Court were considered to limit the visual impact on residents and upon local character. The Inspector concluded on this matter that leaving aside the access/traffic noise issues, the proposals satisfied the criteria in the UDP to result in an acceptable form of backland development.
- The impact on residential amenity,
The noise and disturbance associated with the access track was considered to be the primary cause for concern. The development proposed a reduced density in comparison with the previous scheme, and the Inspector took into account the potential traffic generated by the development as well as the potential traffic associated with the historical use of the track and the garages. In these circumstances, the Inspector concluded that the noise effects on residents of Fountain Court would not be significantly more harmful than those already arising from the use of the existing dwelling and garages to which they were already historically accustomed. As such the Inspector considered that the proposals would not have harmed the living conditions of neighbouring residents.
- The adequacy of the proposed access arrangements.
The Inspector reasoned that it was essential that service and emergency vehicles could achieve entry to the rear of the site to where the houses would be built and for such vehicles to be able to use the track acceptably in view of the length of the track and the absence of alternative facilities at the site's entrance in particular for the storage of refuse. The Inspector noted the dispute regarding ownership matters, stating that while this was essentially a legal matter; the outcome was material to and significant in the planning context if the use of the track by emergency vehicles would be hindered/obstructed/impeded. It was concluded that insufficient information had been submitted to demonstrate that larger vehicles could turn within the site and that the proposed access would be adequate to safely service the proposed dwellings. It was on this issue that the appeal failed.

14/01366/OUT – Demolition of the existing dwelling and garages, erection of three 3-bedroom and one 4-bedroom dwellings with associated parking was refused for the following reason:

1. The proposed access does not provide appropriate means of access for service and emergency vehicles in order to safely and conveniently service the proposed dwellings, contrary to Policies T13 and T18 of the Unitary Development Plan.

The Applicant did not appeal against the Council's decision.

15/02291/FULL1 – Demolition of the existing dwelling, garages and storage building, erection of two detached 2-storey 4-bedroom dwellings with associated parking was refused for the following reason:

1. The proposed access does not provide appropriate means of access to service and emergency vehicles in order to safely and conveniently service the proposed dwellings, contrary to Policies T13 and T18 of the Unitary Development Plan.

The dwellings were of a similar overall design, with some differences, and had an elongated built form stretching across the site from south to north.

The corresponding appeal was allowed on 17 March 2016 for the following reasons:

The Inspector considered it essential that there be adequate access for emergency vehicles to the proposed dwellings. However, based on the survey submitted with the application, on site measurement of the width of the track, examination of the tracking details for various vehicles and from observation the Inspector was satisfied that service and emergency vehicles could access the proposed dwellings. Although the Inspector was satisfied that emergency vehicles could in fact

access the site, the Inspector also noted that the applicant intended to install fire suppressant systems. The tracking details provided were also considered to demonstrate how cars and delivery vehicles could turn within the main part of the site, removing the need for reversing manoeuvres to or from Lawrie Park Road. The Inspector noted that the Council had expressed concerns regarding the possibility of cars not parking within the proposed spaces and thus causing an obstruction to the manoeuvring of vehicles. The Inspector reasoned however that this was a case where only 2 dwellings were proposed and that the potential for such obstruction was therefore limited and controllable by the future occupiers. The provision of a temporary storage area for waste bins at the front of the access so as to avoid the need for vehicles to access the main part of the site was considered acceptable and not uncommon in developments which do not directly front a highway.

The Inspector had regard to the potential that the existing track could be used to serve the currently vacant buildings, and judged that when compared to the potential movements associated with these buildings, the traffic generated by the 2 dwellings would not result in a significant or unacceptable increase in the number of movements along the track.

The permission has not been implemented however it remains an extant permission which could be implemented (until March 2019) and it therefore a material planning consideration to which appropriate weight will be attributed.

15/04210/FULL1 – Demolition of existing dwelling and garages, erection of one 5-bedroom dwelling, carport/cycle store, refuse storage and amenity spaces was approved on 17 November 2015. The permission has not been implemented and it has since expired. However depending on the circumstances it may remain a material planning consideration.

16/04143/RECON – Variation of condition 11 of permission 15/02291/FULL1 (allowed appeal) to amend the visibility splays to be provided at the access to Lawrie Park Road was refused for the following reason:

1. The proposal would have a detrimental impact on pedestrian safety and would give rise to potential conflict between pedestrians and vehicles, thereby contrary to Policies T6 and T18 of the Unitary Development Plan.

The Applicant did not appeal against the Council's decision.

16/05263/RECON – Variation of condition 11 of permission 15/02291/FULL1 (allowed appeal) to amend the visibility splays to be provided at the access to Lawrie Park Road (resubmission of 16/04143/RECON) with additional road safety measures; including speed table and signage was approved on 5 January 2017. The permission has not been implemented however (subject to the original 3 year time limit of the permission 15/02291/FULL1) it remains an extant permission which could be implemented (until March 2019) and it therefore a material planning consideration to which appropriate weight will be attributed.

17/04458 – Demolition of garages and partial demolition of The Cottage, construction of internal and external alterations, two three storey, single storey rear and mansard roof extensions and conversion of the resultant building to provide 2 three bedroom dwellings erection of 3x detached two/three storey dwellings, with associated vehicle and cycle parking, refuse storage and amended visibility splays at the access to Lawrie Park Road was withdrawn and did not receive a formal decision.

Other planning history on adjacent site(s):

Lawrence Court, 79 Lawrie Park Road

06/03111/FULL1 – Erection of fourth storey extension comprising 2 two bedroom flats, two storey block at rear comprising 2 two bedroom flats/relocation of refuse store and 17 car parking spaces at front and rear was refused on 6 December 2006 however the corresponding appeal was allowed and the statutory time period to implement the permission was extended under the reference 10/01411/EXTEND on 8 July 2010. This was not implemented the permission expired.

11/00366/FULL1 – Erection of fourth storey extension comprising 2 two bedroom flats, erection of pair of semidetached dwellings at rear, 15 car parking spaces and cycle storey was approved on 4 April 2011 and this was implemented.

Considerations

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

- Resubmission
- Principle and location of development
- Design including landscaping
- Standard of residential accommodation
- Neighbouring amenity
- Highways
- Sustainability
- Other (drainage/flooding/noise/pollution)
- CIL

Resubmission

As mentioned above, according to the Council's records the application site has a lengthy planning history, summarised in the preceding section.

Planning permission was previously refused for the following applications/reasons:

11/00926/OUT

5 three storey terraced dwellings (appeal subsequently dismissed on grounds relating to the overdevelopment of the site and the adequacy of the access)

12/02533/OUT

1 detached three bedroom and 2 semi-detached two bedroom dwellings (subsequent appeal dismissed on grounds relating to the adequacy of the access)

14/01366/OUT

3 three bedroom and 1 four bedroom dwellings. Refused planning permission on grounds relating to adequacy of the access.

Planning permission was granted/allowed for the following applications/reasons:

15/04210/FULL1

1 detached replacement dwelling (LBB).

15/02291/FULL1

2 detached dwellings (PINS)

As mentioned, the current application differs from previously approved schemes as it would provide 3 additional dwellings to those allowed in the appeal scheme 15/02291/FULL1, although they would be of a more compact footprint they would have three storeys (mansard roof accommodation) and would be positioned around the edges of the site rather than in the centre. The vehicular access would remain as previously proposed which was concluded to be acceptable for 2 dwellings by the appeal Inspector. The current proposal follows the previous most recent withdrawn application (17/04458/FULL1) however this did not receive a formal decision and therefore full weight cannot be attributed to it.

Principle and location of development

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

The principle of new residential development at the rear of Fountain Court has been established through the lengthy planning history associated with the site and the previous planning permissions albeit most recently for a maximum of two dwellings. Although redevelopment for a greater number of dwellings has not been successful to date, the current proposal will nonetheless be carefully considered in context to the planning history of the site and the specific design and layout of development in this particular development scheme.

Design and landscaping

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

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

The proposal would be positioned at the end of an access track and given the nature of the track and the location of the proposed dwellings; largely obscured by the frontage building of Fountain Court, they would not be overly prominent from the street scene and public realm along Lawrie Park Road. The proposed buildings would be positioned around the edges of the application site and they would retain some space around them. The proposed footprint would be compact, as compared with the allowed two dwelling scheme which had an elongated and expansive building footprint, and this would help to contain them within their respective plots and within the site in general. The buildings would appear as three storey "town houses" however the uppermost floor would comprise a mansard roof positioned mainly in the centre of the building and this would limit its mass to a degree; as compared with a full depth roof/storey. The dwellings would have a vertical emphasis however their overall height and mass would not be excessive. As such the dwelling density would be reasonably accommodated within the plot, proposal would not result in an overdevelopment of the site and it would not have a cramped appearance.

As mentioned above there is a range of building styles and designs in the local area. Whilst the proposal would not have a conventional pitched roofed design, as seen in the prominent Victorian style villas, the mansard roof design is nevertheless not absent in the locality as it is seen at Park Court (opposite) albeit in a flatted development. Furthermore given the nature of the site set behind the main frontage; not particularly visible from public vantage points and that it does not lie within a Conservation Area or an Area of Special Residential Character the application site and the proposed development could accommodate a different design and character from the properties immediately around it.

It is acknowledged that the site lies adjacent to the curtilage of No. 79 which is a locally listed building. Policy 39 of the Bromley Local Plan relates to locally listed buildings and provides for proposals to alter, extend, change the use or replace locally listed buildings will be permitted so long as they are respectful of the setting, character, appearance and local interest of the building. This application does not relate to alterations or extensions to the locally listed building, being entirely related to development in an adjacent site. In view of the physical separation between No. 79 and the proposed buildings it is not considered that the provisions of Policy 39 are directly relevant to the consideration of this application.

The Council's Tree Officer advises that the existing trees on the site themselves are not of particularly special quality and they are set back from public vantage points and therefore offer limited public amenity value and the proposed removals would not have a significantly harmful impact on the appearance and character of the area. The retained trees could be affected during construction and the submitted Tree Protection Plan (TPP) should be implemented as proposed in order to minimise these effects and this could be managed by planning condition. As mentioned above, the development would be mainly obscured from the public realm by the existing Fountain Court building and the landscaping within Fountain Court, No. 79 Lawrie Park Road and along the access. New development should not rely upon existing landscaping; especially landscaping in other properties outside the application which the Applicant does not own and cannot control. Nonetheless the proposal would offer space within the application site for planting and landscaping including in a landscaped area adjacent to the access track, within the front gardens of the proposed properties and in their rear gardens. This would soften the development and would enhance its appearance. Native species could be specified in order to accommodate and attract wildlife and biodiversity and this could be managed by planning condition.

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 Government's National Housing Standards.

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

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The proposed dwellings would provide internal accommodation which would be sufficiently spacious. The private amenity space to the rear of units 3-5 ranges from approximately 11m to 13m and this is considered acceptable to serve the prospective occupants. The amenity space for Units 1 and 2 is less spacious and has less depth ranging from approximately 7m to 8m however they would be south facing which would improve their outlook. They would both have vehicular parking spaces alongside them however the traffic in to these parking spaces would be limited. Unit 1 would also have an access leading to two retained double garage blocks (located outside the red edged application site). However again the level of traffic would be limited and would not differ from a residential neighbour accessing their own garage, and they would be positioned some distance away from the residential garden area for Unit 1. The dwellings within the development would be sufficiently well separated from each other; combined with their orientation and direction of outlook that they would not have a significantly harmful impact on the outlook or light to each other.

A development of this scale would not require Secured by Design Accreditation however according to the Metropolitan Police Designing Out Crime Officer it could nonetheless incorporate physical security requirements of Secured by Design through the use of tested and accredited products thereby reducing the vulnerability of the development and minimising the risk of crime; improving the amenity value of the scheme and the living conditions of the future occupiers and this could be managed by planning informative.

Neighbouring amenity

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

The proposed dwellings would be visible from neighbouring properties. Third party comments express concern over the impact of the proposal in terms of overlooking and overshadowing. However, in view of the depth of the gardens at Fountain Court, the siting of the proposed dwellings and the density of the boundary screening within that site, it is not considered on balance that the proposal would have a significantly harmful effect on the outlook of neighbouring properties or result in significant loss of privacy or overshadowing such that would warrant the refusal of planning permission. Notwithstanding this, the insertion of upper floor side flank windows in particular in the new dwellings could lead to harmful overlooking between each other and to existing neighbouring and this could be restricted by planning condition.

According to the planning history the traffic and vehicle movements for the five dwelling scheme (11/00926/OUT) served by 9 parking spaces was considered to result in a harmful effect on existing neighbouring amenities. The Appeal Inspector concluded that the impact of the residential traffic to the two dwelling scheme (12/02533/FULL1) would not have a significantly more harmful impact on the residential amenities of the neighbouring properties than the historic garage use on the site. The current proposal would return to a five dwelling scheme served by 8 parking spaces however it is a Full application proposing full details of the layout, siting, size, scale and design of the proposal as compared with the Outline scheme 11/00926/OUT which only provided the details of the landscaping. As such the current proposal would utilise the same access arrangement however it would have an internal access drive projecting only part of the way along the south eastern boundary with Fountain Court before it routes south east into the main body of the site, it would have one less parking space and the majority of the spaces would be positioned within the main body of the application site and away from the boundaries and neighbouring properties and is spread out around the units as compared with the previously proposed communal parking strip. For these reasons the proposal is sufficiently different from the previous proposal and would have a less harmful impact upon neighbouring amenities in this respect. There is also no objection to the proposal from the Council's Environmental Health Department subject to compliance with the relevant Control of Pollution Act, Environmental Protection Act and the Council's Control of Pollution and Noise from Demolition and Construction Sites Code of Practice.

Highways

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

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

As noted in the planning history concern has been raised previously over the proposed access to and from the site on to the public highway. In particular, the suitability of the narrow width of the access has been queried for access by passing vehicles, emergency vehicles and service/utility vehicles. The current proposal includes a single file access route controlled at either end by traffic signal heads with automated timer, along with traffic calming speed hump and convex mirror features to aid visibility along the route. According to the Council's Highway Department the proposed access measures would be acceptable in relation to the size and scale of the currently proposed development. The appeal Inspector dealing with the two dwelling scheme 15/02291/FULL1 was satisfied; based on the application details and their own observations on site, that the width of the access track would allow the necessary access for emergency vehicles. Furthermore, the Inspector considered that although emergency vehicles could gain access to the site the Applicant's proposed fire sprinkler suppression system would further address concerns about controlling fires and that it could be secured by planning condition.

For these reasons and subject to appropriate planning conditions/informatives the current proposal has overcome the reasons for the refusal of the previous scheme(s) for three and five dwellings respectively in relation to highway grounds.

Waste (Refuse and Recycling collection)

The Council's Waste Services Department commented on the previous planning application 17/04458/FULL1; noting that the proposal for five individual dwellings would be likely to store refuse/recycling bins at the individual properties rather than in a communal bin or bin store, however it raised no objection concluding that the collection crew would collect materials and walk them out of the site to the refuse collection vehicle (RCV) which would wait on the public highway; providing that the RCV could stop in a safe position on the public highway as to not cause an obstruction to other road users or pedestrians at any time. This process would also be subject to the households complying with the Council's standards/requirements regarding waste storage and the Applicant could be advised of this by planning informative.

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.

Drainage

The Council's Drainage Engineer considers that the proposed use of permeable brick paving on the access road as well as rainwater harvesting to collect surface water run-off would be acceptable and no objection is raised subject to the recommended surface water condition.

There is no objection from Thames Water in relation to construction near to public sewers, groundwater discharges and infrastructure capacity subject to its recommended informatives.

Ecology

The application site is overgrown; it may offer suitable wildlife habitat, however there is no objection to the redevelopment of the site in principle from the Orpington Field Club. However a precautionary approach should be taken to the demolition of the existing dwelling/buildings and the clearance of the site allowing wildlife the opportunity to vacate. Furthermore, according to the Orpington Field Club any new proposal should include appropriate nature conservation measures including bat sensitive lighting, bat bricks, native planting (which can be managed in the landscaping proposals) and this could be managed by planning conditions/informatives.

CIL

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

Conclusion

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

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

Recommendation: PERMISSION BE GRANTED

Subject to the following conditions:

- 1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.**
- 3. Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.
Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan.**
- 4. 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 the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan.

5. **No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the upper floor side flank elevations or roof slopes of the dwellings hereby permitted.**

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

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

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

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

8. **Before the development hereby permitted is first occupied the dwellings shall be fitted with fire suppression systems in accordance with the criteria set out in Building Regulations B3(3) (or any Order amending, revoking and re-enacting this Order).**

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

9. **Prior to commencement of any development hereby approved (including any ground clearance, tree works, demolition or construction), tree protection measures in accordance with the submitted Tree Protection Plan (J50.29/02) shall be installed. Once installed, photographic evidence of the fencing and ground protection shall be submitted to the LPA for approval. Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and recommendations within the Arboricultural Impact Assessment (J50.29) or any variation as may subsequently be agreed in writing by the LPA.**

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Polices 37, 73 and 74 of the Bromley Local Plan.

10.

- (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: To secure a visually satisfactory setting for the development and to protect neighbouring amenity and in order to comply with Policies 37, 73 and 74 of the Bromley Local Plan.

11. Details of the layout of the access road and turning area including its junction with Lawrie Park Road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

REASON: In the interest of pedestrian and vehicular safety and order to comply with Policy 32 of the Bromley Local Plan.

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

13.

- (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 comply with Policy 37 of the Bromley Local Plan.

14.

- (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 and to comply with Policy 6.9 of the London Plan.

15. 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 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

16.

- (a) Surface water from private land shall not discharge on to the highway.
- (b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.
- (c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan.

17.

- (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 (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.
- (d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan.

18. Prior to commencement of above ground works details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter.
Reason: In order to preserve and enhance the biodiversity value of the site and in order to comply with Policies 70, 72 and 73 of the Bromley Local Plan.

Informatives

1. The developer is encouraged to incorporate security features into the development including:
 - Main entrance door leading into the dwelling communal area should meet PAS24 2012 or alternative Secured by Design Standard,
 - Flat entrance doors should meet PAS24 2012 or alternative Secured by Design Standard,
 - Any other external doors leading into the dwelling should meet PAS24 2012 or alternative Secured by Design Standard. (This would include the terrace doors on the ground and lower ground floors and the balcony doors if accessible),
 - Any ground floor or other accessible windows (including climbable balconies and roof lights) to be PAS24 2012 or alternative Secured by Design Standard,
 - Mail Delivery should be via boxes in a secure lobby area, through the wall or external boxes,
 - Audio visual entry access control system to be employed,
 - Utility meters should be located outside of the dwelling at a point where they can be overlooked or intelligent smart meters with automatic signaling are an acceptable alternative,
 - Any bicycle stands should be a galvanised steel bar construction (minimum thickness 3mm) with a minimum foundation depth of 300mm with welded 'anchor bar'. Compliance can be demonstrated by products certificated to LPS 1175 Issue7 2010: Security Rating 1 or 2,
 - The majority of which I note are mentioned in the design and access statement section 5.6,

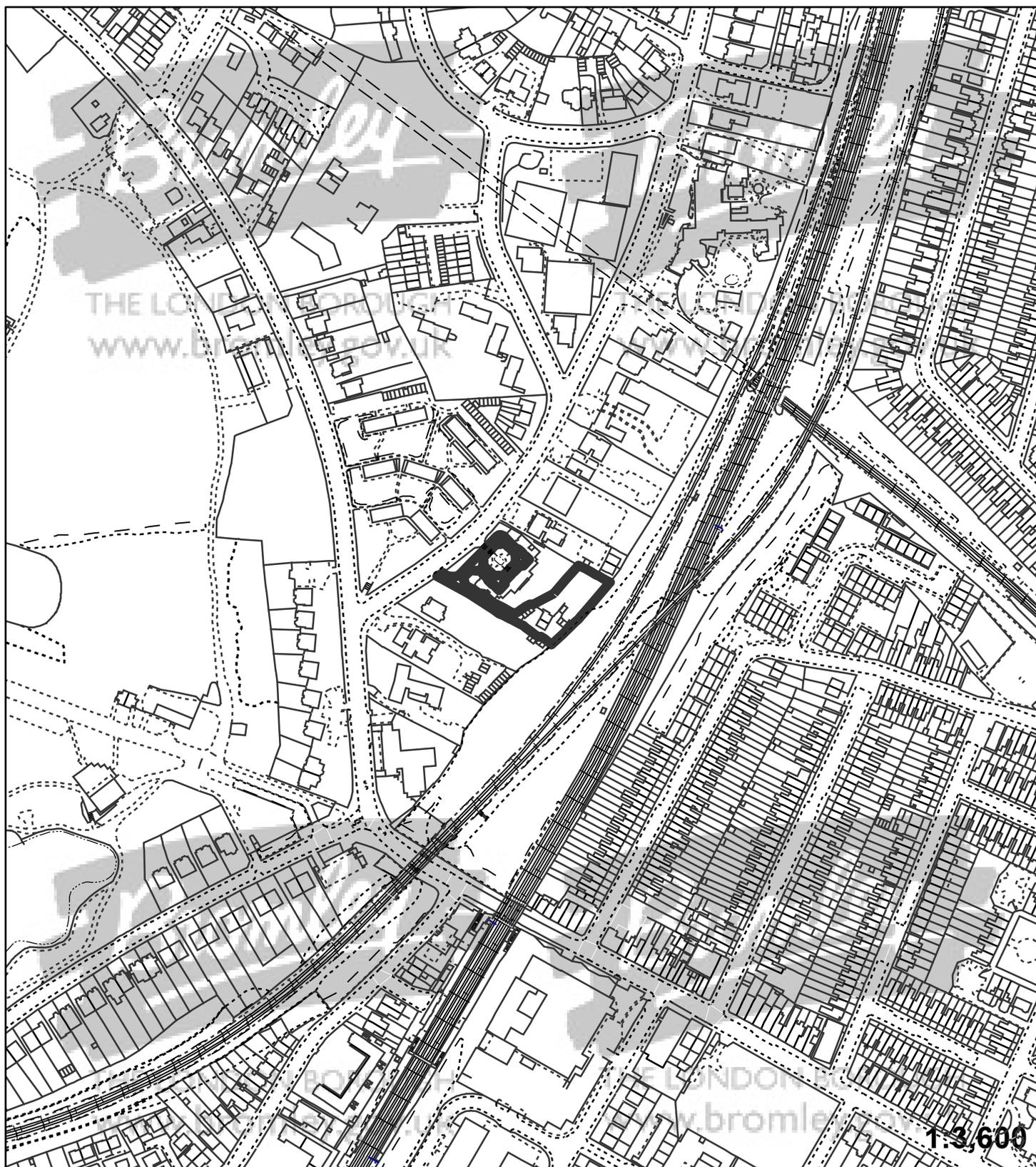
Any further guidance in relation to the physical security standards required by Secured by Design can be found on the Secured by Design website www.securedbydesign.com

2. The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.
3. Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
4. 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.
5. It is important to minimize the risk of damage to Thames Water's sewerage. Thames Water will need to check that the development does not reduce capacity, limit repair or maintenance activities, or inhibit the services Thames Water provides in any other way. The applicant is advised to view Thames Water's guide to working near or diverting its pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwgriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
7. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application:18/02747/FULL1

Address: The Cottage Fountain Court Lawrie Park Road Sydenham
London SE26 6EE

Proposal: Demolition of existing garages and The Cottage and the erection of 5 x 3-bed dwellings, associated parking and landscaping with amended visibility splays at the access to Lawrie Park Road.



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

© Crown copyright and database rights 2015. Ordnance Survey 100017661.

This page is left intentionally blank

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

Application No : 18/04099/FULL6

Ward:
Bickley

Address : 15 Golf Road Bickley Bromley BR1 2JA

OS Grid Ref: E: 543381 N: 168720

Applicant : Mr Cem Baris

Objections : YES

Description of Development:

Conversion of garage and erection of two storey side and rear extension and rear patio/terraces.

Key designations:

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

Proposal

Planning permission is sought for demolition of existing conservatory extension and erection of first floor side and rear extension; measuring approximately 7.2m in depth/projection, 2.5m in width and 4.6m in height (level with the existing ridge height) and a rear extension measuring approximately, and a part single storey/part two storey rear extension; measuring approximately 4.3m in depth, 12m in width and 3m in height (single storey element), and 2.85m in rearward depth and 12m in width and 5m to the eaves and 7.2m to the ridge height (two storey element) along with a raised rear patio area measuring approximately 103sqm and 0.5m in height above the ground level.

Location and Key Constraints

The application site is No. 15 Golf Road, Bickley, a detached post-war dwelling located on the northern side of the highway, close to the junction with Sanderson Square. The land slopes downwards away from the highway and the boundaries are marked by a mixture of close boarded fencing closest to the rear of the dwelling and hedges and other vegetation further away from the dwelling. The dwelling measures approximately 1.2m from the north western boundary with No. 13 and approximately 1.6m from the south eastern boundary with No. 17. The area is residential in nature and has a variety of dwelling types and styles and some of the neighbouring properties have been altered and extended. The application site does not lie within a Conservation Area or an Area of Special Residential Character.

Planning History

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

18/00083/FULL6 - Two storey side and rear extension and associated elevational alterations to the front elevation was refused on 20 April 2018 for the following reason(s). The Applicant does not appear to have appealed against the Council's decision.

1. The proposed extensions, by reason of their design, size and depth would result in a bulky and un-sympathetic form of development, failing to respect or complement the scale and form of the host dwelling, harmful to its character and appearance, contrary to Policies BE1 and H8 of the UDP (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance and draft Policies 6 and 37 of the emerging Local Plan.
2. The proposed rear projections, by reason of their overall size and excessive rearward projection would have a significantly adverse impact on neighbouring residential amenities, resulting in a loss of outlook, prospect and undue visual impact, thereby contrary to Policies BE1, and H8 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 and 2 and draft Policies 6 and 37 of the emerging Local Plan.

Policy Context

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

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

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

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

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

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). Since the previous decision 18/00083/FULL6 the Bromley Unitary Development Plan (2006) has been replaced by the Bromley Local Plan (2019). Notwithstanding this the previous scheme was determined in relation to both the former UDP Policies and the now formally adopted BLP Policies and therefore the Development Plan Policies remain consistent. The NPPF does not change the legal status of the development plan.

The application shall be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture

Bromley Local Plan

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

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

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

- o The proposed first floor element(s) would lead to the same issues in the previous proposal(s);
- o Nos. 13 and 17 Golf Road have similar rear extension(s) which are more modest in rearward projection than that proposed at No. 15,
- o The proposal would be out of keeping with the size and character of existing dwellings in this part of Golf Road,
- o The proposal rearward depth (although reduced) would extend beyond the flank wall of No. 17 and would be overbearing and overshadowing to the neighbouring occupiers (and those in No. 13); detracting from outlook and blocking sunlight,
- o The proposal would detract from neighbouring property values,

Comments from Consultees

Highways: The proposal involves the extension to the existing hard surfacing to accommodate 2 cars in accordance with the Council's parking standards and there is no objection subject to a condition requiring the car parking spaces to be implemented in accordance with the details already provided in the application documents.

Considerations

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

- o Resubmission
- o Design and landscaping
- o Neighbouring amenity
- o Highways
- o CIL

Resubmission

The current proposal differs from the previous proposal as it has a reduced rearward depth from between 4.0m-5.5m in the previous scheme to a consistent 4.3m in the current scheme (at single storey level) and from 4.0m in the previous scheme to 2.85m in the current scheme (at first floor level). The current proposal is therefore materially different from the previous scheme and shall be assessed accordingly on its merits.

The resubmission proposal has also been amended since its initial submission including the following changes and the application is assessed on this basis:

- o Hipped ended roofs to the front projecting gable features,

- o Removal of glazing to the front projecting gable features,
- o Removal/reduction in size/number of front roof light windows,

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

The main alteration arising from this proposal would be the removal of the existing front dormer window, the replacement of the cat-slide roof with the side roof extension and the erection of the front and rearward projections and single storey rear extension. The existing forward projecting hipped ended element to the left hand side of the front elevation would remain and the proposed forward projecting element to the right hand side of the front elevation would essentially replace the existing smaller dormer window above the front door. Overall and in this regard the proposed additions would continue to allow the building to appear as a chalet style dwelling with roof additions rather than as a full two storey dwelling when viewed from the front. The hipped roofs would thereby also respect the existing hipped roofed character of the existing building and this would complement the other neighbouring and nearby dwellings which also have hipped roofed designs. The existing dwelling already has a two storey appearance from the rear which would similarly be respected in the current proposal, albeit with rearward projecting elements which would be glimpsed along the sides of the dwelling at oblique angles, it would not appear prominently within the street scene and as such would not detract from the wider appearance of the area in this respect. In addition to this the currently proposed additions would remain subservient in footprint, height and overall form to the existing dwelling. It would retain the existing degree of separation from the side flank boundaries, as in the case of the previously refused scheme where no objection was raised in relation to Bromley Local Plan Policy 8 Side Space. However in contrast to the previously refused scheme, which was concluded to have an excessive depth and cumulative bulk, the current proposal would have hipped roofed front projections in place of the previously proposed gable ended roof formations and it would have a reduced rearward depth particularly at first floor level. This would reduce the physical bulk and mass of the extensions and this would improve the spacing around the resulting building. On this basis, the resubmission would not appear bulky or dominant and it would not result in an overdevelopment of the site or appear cramped in relation to the site boundaries and surrounding buildings.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the area generally. For these reasons the current proposal is considered to have overcome the first reason for the refusal of the previous scheme 18/00083/FULL6.

Neighbouring amenity

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

overlooking, loss of privacy and general noise and disturbance. This is also supported by Policy 7.6 of the London Plan.

As mentioned above the previously proposed scheme was concluded to be overly bulky and its rearward depth would have been detrimental to the outlook of the neighbouring properties. However the resubmission would have a reduced overall depth; measuring approximately 2.3m at two storey level and another 1.5m (total 3.8m) beyond the nearest part of the neighbouring rear elevation at No. 17 and approximately 3m at two storey level and another 1.5m (total 4.5m) beyond the nearest part of the neighbouring rear elevation at No. 13.

The single storey rear element would decrease from 5.2m in maximum depth (adjacent to No. 17) in the refused scheme to 4.3m across the full width of the property in the current scheme. It would increase from 4m in depth (adjacent to No. 13) in the refused scheme to 4.3m in the current scheme. However notwithstanding the increased 0.3m in depth it would project beyond the neighbouring rear extension at No. 13 by only 0.7m and given that it would be only single storey in height the additional depth would not have a significant additional impact. Having regard to the overall reduced depth of the extension(s) the separation distances from neighbouring properties, the overall siting, orientation and scale of the development would not be significantly harmful to the neighbouring dwellings and their amenity spaces with particular regard to light, outlook and prospect.

The main outlook would continue to be to the front and rear where there would be no significant arising from any additional overlooking over and above that which already exists. The proposed ground floor side flank windows and doors would not offer significant opportunity for additional harmful overlooking. The upper floor side flank windows would serve en-suite bathrooms (i.e. non-habitable rooms) and these could be fitted with obscure glazing and restricted opening in the interest of preserving neighbouring privacy without detracting from the living environment for the future occupiers. Subject to the imposition of conditions regarding the use and retention of obscure glazing to the upper floor side flank en-suite bathrooms it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

Highways

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

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

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

The proposal would remove the existing integral garage space, however it also involves the extension to the existing hard surfacing to accommodate 2 cars, this would accord with the Council's parking standards and providing that this parking is provided in accordance

with the submitted plans (which could be managed by planning condition) there would be no objection from the Council's Highway Department.

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. On this basis the proposal has overcome the reasons for the refusal of the previous scheme and it is therefore recommended that planning permission is granted.

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

as amended by documents received on 14.01.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
REASON: To comply with Section 91, Town and Country Planning Act 1990.
- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
REASON: In the interests of visual and residential amenity and in order to comply with Policy 37 of the Bromley Local Plan.
- 3** The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan.
- 4** No windows or doors shall at any time be inserted in the upper floor north west and south east facing elevations or roof slopes of the development hereby permitted apart from those expressly authorised by this permission or unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies 6 and 37 of the Bromley Local Plan.
- 5** Before the development hereby permitted is first occupied the proposed upper floor south east facing windows serving the en-suite bathrooms; shall be obscure glazed to a minimum of Pilkington privacy Level 3 and

shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained as such.

REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies 6 and 37 of the Bromley Local Plan.

- 6** Before commencement of the use of the land or building hereby permitted parking spaces 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 indicated or in such a position as to preclude vehicular access to the said land.
- REASON:** To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety and in order to comply with Policy 30 of the Bromley Local Plan.

You are further informed that:

- 1** The applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:
https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16

This page is left intentionally blank

Application:18/04099/FULL6

Address: 15 Golf Road Bickley Bromley BR1 2JA

Proposal: Conversion of garage and erection of two storey side and rear extension and rear patio/terraces.



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

This page is left intentionally blank

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

Application No : 18/04979/FULL6

Ward:
Petts Wood And Knoll

Address : 33 Hollingworth Road Petts Wood
Orpington BR5 1AQ

Objections: Yes

OS Grid Ref: E: 543671 N: 166973

Applicant : Mr Stephen Brown

Description of Development:

Part one/two storey side/rear extension.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 8

Proposal

Planning permission is sought for a part one/two storey side and part one/two storey rear extension.

The back (0.5m) of the existing attached garage and the shower and utility room behind would be replaced by the proposed single storey side extension; the side wall of the garage would be rebuilt. The proposed side extension would align with the rear elevation of the dwelling on the outside of the semi-detached pair of houses and would lie in a distance of approximately 1m from the shared boundary with the adjoining dwelling at No. 31 and would be 1.9m wide increasing to 2.25m. The proposed first floor side extension would be above the single storey side element and 2.25m in width. This element would be set back from the main front elevation by 2.2m and would be characterized by 7.3m high mono-pitched roof. One window would be inserted on the front elevation at the first floor level, two windows and door on the flank wall at the ground floor level and one bathroom window at the first floor level.

The proposed single storey rear extension would be 3m deep on the boundary with No 35, would be 3.7m wide and would be characterized by 3.8m high mono-pitched roof with a flat top. The proposed two storey rear extension would be sited in the distance of 1m from the shared boundary with No31 would be 4.4m wide, 4m deep and would be characterised by gabled roof, 7.3m high to the pitch. French doors and a large window are proposed at the rear elevation at the ground floor level and one window (matching with existing) at the first floor level.

The proposed extensions would provide a utility, a cloak room and a kitchen/dining at the ground floor level and a bathroom and a master bedroom en suite at the first floor level.

Location and Key Constraints

The application site comprises a two storey semi-detached dwelling with a detached garage on the side adjacent to the boundary with No 31. The site lies on the southern side of Hollingworth Road and benefits from off-street parking and a rear garden with the Green Belt behind.

The properties along Hollingworth Road share a regularity and consistency of appearance enhanced by the spacious front gardens of well set back properties. There are some examples within area where the similar side/rear extensions have been implemented (Nos 4, 6, 9, 11, 14, 19, 29, 37 and 45).

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:

- An elderly lady, registered housebound, who lives in the neighbourhood to the north-west, believed she needs the assistance from the case officer (which was promised and provided) due to her age and conditions. She is afraid she doesn't understand what is proposed and worries of the loss of light to her living room.

Comments from Consultees

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.

Please include a condition requiring the car parking layout to be completed in accordance with the approved plans.

Policy Context

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

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

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

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

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

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

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

London Plan Policies

- 7.4 Local character
- 7.6 Architecture

Bromley Local Plan

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

Supplementary Planning Guidance

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

Planning History

There is no relevant planning history relating to the application site.

Considerations

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

- Design
- Highways
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Hollingworth Road is characterised by semi-detached dwellings of almost identical appearance, well set back from the highway and with the Green Belt behind the rear gardens on the southern side of the road. Many houses have been extended to the side and to the rear; some have been the subject of first floor extensions. In general, the impression of spaciousness in the immediate locality has been protected by the retention of gaps at first floor level which afford views between the dwellings. The only exception is the neighbouring property No35 which has been extended to the side at the first floor level, abutting the share boundary with No37 at the both levels (no planning history), resulting in a cramped appearance and unrelated terracing.

The proposed side extension is set in from the shared boundary by 1m at the both levels only the existing garage is abutting this boundary. The proposed first floor side element would be set back from the main front elevation by 2.2m, and given the design of the extension to include a subservient mono-pitched roof, the space at first floor level would retain. Therefore it is not considered that this would have a detrimental impact on the visual amenity of the street scene. Policy 8 refers to the desirability of retaining space about buildings to safeguard the amenity of neighbouring residents, to prevent a cramped appearance and to avoid unrelated terracing. The proposed side element of the extension would be consistent with the other extensions to which the planning permissions have been granted.

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

Highways

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

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

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

Highways have not raised an objection to the proposal subject to the condition requiring the layout as shown on the proposed plans to be carried out.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is further supported by Policy 7.6 of the London Plan.

Concern has been expressed regarding the impact of the proposed development on the amenities of the occupants of the neighbouring property to the west (the counterpart of semis).

Given the depth of the proposed single storey rear extension projecting from the rear elevation of property No35 by 3m and its position to the east it is considered that it would not harm the amenities of this property as well as the proposed two storey rear element siting within a separation distance of 3.8m from the shared boundary with this property.

The proposed 4m deep two storey rear and two storey side extension would be siting within 1m distance from the boundary with No31 to the east. The impact of the development on this property would be mitigated by a difference of 0.5m between the ground level at application site and that of No31: the terrain drops down towards the application site. In addition No 31 benefits from a single storey side/rear extension of the similar depth as that proposed and given the separation distance of approximately 4m between proposed development and the rear elevation of the main building at No 31 it is considered that the proposal would not increase potential for loss of daylight and prospect to the rear of this adjoining dwelling.

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

Subject to the imposition conditions regarding the use and retention of obscure glazing to the first floor flank window 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 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

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

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

- 4 The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

Application:18/04979/FULL6

Address: 33 Hollingworth Road Petts Wood Orpington BR5 1AQ

Proposal: Part one/two storey side/rear extension.



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

© Crown copyright and database rights 2015. Ordnance Survey 100017661.

This page is left intentionally blank

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

Application No : 18/05175/FULL6

Ward:
Chislehurst

Address : 11 Heathfield Chislehurst BR7 6AF

OS Grid Ref: E: 544290 N: 170729

Applicant : Mr Le Compte

Objections : YES

Description of Development:

Part one/two storey rear extensions, two storey front extension, elevational alterations comprising of changes to windows, doors and addition of Juliet balconies to first floor rear and roof alterations to include raised roof ridge to accommodate loft conversion with addition of roof windows to all elevations.

Key designations:

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

Proposal

The application includes substantial proposed extension and alterations of the host dwelling, which are as follows:

- A two storey front extension measuring 2.8m in width, 0.8m in depth with a ridge height of 8.5m and an eaves height of 5.1m. It would form a front glazed gable end;
- A side and rear extension to infill the rear and the north west corner on the ground floor which would measure between 2.1m and 6.1m in depth and 13.9 m in width.
- A first floor rear extension measuring 6.6m in width, by 1.9m in depth and having an eaves height of 5m and a ridge height of 7.8m to form a front gable end and forming part of a part/one two storey extension.
- The ridge height would be raised by 0.3m from the existing to accommodate loft extensions with roof lights and the chimney would be removed.

Location and Key Constraints

The application site is located to north of Sylvester Avenue and is a detached bungalow with accommodation in the roof space. Properties in the area vary in terms of their architectural style and scale. The site does not lie within any conservation area and the property is not a listed building. The character of the area is residential in nature.

Comments from Local Residents and Groups

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

Objections

- The proposed gable end roof slope does not fit in with the character of the surrounding houses;
- The existing garage is close to the boundary line and the box gutter above the wall could be over the flank boundary and it could be converted into habitable space;
- The ground floor flat roof could be used as terrace as a proposed Juliet balcony could allow full access to the roof.

Chislehurst Society

- Objection to the proposal;
- The site is near to the bend of the road and hence is prominent within the street scene and the increase to the height of roof ridge would increase the bulk of the dwelling. it may adversely impact on the character and appearance of this locality within the Chislehurst conservation area;
- The proposed single storey extension to the rear would create a large flat roof area above the ground floor that could be accessed from the first floor bedrooms;
- A condition should be imposed to prevent the roof area being used as a terrace.

Comments from Consultees

Conservation Officer: "The existing house is likely to be of 1950s construction and of limited architectural interest. I have no objections in principle to the remodelling but I feel that the full height glazing system on the front elevation would be over dominant in the streetscene and harmful to the character of the area. However, given that there are houses with modern glazed front gable at Heathfield, I would consider this proposal, on balance, is 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 development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

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

London Plan Policies

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

Bromley Local Plan

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

Supplementary Planning Guidance

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

Planning History

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

85/01538/FUL -- Two storey rear extension and addition of pitched roof to existing two storey side extensions -- 08.08.1985 (Permitted)

08/00118/FULL6 -- Two storey front extension, part one/two storey rear extension and increase in roof height to form habitable accommodation with front and rear dormers. - 31.03.2008 (Withdrawn)

08/00120/LBC Two storey front extension, part one/two storey rear extension and increase in roof height to form habitable accommodation with front and rear dormers (LISTED BUILDING CONSENT) - 21.01.2008 (Withdrawn)

09/00014/FULL6 - Two storey front extension. Part one/two storey rear extension and increase in roof height to form habitable accommodation together with dormer and two sky lights in the rear elevation and one skylight in the front elevation - 20.04.2009 (Permitted)

12/00509/EXTEND - Extension of time limit for implementation of permission reference 09/00014 granted for two storey front extension. Part one/two storey rear extension and increase in roof height to form habitable accommodation together with dormer and two sky lights in the rear elevation and one skylight in the front elevation -11.04.2012 (Permitted)

18/03657/TREE T1 Oak - Reduce height and lateral branches by 1.5m. T2 Magnolia - Fell. T3 Lawson - Fell. T4 Cherry - Fell. T5 Cherry - Fell. - 07.09.2018 (No objection)

Considerations

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

- Design
- Heritage Impact
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley 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 noted that the proposal with the contemporary design would alter significantly the appearance of the property. Given that the existing dwelling is not considered to be of any particular architectural merit and the ridge height would only be raised by 0.3m, the proposal is considered acceptable. It is considered that the proposed scale and design of the dwelling would be in keeping with the other properties in the immediate vicinity, including the glazed gable to the front. With regards to the rear extensions, given that they would not be visible from the street and therefore, they would not impact significantly on the street scene.

For information, members should be aware that a planning permission at No.27 Heathfield (planning ref: 16/04418/FULL1) was approved at planning committee for the demolition of the existing bungalow and erection of a two storey 4 bedroom dwelling. The overall design of the replacement dwelling is modern and incorporates two front gable features. In the officers' report, it was mentioned that "The Councils Conservation Officer and the Advisory Panel for Conservation Areas (APCA) raised concerns regarding the contemporary design, proposed materials and the impact on the character of the area.... It is considered that, although the proposal includes an increase in roof height (0.5m) and is of a contemporary design, the proposed dwelling will impact on the character of the Chislehurst Conservation Area however not to such a degree to warrant refusal of the application."

In this proposal, the proposed ridge height would only be raised by 0.3m and there would be only one glazed gable end feature on the front elevation. Also, planning permission was granted for No. 11A Heathfield and it has similar gable features to the front elevation and therefore, it is considered the contemporary design of the proposed extensions at No. 11 is acceptable and would not have any detrimental impact on the street scene.

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

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.

This application site lies in the Sub-unit 13 (The Meadow/ Heathfield) of the Chislehurst Conservation Area SPG and it states that "the sub-area is predominantly comprised of contemporary houses and gardens, which do not contribute significantly to the character and appearance of the Conservation Area. However, given their discreet location, they do not detract from the Area."

On this stretch of the road there are many different architectural styles, some of which include gable ends. It is considered that the proposed front gable may not make a positive contribution to the appearance of the dwelling. However, it would not cause significant harm to the character and appearance of the Conservation Area. Also, given that there is no proposed side extension, the proposal would help to maintain the spacious feel of the area. The proposed rooflight to the front would also help to maintain the character of the street scene and preserve the character and appearance of the Conservation Area.

In summary, it is considered that the inclusion of a rooflight and a gable end to the front of the property is unlikely to have any significant harm to the street scene, nor the character of the Chislehurst Conservation Area.

Neighbouring amenity

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

With regards to No. 11a, the proposed single storey rear extension would not project beyond the rear wall of the existing garage and the two storey rear extension would have a minimum 6.5m distance from the shared boundary. The objections from the Chislehurst Society and the neighbouring property, No.11a, are noted. It is considered that the proposed Juliet balconies to the rear would not result in a significant loss of privacy or sense of overlooking for No. 11a. With regards to the concerns that the roof of the proposed single storey extension could be used as a roof terrace, a condition will be imposed to prevent this.

With regards to No. 10, this neighbouring property has a garage immediately adjacent to the shared boundary. Given that the ground floor extension would be 2.1m deeper than the existing single storey element along the shared boundary and the two storey rear extension would be some 4m away from the shared boundary, it is considered that the neighbouring impact to No. 10 would be limited.

Having regard to the scale, siting, separation distance and existing boundary treatment of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy 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.

as amended by documents received on 28.01.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

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

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

- 3 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 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 The flat roof area of the existing/ proposed single storey rear extensions as shown on drawing no: P2 shall not be used as a roof terrace, balcony or sitting out area and there shall be no access to the roof area.**

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

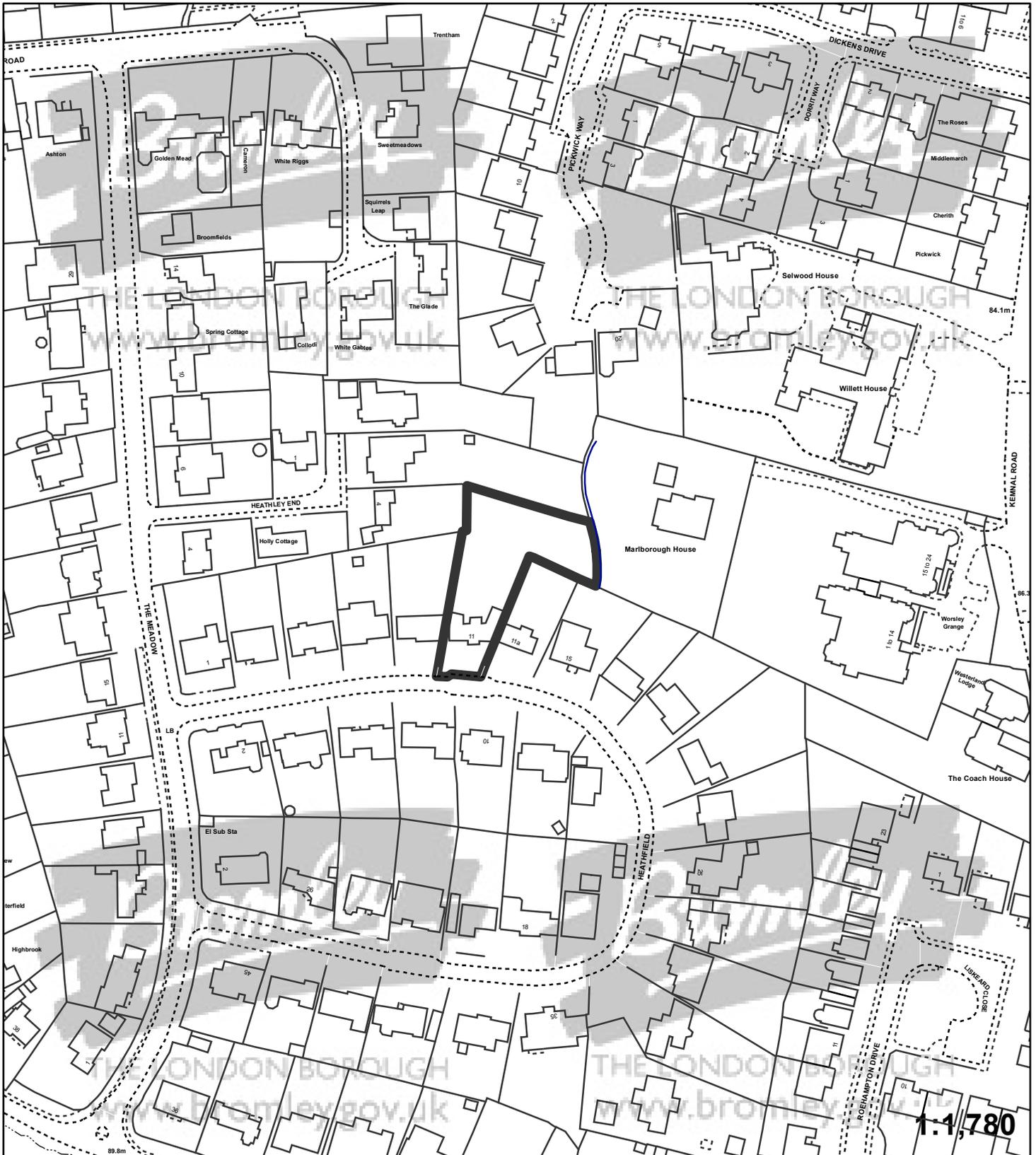
- 5 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the flank elevations of the first floor extension hereby permitted,**

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

Application:18/05175/FULL6

Address: 11 Heathfield Chislehurst BR7 6AF

Proposal: Part one/two storey rear extensions, two storey front extension, elevational alterations comprising of changes to windows, doors and addition of Juliet balconies to first floor rear and roof alterations to include raised roof ridge to accommodate loft conversion with addition of roof



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

This page is left intentionally blank

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

Application No : 18/05579/FULL6

Ward:
Petts Wood And Knoll

Address : 148 Petts Wood Road Petts Wood
Orpington BR5 1LF

OS Grid Ref: E: 544630 N: 167775

Applicant : Mr Ajay Agrawal

Objections : NO

Description of Development:

Loft conversion incorporating Juliet balcony, rooflights and dormer to side and rear.

Key designations:

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

Proposal

The proposal seeks permission for the formation of a side and rear dormer extension, a Juliet balcony to the rear elevation of the rear dormer extension, along with the insertion of two rooflight windows to the front roofslope. These alterations will allow for habitable accommodation within the existing loft space.

The host dwelling already benefits from a single storey side/rear extension that was granted planning permission under reference 87/01334/FUL. Permission has also been granted under 18/03906 for single storey rear extension and garage conversion to habitable space, which has yet to be built.

The proposed front rooflight windows will be inserted within the existing front roofslope of the host dwelling.

The proposed side dormer extension will be set fully within the existing side roofslope of the host dwelling. The front elevation of the side dormer will be set back from the front roofslope of the host dwelling by approx. 3m at the base of the dormer, and approx. 1.1m at the top. The structure will measure approx. 3.2m in width, and approx. 1.8m in height from the base of the dormer to the eaves of the roof. The roof will be fully hipped to the front, rear and flank elevations, and the ridge will be set approx. 0.9m below the main ridge of the host dwelling.

The rear dormer extension will be set fully within the confines of the rear roofslope of the host dwelling. This element will measure approx. 3.6m in width, approx. 2.1m in height from the base of the dormer to the eaves of the roof, and will have a

hipped roof to the side and rear elevations, with the ridge of the roof being set approx. 0.9m below the ridge of the main roof of the dwelling. The rear dormer will incorporate a Juliet balcony to serve the French doors in the rear elevation.

The rooflight windows will be inserted in the front roofslope. The top of each rooflight window will be set approx. 0.6m below the ridge of the roof of the main dwelling. The windows will measure approx. 1m in width by approx. 1.1m in length.

All materials to be used for the proposed extension will match the host dwelling.

The car parking arrangements on site will not change as a result of the current proposal.

Location and Key Constraints

The application site is located on the northern side of Petts Wood Road within the Petts Wood Area of Special Residential Character and hosts a semi-detached dwelling.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received at the time of the report being written.

Comments from Consultees

No consultations were required.

Policy Context

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

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

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

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

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

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

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

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

London Plan Policies

- 7.4 Local character
- 7.6 Architecture

Local Plan

- 6 Residential Extensions
- 30 Parking
- 37 General Design of Development
- 44 Areas of Special Residential Character

Supplementary Planning Guidance

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

Planning History

There is historical planning history relating to the application site which can be summarised as follows:

87/01334/FUL - single storey side/rear extension granted.

More recently, permission was refused under 18/00412 for garage conversion, single storey rear and side extensions and loft conversion for the following reasons:

1. The proposed single storey side/rear extension would, by reason of its excessive rearward projection within close proximity to the eastern property boundary, have a seriously detrimental effect on the residential and visual amenities, and daylighting afforded to, No.146, along with the prospect which the occupants of that dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policy 37 of the emerging Local Plan;
2. The design and bulk of the proposed roof alterations, involving as it does substantial alterations to the existing roof line of the property, would be detrimental

to the symmetrical appearance of this pair of semi-detached houses, would detract from the character of the host building, and would harm the character and appearance of this part of the Petts Wood Area of Special Residential Character, contrary to Policies BE1 and H10 of the Unitary Development Plan and Policies 37 and 44 of the emerging Local Plan; and

3. The proposed roof development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of neighbouring dwellings, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.

A certificate of lawfulness application was refused under 18/03907 for Part hip to gable loft conversion with rooflights to front and rear dormer with Juliet balcony for the following reason:

- o The Land at Petts Wood Area of Special Residential Character Article 4 Direction requires planning permission to be sought for any alteration or addition to any front roofslope (that facing the public highway) that would otherwise have been permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The site is within the area covered by this Article 4 Direction. The front roof slope of the dwellinghouse would be altered by the part hip to gable roof enlargement and the insertion of rooflights to the front roofslope, therefore the proposal would require planning permission.

A full planning application was granted under 18/03906 for Single storey rear extension and garage conversion to habitable space.

Considerations

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

- o Principle
- o Design
- o Neighbouring amenity
- o Highways

Principle

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

Design

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

important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Having regard to the form, scale, siting and proposed materials it is considered that the proposed roof alterations would be sympathetic to the host dwelling, would not constitute bulky additions that would unbalance the pair of semi-detached dwellings that the host property forms part of, and as a result, the proposal is not considered to have a negative impact upon the streetscene or the wider ASRC in general.

The design and bulk of the proposed roof alterations as part of the previously refused application 18/00412, involving as it did substantial alterations to the existing roof line of the property, was considered to be detrimental to the symmetrical appearance of the pair of semi-detached houses, which would detract from the character of the host building, and would harm the character and appearance of the Petts Wood Area of Special Residential Character, thereby contrary to adopted planning policy.

The current application has removed the roof enlargement in favour of side and rear dormer extensions along with rooflights in the front roofslope of the original roof of the host dwelling. The side dormer extension will be visible from the roadside, however the front elevation of it would be set back a significant distance from the front elevation of the host building which will help to minimise the overall impact of the dormer upon the character of the host dwelling, and will ensure that the resulting appearance of the property from the front will appear subservient to the host dwelling and within the streetscene in general.

The rear dormer extension has been designed to be set fully within the confines of the original roof of the host dwelling. The overall design of the rear dormer extension is not considered to result in a detrimental impact upon the host dwelling, and it will not be visible from the front of the property. Given the proposed materials would match the existing roof tiles, along with its siting fully to the rear of the property, it is considered on balance that the rear dormer itself would not significantly harm the appearance of the host dwelling nor the character of the area of special residential character that the property lies within.

In addition, subject to the design of the proposed rooflights, these elements of the proposal would not necessarily cause harm to the host property or the wider street scene due to their deminimus nature in relation to the area of the roof slope.

It is therefore considered that the overall design and appearance of the current scheme would be in keeping with the character of the host dwelling, and would not detract from the overarching design of properties within the area, nor would it impact detrimentally upon the ASRC. In addition, it is considered that the refusal ground relating to the roof alterations in the previously refused scheme has been overcome.

Neighbouring amenity

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

Having regard to the scale and siting of the development, it is considered that the impact of the side and rear dormer extensions will not have a detrimental impact upon the residential and visual amenities of the occupiers of neighbouring dwellings. Concerns were raised with regard to the previously refused application (18/00412) by reason of the proposed roof development resulting in an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of neighbouring dwellings, contrary to adopted planning policy.

It is considered that the removal of the roof enlargement from the current scheme, and the subsequent reduction in size and bulk of the rear dormer extension now currently proposed, has overcome the previous refusal ground such that the amenities of the occupiers of neighbouring dwellings will no longer be harmed.

The development as a whole will not have an adverse impact upon the properties to the rear of the application site due to the degree of separation between the position of the dormer extensions and the rear elevations of the properties to the rear.

Highways

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

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

The current parking layout to the front of the property will not alter as part of the scheme, therefore there will be no impact upon highways conditions.

CIL

The Mayor of London's CIL is a material consideration, however 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. The proposed side and rear dormer extensions, along with front rooflight windows, would not result in a significant loss of amenity to local residents nor impact detrimentally on the spatial standards of the site or wider area, nor upon the general character of the area of special residential character that the property is located within.

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

RECOMMENDATION: PERMISSION BE GRANTED

- 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 37 of the Bromley Local 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 37 of the Bromley Local Plan and in the interest of the visual and residential amenities of the area.

This page is left intentionally blank

Application:18/05579/FULL6

Address: 148 Petts Wood Road Petts Wood Orpington BR5 1LF

Proposal: Loft conversion incoportating Juliet balcony, rooflights and dormer to side and rear.



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

This page is left intentionally blank

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

Application No : 19/00034/PLUD

Ward:
Petts Wood And Knoll

Address : 40 Manor Way Petts Wood Orpington
BR5 1NW

OS Grid Ref: E: 544466 N: 168136

Applicant : Mr & Mrs Cullern

Objections : NO

Description of Development:

Single storey rear extension and detached garden building
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Key designations:

Smoke Control SCA 4

Proposal

The application seeks a Lawful Development Certificate for a proposed single storey rear extension and a single storey detached building to be built in the rear garden.

The application site is located on the south-eastern side of Manor Way and hosts a semidetached dwelling. The site is located within the Petts Wood Area of Special Residential Character.

The proposed single storey rear extension will have a rearward projection of 3m, will span the width of the host dwelling to measure approx. 7.2m where it adjoins the rear elevation of the host dwelling and approx. 7.3m along the rear elevation of the structure (due to the slight angle of the flank property boundary shared with No.42, and the proposed rear extension will retain a separation of approx. 50mm between the flank elevation of the structure and the property boundary shared with No.42. The roof will be flat with parapet walls, with an eaves height to a maximum of 3m, and an overall height of 4m to the top of the roof lantern features.

The single storey detached building will be set a minimum separation of approx. 500mm away from the rear elevation of the proposed single storey rear extension. This detached structure will be sited adjacent to the property boundary shared with No.42, and will have an overall length of approx. 9m, a width of approx. 2.85m, and will have a flat roof to a maximum height of approx. 2.5m. This structure will form storage/workshop in one part, and a home office/play room in the other section.

Location and key constraints

The application site is a semi-detached dwelling located on the south-eastern side of Manor Way, within the Petts Wood Area of Special Residential Character.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to any alteration or addition to any front roof slope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which would consequently require planning permission.

Consultations

Nearby owners/occupiers were notified of the application and no representations had been received at the time of the report being written. Any comments received will be reported verbally.

Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A and E 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.

History

A certificate of lawfulness application was refused under reference 18/02453 for Loft conversion with roof alterations and rear dormer on the following ground:

1. The Land at Petts Wood Area of Special Residential Character Article 4 Direction requires planning permission to be sought for any alteration or addition to any front roof slope (that facing the public highway) that would otherwise have been permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The site is within the area covered by this Article 4 Direction. The front roof slope of the dwellinghouse would be altered by the hip to gable roof enlargement and therefore the proposal would require planning permission.

This refusal has been taken to appeal, and the outcome is awaited.

There has also been a recent refusal of a full planning application for hip to gable loft conversion with rear dormer and front rooflights, under reference 18/05053. The application was refused on the basis of the hip to gable roof enlargement unbalancing the pair of semi-detached dwellings, and the impact it would have upon the ASRC.

Conclusion

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

Single storey rear extension

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. It is considered to be permitted development for the following reasons:

- The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- The extension will not exceed 50% of the total curtilage of the original house.
- The height of extension will not exceed the height of the highest part of the dwellinghouse.
- The height of the eaves would not exceed those of the original house.
- The proposed extension does not extend beyond a wall that fronts a highway and forms the principal or side elevation of the original house.
- 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 a semi-detached dwelling. The depth is shown to be 3m.
- The enlarged part of the dwellinghouse would have a single storey and not would not exceed 4m in height. The roof height is shown to be 4m, to the top of the roof lantern windows.
- 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 3m.
- The proposal does not consist of or include a veranda, balcony or raised platform.
- The proposal does not consist of or include the installation, alteration or replacement of a microwave antenna.
- The proposal does not consist of or include an alteration to any part of the roof of the dwellinghouse.
- The materials proposed for the exterior are indicated to be similar in appearance to those of the exterior of the existing dwellinghouse - plans indicate the walls will be rendered and painted to match the existing.

In conclusion, the proposed single storey rear extension is considered permitted development for the reasons set out in this report.

Single storey detached garden building

The application also requires the Council to assess whether the proposed outbuilding would be incidental to the enjoyment of the main dwellinghouse. The technical guidance under Class E states that common buildings such as garden sheds, other storage buildings and garages can be considered as having a purpose incidental to the enjoyment of the house. The proposed building is shown on the submitted plans as being used for storage/workshop, and a home office/play room which is considered to have a purpose ancillary to and associated with the residential use of the host dwelling.

As such, it is considered that the building could be used as incidental to the main dwellinghouse as required by Class E.

In addition, the single storey detached building is considered to be permitted development for the following reasons as required by Class E;

- The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- As a result of the works, the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
- The building would not have more than one storey.
- The eaves height of the outbuilding would not exceed 2.5 metres in height.
- The building would be within 2m of the boundary and the maximum height would not exceed 2.5m.
- The building would not be situated within the curtilage of a listed building.
- The proposal does not include the construction or provision of a veranda, balcony or raised platform and would not relate to a dwelling or a microwave antenna.
- The land is not within -
 - a World Heritage Site,
 - a National Park,
 - an area of outstanding natural beauty, or
 - the Broads
- The land is not article 2(3) land.

It is considered that the use of this building given its size, location and purpose would serve a purpose incidental to the host residential dwelling. In light of the relevant criteria of Class E of the GPDO and on the basis of the application the proposed development is considered permitted development.

The property is located within the Petts Wood Area of Special Residential Character, so the Article 4 Direction for the area does need to be considered, however it is considered that the proposed development is not prohibited by the Direction, which specifically relates to alterations and additions to the front elevation.

Both the single storey rear extension and the single storey detached garden building are to the rear of the host dwelling, therefore both fall outside of the permitted development rights which have been removed.

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 and E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Application:19/00034/PLUD

Address: 40 Manor Way Petts Wood Orpington BR5 1NW

Proposal: Single storey rear extension and detached garden building
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"

This page is left intentionally blank

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

Application No : 18/04573/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : The Chelsfield 1 Windsor Drive
Orpington BR6 6EY

OS Grid Ref: E: 546772 N: 164081

Applicant : Punch Partnerships (PML) Ltd

Objections : YES

Description of Development:

Demolition of existing building and redevelopment of the site to create a replacement public house and landlord accommodation; A1 convenience store; 10x residential apartments; reconfiguration of the car park and bin/cycle storage.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 28

Background

The application is being reported to Planning Sub- Committee No. 3 as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. Members are advised to consider the suggested grounds to contest the appeal as set out in this report.

Proposal

This is a full planning application which seeks to demolish the existing public house, erection of a 4 storey building plus a basement to provide a replacement public house with catering, a retail unit and 11 residential flats including a pub landlord accommodation. The existing public house comprises of a beer cellar in the basement, a 4 bedroom pub landlord accommodation on the first floor, a smoking shelter, a beer garden, and outdoor seating area in the front garden and 23 parking spaces.

The proposed building would measures 28.8 metres wide, 15 metres high at its highest point and 24.4 metres at its greatest length. The front wall of the proposed building would be sited 6.2 metres closer to Windsor Road.

The proposed retail unit would have a shopping floor area measuring 242sq.m on the ground floor with ancillary storage, plant rooms and a storage area at the basement level.

The proposed replacement public house would be located on the ground floor and basement level with a total floor area measure 354sq.m. The ground floor would comprise of a kitchen, a lounge area, a dining/function space, a bar and a dining area with a floor area measure 242sq.m on the ground floor. A beer cellar, kitchen storage, a manager office and toilet facilities would be located at the basement level with a floor area measure 112sq.m.

A total of 30 parking spaces would be provided to the rear of the proposed building of which 20 spaces would be allocated to the proposed replacement pub and retail unit and 10 spaces would be allocated to the residential accommodation.

The application is supported by the following documents and drawings:

Planning, Design and Access Statement - prepared by WYG; Dated October 2018

The statement provides an overview of the proposal including site characteristics, planning history and planning policy context, key development consideration including design, highways, access and parking. This document states that the development is not of a size that triggers an affordable housing requirement, as there will be 10 market/private apartments with a further 2 bed apartment to be re-provided as pub landlord accommodation.

A total of 30 parking spaces would be provided within the site of which 20 spaces would be provided for the public house and convenience store and 10 would be provided for the residential apartments.

Arboricultural Impactions Assessment and Method Statement - prepared by Eco Urban Limited; Dated 5th October 2018

This document identified the location, species and condition of planting within the site and which adjacent trees may be affected by the proposal. A tree group located to the rear of the pub adjacent to the car park would be removed. This document also sets out the tree protection measures to be used.

Ecological support, management and solution - prepared by Eco Support; Dated September 2018

This document indicates that the site is considered to be of a low to moderate ecological value with the habitats present of negligible site ecological value. It is recommended that two bat surveys are required (Dusk emergency and/or dawn re-entry) to ascertain the presence of the likely absence of roosting bats. The surveys should be carried out between May to August. Any works on trees should be carried out outside the nesting seasons.

Noise assessment - prepared by Airtight and Noise check Limited; Dated 2nd October 2018

This report indicates that mitigation measures can be applied to the facades and glazing of the building. This report concludes that the future residents should be able to enjoy a reasonable standard of living with adequate mitigation measures. The proposal would comply with the criteria of BS8233: 2014 (British Standard: Guidance on sound insulation and noise reduction for buildings).

Sustainability and Energy Statement - prepared by SRE Limited, dated 8th October, 2018

This document indicates the proposed development will deliver energy efficiency measures throughout the scheme by providing a good thermal envelope in combination with the installation of highly efficient heating systems will achieved over 35 percent and 36 percent carbon reduction for the commercial and residential spaces respectively, when compared to a Building Regulations 2013 Baseline.

Transport Statement - prepared by Transport Planning Associated, dated October 2018

This report considers the highway and transport aspects of the proposed development of the site. The document provides the background transport condition of the site, relevant transport policy and assessment against the development proposal. This document also includes trip generation, impact assessment and parking assessment.

Letter on behalf of the applicant from TLT, LLP to the Council's Chief Planner, dated 10th Jan 2018

This letter states that the assertion of Chelsfield Public House is a "landmark building" potentially requiring protection from demolition is not supported by any planning document. The property is not a listed building. The site is not located close to a conservation area or near to any other non-designated heritage asset. The trading area will be increased from 219sq.m to 248sq.m. The size of proposed function room in the replacement will be increase from 44sq.m to 66sq.m, a 50 percent increase. The proposed storage area would be reduced as there is an overprovision at present. The Council's officer has suggested that the scale of the building would be overlarge in the context of its surroundings. Without prejudice the applicant is willing to negotiate and remove the top storey of the proposed building. With regarding to the affordable housing provision, it should be noted that one of the proposed unit would be used as a pub landlord accommodation and will be enforced by a legal agreement. Should the scale of the proposed building be reduced, there will be no obligation to provide affordable housing as the proposal would be below the affordable housing threshold. Given that there are factual errors in the proposed reason for refusal, we are concerned that the case officers have not properly understood this application. The Council should strive to resist unduly persuaded by the volume of objection against the application and should determine the application on its merits against local plan policy and material considerations.

The following drawings are submitted:

- Covering letter dated 12th October 2018;
- Letter from TLT LLP dated 10th Jan 2018;
- 17.2456.106 Rev P1 - Location and Block Plan;
- ENC/220817-3BBC-E - Existing elevations;
- ENC/220817-3BB2-T - Topographical plan;
- ENC/220817-3BB2- MB - Measured Building (existing floor plans);
- 17.2456.104 - Proposed elevations;
- 17.2456.100 -P6 - proposed site/roof plan;
- 17.2456.107 Rev P2 - proposed section A-A;
- 17.2456.105 Rev P 5 -Proposed context elevation;
- 18.2456.1101 Rev P5 Proposed lower ground floor and ground floor plan;
- 18.2456. 102 Rev P5 - proposed first floor and second floor plan;
- 18.2456.103 Rec P4 - Proposed third floor and roof plan;

Location and Key Constraints

The site (The Chelsfield public house site) measures approximately 1,672 square metres in area and is located on the southern side of Windsor Road near to the junction with Warren Road and Station Approach. The ground level of the site drops down from north to south. The ground level also drops down from east to west along Windsor Drive.

The site is located in a suburban area and surrounded by low rise buildings which range between single to three storeys in height. The site is also surrounded by a mixture of residential and commercial buildings. To the west of the site (between No. 7 and 51 Windsor Drive) are rows of commercial shops with commercial or residential floor spaces above. To the east and south of the site are residential properties facing The Meadway and Station Approach.

The public house site comprises of a two storey building with a beer cellar and storage areas in the basement level, an ancillary landlord accommodation on the first floor, an outdoor smoking shelter in the forecourt area, an outdoor beer garden and an ancillary car park with 22 parking spaces to the rear of the building. The site forms part of the Windsor Drive Local Neighbourhood Centres and Shopping Parades.

The public transport accessibility of the site is rated at 2, on a scale between 0 to 6b where 0 is worst and 6b is best. The Chelsfield Railway Station was constructed before 1872 in the village of Chelsfield and is located approximately 110 metres from the site. The site is located within flood zone 1 and is not subject to surface water flooding.

Comments from Local Residents and Groups

The owners/occupiers of 133 neighbouring properties were consulted on 24th October, 2018. A site notice was also placed at the site. Up to the 28th January 2019, 983 letters of objection were received and the grounds of objection are summarised as below:

Loss of pub and local facilities

- The pub is an attractive essential part of Chelsfield. The existing building has architectural significance and character, in good condition and well looked after. The proposed new pub is modern, would have a lack of ambience, a lack of character and would be uninviting.
- The pub is a landmark building in Chelsfield and an asset to the local community. The building was constructed since World War 2 so has a long history in the local area. The existing shops and flats are unattractive so the pub adds relief to the area.
- The pub is one of the few pubs in Orpington that has a nice vibe and feels safe. It is doubtful a new pub will be built as future planning applications would be submitted to amend the use.
- The pub is close to station and popular with the commuters and is a venue considered to be a good place for elderly and disabled people to socialise.
- New pub has no outdoor area for families to enjoy. The existing pub has a safe outside play area.
- The existing public house supports local sports teams, musicians and charities so is a valuable asset to the community. The pub is also used as a meeting place for many clubs and groups. The proposal would result in a loss of the existing pub;
- Loss of sense of community could lead to higher crime rates;
- Not many traditional village pubs left. The existing pub is a local business, not a chain (unlike many pubs nowadays) so would be a shame to lose it.
- The existing building should be retained with an alternative proposal to extend the building to provide new residential units above.
- A new bar rather than pub will not meet the needs and wants of the community.
- The quality of the existing pub is high as people travel long distances to visit this pub which helps the local economy.
- Less staff will probably be required if the new pub is smaller so will result in unemployment
- The existing pub is popular and successful in the local area. There is no logic to close down the existing successful pub. No other pubs within walking distance of the area.
- Disruption during the demolition/rebuild of the building and unemployment for the existing staff.
- Currently an easy pub to access by public transport or on foot
- At the centre of the community bringing people together, including older people that may otherwise be alone
- Loss of the pub for any amount of time will impact on surrounding businesses eg. restaurants as less people will visit the area
- No other places in Chelsfield suitable for socialising. No need to redevelop the existing successful pub.
- The proposal would provide a replacement pub. However, it is uncertain a replacement would be of the some quality as the existing pub experienced by the users.
- Pubs should only be demolished if there is another within walking distance. This is not the case for the Chelsfield.

- No marketing has taken place to demonstrate that the pub in its current form is unviable
- The current pub attracts cyclists/walkers who come through the countryside

Viability of the pub

- Policy states that redevelopment should not take place for accommodation or other facilities if they compromise the operation or viability of the pub, which will occur in this case, ultimately resulting in the loss of the pub.
- Even if a replacement pub is built, customers will find other pubs nearby during the time taken for demolition/rebuild so the new pub may struggle for business
- New pub would be unable to offer entertainment and music due to the effects of the noise on the proposed flats above - this may make it unviable
- Existing pub also has a successful restaurant - the new replacement would probably not be large enough to accommodate this.
- Current pub is family friendly and welcomes children until 9pm but no way to guarantee that the replacement will be the same.
- Loss of local pub may lead to people going further afield, may increase the risk of drink driving.
- New pub that is reduced in size would not be financially viable so will probably be lost altogether.
- The existing function room is currently very utilised, but will probably not be present in the replacement due to the decreased pub floorspace
- Proposed cellar area doesn't seem large enough to supply the large range of drinks customers currently enjoy

Design/character

- The replacement modern pub would be out of character with the local area. The existing building could be extended instead of demolished.
- The proposed building would be taller than that the surrounding properties and appear as an over dominant building. There are many other potential sites for development nearer Bromley town centre where this proposal and a tall building would be more suitable.
- The proposed building would appear overbearing, out of scale with surrounding buildings, dominate the skyline and take away the village feel of Chelsfield.
- Design and scale of proposal would be more suitable for a city development, rather than a village suburb.
- Harmful to the character and appearance of the street due to its excessive scale.
- Design is similar to any other block of flats built at the moment, eradicating the previous individual style of the pub. The proposal could be designed in a way that is more aesthetically pleasing and sympathetic to its surroundings
- Out of keeping for a village on the edge of the green belt.
- Over development and unacceptably high density. Will set a precedent for taller buildings in the area.
- New building would take up substantially more of the site, making it feel cramped and closer to the road and surrounding properties.

- Box like design is unattractive and unimaginative. A block of flats will destroy the uniqueness of the village.
- Height is said to not extend beyond the current chimneys, but these are attractive and make a positive contribution to the environment, which a taller building would not.

Lack of parking

- Parking is already an issue in the area. The proposal would increase the demand for parking with overspill parking demand on the road resulting in overcrowding and negatively effect on local businesses.
- Parking proposed is inadequate to support the proposed development, so pressure on parking in surrounding roads will be increased - in turn impacting on parking for the station
- Only one parking space per residential unit, no space for visitors. More parking is already needed in the area.
- Proposed that deliveries will take up 7 of the parking spaces twice a day which is concerning when there is already a lack of parking
- Commuters already use residential roads to park for the station so limited parking available. Inadequate parking spaces to accommodate the proposed flats, convenience store and pub and in turn would encourage dangerous parking.

Impact on highway and parking provision

- The traffic survey is inaccurate as the survey was carried out in July during the school holiday. The road junction was improved last year to reduce speed and improve safety. The proposal including new flats would make the condition worse.
- The traffic is already bad due to the train station, school and shops in the area. The proposal would increase the traffic in the area and adversely impact on highway safety. The site is on a dangerous junction so flats and another shop will only make it worse.
- Road layout is already dangerous to pedestrians and vehicles. There are recent accidents in the area. May impede access to the train station.
- The existing residential and rural network could not cope with the increased traffic. A lot of housing is currently being built nearby which is already affecting the Chelsfield traffic. Additional congestion close to local primary schools would have an adverse impact on highway safety and would cause increasing pollution.
- Deliveries to the convenience store would impact on already congested roads at busy times.
- Number of deliveries per day to the store seem excessive.
- School close by which already struggles with the unsafe road network
- People mostly walk to the current pub so it doesn't generate much traffic, but additional housing and a shop will encourage more car journeys, increasing traffic.

Need for more retail shop

- There are a few shops that are currently empty and there is no need to provide more retail shops. Vacant shops make people feel unsafe and look unattractive.
- There are two convenience stores in the parade and this would increase competition between the new shop and the local shops. The proposal would not improve the existing shopping parade.
- The site is located within a local shopping parade and the existing shops already meet the needs of the community. The proposal has an impact on the retail hierarchy in the Borough as there are larger shops in Green Street Green and Orpington High Street where new retail units should be located.
- The developer has indicated that the proposal would increase employment opportunities with a new retail unit. However, this could be offset by the unemployment due to the competition between the retail shops. Most local shops in the area are family run businesses; the proposal to introduce a larger chain store would be unfair to the local business.
- The proposal to extend the shopping area to the site will not work and is unnecessary.

Impact on neighbouring properties

- Loss of outlook and overlooking the neighbouring properties.
- Overbearing and intrusive due to its scale and height.
- Noise and disturbance during building works
- Flats, shop and new pub/bar will create more noise
- Increase in crime and antisocial behaviour as a result of having a shop and bar in close proximity to a train station
- Raising roof level will impact neighbours directly

Comments from Consultees

Campaign for Real Ale (CAMRA)

Objection is raised and the grounds are summarised as below: -

- The proposal would entail the loss of a popular public house serving the local community. Although the application envisages a smaller replacement pub would be provided, there would be a significant hiatus during the period of demolition and redevelopment when no such facility would be available. The nearest alternative is almost a mile away in Green Street Green and could not be regarded as an adequate replacement facility, even temporarily. The application therefore conflicts with Draft Policy 23 of the Council's Submitted Local Plan.
- The existing pub is a viable community asset and there is no need to redevelop the site. There are shops in nearby Windsor Drive, including two convenience stores, that already provide for the needs of the community.
- The pub has a large restaurant area and a meeting room that are used by the local community for social events, club meetings and other purposes. The proposed replacement pub would not provide this level of community facility. The separate meeting room would be permanently lost. The pub's

- garden would be much reduced in size. The application therefore conflicts with Draft Policy 20 of the Council's Submitted Local Plan.
- The proposal would potential introduce conflict between the interests of future residents and pub-users, by dint of noise and activity late into the evening.
 - The existing public house is of some architectural merit and historic value. I understand that it dates from the 1930s and has been little altered in terms of its external appearance. It also contains many original internal features. It is an attractive building that contributes to the character of the local area. It should therefore be regarded as a non-designated heritage asset, worthy of protection, and I would urge the Council to add it to its local list.
 - The proposed replacement four storey building would be much more prominent in terms of its bulk and physical appearance and would be out of character with its suburban surroundings.
 - If the application were to be permitted, there is every chance that, following its demolition, a developer will seek to submit a new proposal in order to increase the development value. This could be to the significant detriment of a replacement public house facility. At the very least, it could significantly delay the provision of a replacement facility.

Without prejudice to the above objections, if the Council is minded to approve the application it should include a condition preventing the occupation of any of the residential units before the opening of the new public house. If the application is to be decided at a Plans Sub-Committee or other Council meeting, I would wish to attend and address the meeting as a representative of Bromley CAMRA.

Designing Out Crime Officer - Metropolitan Police Service

A secured by design condition should be attached to any permission. The wording of the planning condition should follow the principles and physical security requirements and achieve Secured by Design prior to occupation.

Thames Water

- Waste Comments

There may be public sewers crossing or close to your development. Developer will be required to minimize the risk of damage to the Thames Water Assets. The proposal should not result in reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

The proposed development is located within 15m of Thames Water underground waste water assets. The following informative should be attached:

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure

your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk. Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, no objection is raised.

- Water Comments

On the basis of information provided, no objection is raised regarding to the water network and water treatment infrastructure capacity. Thames Water recommends the following informative be attached to this planning permission.

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

LB Bromley - Drainage Engineer:

There is no public surface water sewer near the site and adequate arrangement should be in place to dispose of surface water run-off. Details of sustainable drainage should be secured by planning condition.

LB Transportation and Highway:

The proposal includes a 242m² convenience retail unit and a 242m² public house on the ground floor with ancillary works for both on the lower ground floor. This gives a total floor area for the shop of 368m² and 356m² for the pub. There will be a 2 bed residential unit for the landlord on the first floor in addition to 6 x 1 bed, 3 x 2 bed and 1 x 3 bed residential units. There are currently 23 parking spaces on the site and this will be increased to 30. The site is in a low (2 PTAL) area. The access arrangement from Windsor Drive is remaining as it is currently. The retail use is described as convenience store; I assume it is too small for one of the discount stores such as Aldi or Lidl. I note a Co-op is referred to in the Transport Statement.

- Parking

30 parking spaces would be provided of which 10 spaces would be allocated for residential use and 20 spaces would be shared by the commercial uses. Each of the proposed residential unit would be provided with a parking space, except the pub landlord accommodation. The UDP and London Plan set the following parking standards:

- Retail - requires 7 to 11 parking spaces (Based on 1 space per 35sq.m to 50sq.m floor area); and,
- Public house - requires 7 to 10 parking spaces (Based on 1 space per 30 to 50sq.m).

The Transport Statement provides an estimate of trip generation from the proposed commercial uses and the likely parking demand over a weekday and a weekend. This is based on cars arriving and leaving regularly spaced over the hour which does not allow for a cluster of vehicles arriving at the same time or vehicle being present at the end of the previous hour. As such, the parking accumulation is more likely to be an average than a worst case. It is not stated that the car park will be controlled or time limited. There is the likelihood of combined trips where people visit other shops or services and are so parked there for a longer period of time. There is a 1 hour restriction on part of Windsor Drive and so the car park may be attractive to drivers during the restricted hour.

Six of the commercial parking spaces will need to be coned off during deliveries. It is likely that there will be overspill parking during some period of the day. Parking surveys were carried out within 200 metres of the store to estimate the available spaces on a Friday and Saturday. There are a number of different waiting restrictions in operation during the day. Although this was only a snapshot, the surveys showed that there were a number of parking spaces available throughout the day particularly during the Saturday.

- Servicing

Refuse collection for the proposed residential units and pub is envisaged to take place from the highway. The location where the bins will be left will need to be identified as they cannot be left on the highway. Waste Services should be consulted regarding to the waste collection arrangement.

The retail unit would be serviced twice a day and 6 of the parking spaces would need to be coned off to allow the delivery vehicle to manoeuvre within the site. The spaces would need to be coned off for a period of time to ensure they are all clear when the delivery lorry arrives. A servicing and delivery plan would be required.

- Cycle parking

The residential cycle parking should be accord with the London Plan which requires 16 spaces. Provision for the retail and public house use will need to be agreed.

There are 2 other convenience stores in the adjacent shopping parade which are likely to limit the demand for the proposed retail unit. Although there is the potential for overspill parking it does not appear to be likely to have a significant impact.

Windsor Drive is a busy road and there will be an intensification of use of the access. The applicant should be asked to provide a Stage 1 / 2 Road Safety Audit on the revised arrangements.

LB Licensing Team

The proposal involving demolition of the building would require a new licence

LB Bromley Environment Health

A new licence will be required and this will need to be confirmed by licensing team. If a new licence is not required then it may be necessary to restrict the opening hours by condition.

LB Bromley Waste Services

Based on the proposed plans, officers are unable to support the proposal. With the current drawing, LBB will require vehicle access to the domestic bin store from 7am. If vehicles are parked preventing access, we will be unable to collect on schedule. There are no guidelines within a forthcoming site management plan which stipulates why the containers need to be brought to the Public Highway and suggests there is not sufficient access for an RCV to manoeuvre. Additionally, containers cannot be left on the PH awaiting a collection. There is no dedicated trade waste bin store area. It is suggested that the retail waste would be removed as part of the delivery process. This will need to be define including the storage location as the waste builds up.

LB Bromley Tree Officers

No objection to the proposal as the proposed trees to be removed from the site (H4) has low landscaping value and no other particularly valuable features. With regard to the impact on retained trees, root protection areas (RPA) should be provided to confirm impacts on the existing trees (G6 - Ash), T1 and T2 and these details should be secured by a planning condition.

The existing hardstanding within the RPAs of trees identified as G6 shall be retained and no excavation shall take place in these RPAs unless prior approval is given in writing by the Local Planning Authority.

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

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

The Bromley Local Plan 2018, comprising the strategic polices and the detailed polices and proposal map was adopted on the 16th January 2019. All planning applications will be considered by the council against the Bromley Local Plan as part of the borough's development plan.

London Plan Policies (2016)

- 2.6 Outer London: vision and strategy
- 2.15 Town Centres
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 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

- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.16 Waste net self- sufficiency
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 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
- 7.13 Safety, security and resilience to emergency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft London Plan Policies (2017)

- H1 Increasing Housing Supply
- H5 Delivering Affordable housing
- H6 Threshold Approach to application
- H7 Affordable Housing Tenure
- H12 Housing Size Mix
- HC7 Protecting public house
- D1 London's form and characteristics
- D2 Delivering good design
- D3 Inclusive design
- D4 Housing quality and standards
- D5 Accessible housing
- D6 Optimising housing density
- D10 Safety, security and resilience to emergency
- D11 Fire safety
- S1 Developing London's Social Infrastructure
- S44 Play and informal recreation
- E11 Skills and opportunities for all
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk

- SI8 Waste capacity and net waste self-sufficiency
- SI13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T6.5 Non-residential disabled persons parking
- DF1 Delivering of the Plan and Planning obligations

The London Mayor's Supplementary Planning Document

- Affordable housing and Viability (August 2017)
- Housing (March 2016)
- Accessible London: Achieving an inclusive environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- Sustainable Design and Construction (April 2014)
- Play and Informal Recreation (September 2012)
- Planning for Equality and Diversity in London (October 2007)

Bromley Local Plan Policies (2019)

- Draft Policy 1 - Housing Supply
- Draft Policy 2 - Provision of Affordable Housing
- Draft Policy 4 - Housing Design
- Draft Policy 6 - Residential Conversion
- Draft Policy 8 - Side Space
- Draft Policy 20 - Community Facilities
- 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 73 - Development and Trees
- Draft Policy 113 - Waste Management in new Development
- 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

Bromley Supplementary Planning Document

- Affordable Housing SPD (March 2008); and ,
- Planning Obligations SPD.

Planning History

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

- 94/00950/FUL - granted on 23.06.1994
Single storey side extension
- 94/02908/FUL - granted on 07.02.1995 and this application was renewed on 21.03.1997 (ref 21.03.1997)
Use of public house forecourt for stationing of flower stall - retrospective application.
- 95/02298/FUL - granted on 11.12.1995
Single storey rear extension to provide family room and internal alterations to create additional family area within public house.
- 02/00108/FULL5 - granted on 06.03.2002
Shrouding to enclose telecommunications equipment on existing 2 chimneys.
- 04/00371/ADV - granted on 24.03.2004
2 externally illuminated poster units (numbered 03).
- 04/00371/SPLADV - refused on 24.03.2004
2 wall mounted banner signs (numbered 01), 1 wall mounted poster unit (numbered 02), and 2 lockable poster frames fixed back to back onto an existing post (numbered 04).

Considerations

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

- Land use;
- Housing issues;
- Design, scale and layout ;
- Transportation and Highways;
- Impact on residential amenities;
- Sustainability;
- Sustainable drainage;
- Trees and biodiversity;
- Impact on residential amenities; and,
- CIL and Planning Obligation.

Land Use

-Demolition of the existing public house

Draft London Plan Policy HC7- Protecting public houses states: -

A. Boroughs should:

1) protect public houses where they have a heritage, economic, social or cultural value to the local communities and where they contribute to wider policy objects for town centres, night-time economy areas and creative Enterprise Zones.

2) support proposals for a new public house to stimulate town centre regeneration.

B. applications that propose the loss of public houses with heritage, cultural, economic or social values should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

C. Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

Bromley Council Local Plan Policy 23 the loss of public houses will be resisted by the Council except where:

a. There is an alternative public house within a 500 metres walking distance of the site and the proposal would not have a significant affects to the shopping parade or centre.

b. where it can demonstrate that the business is no longer financially viable as a public house including the submission of evidence of active marketing as a pub for a substantial period of time

Supporting text 3.1.33 of the Bromley Local Plan also states that in line with national guidance the Council seeks to protect the unnecessary loss of public houses unless alternative facilities are locally available, there is no adverse effect on local commercial centres and it can be demonstrate that the use as a public house is no longer viable.

The Chelsfield pub is the only public house along the Windsor Drive and the Windsor Drive shopping parade providing a highly valued local service and facility in the local area. The public house is considered to be a local landmark building in the local area within the village of Chelsfield. The property is a two storey post war building located adjacent to the Chelsfield Railway Station, of a scale and setting reflects its location being in a suburban area with low rise and low density building in the area. It is noted that the site is not located within a conservation area and the building is not listed. However, officers note that an application to nominate the building as an asset of community value has been submitted to the Council and is currently being reviewed by the Council, pending further details. As such, it is considered that it would be premature to consider whether the building should be demolished at this stage.

Notwithstanding the above, the siting, scale, bulk and design of the existing building echo the locality of Chelsfield as a village and of a character distinctive from other modern buildings and development in the surrounding area. The

building possesses a degree of late Victorian design style with two ground floor bay windows centrally sited on the front elevation. The building is mainly constructed in brick in warm terracotta colours with a pitched roof. The existing windows are timber sash windows arranged in a symmetric manner. There are two front fine lighting lantern hangings from first floor level immediately above the front entrance doors located to the side of the front bay windows. The external appearance and layout of the existing building presents a high quality appearance with outdoor facilities such as a smoking shelter, large soft landscaped outdoor beer garden to the rear and a large outdoor seating area to the front of the building. The setting, environment and character of the pub is unique of its own kind, size and style servicing the residents and community in this suburban village. The facilities and services provided is highly valued by the users or visitors with regular local music bands and groups meeting regularly at the site. As such, it is considered that the existing building including the quality of outdoor facilities and environment provided has a high social value. There is no overriding reason to support the demolition or removal of the existing building and facilities. The key planning merits of the proposal in terms of impact on the viability and viability of town centre, housing and transportation will be assessed in the following sections.

-Re-provision and viability of replacement pub/catering unit

A replacement public house including a kitchen would be provided within the site. As such, the proposal would not result in a net loss of a pub/catering unit at the site. However, it should be noted that the existing public house is occupied and providing a good range of services to the local residents with local groups and music bands meeting at this public house on a regular basis. It should be noted that the proposed replacement floor area for the pub, internal layout and facilities provided within the site would be smaller and less than the existing provisions.

The proposed floor area would measure approximately 354 square metres including the basement level. It should be noted that the floor area of the existing pub measures approximately 322.5 square metres on the ground floor with a beer cellar that measures approximately 205sq.m in the basement.

The proposed site layout plan indicates that the beer garden (which measures 290sq.m) and the front outdoor seating area including a smoking shelter (approximately 300sq.m) for the smokers, children and dog walkers would be removed without adequate on-site replacement. It is noted that 3 outdoor tables would be provided in the front of the proposed building. However, the size is limited and it should be noted that the distance between the proposed building and the front wall would measure 3.4 metres and immediately below a private residential balcony. An external deck area would be located to the side of the building. However, this area is also limited with two sets of external steps to bridge the difference between the floor level of the building and the ground level of the site.

Based on the proposed layout with a reduced internal floor area and the removal of outdoor facilities, it is uncertain whether the proposed replacement public house/catering unit would be of adequate quality and quantity to sustain a local and landmark public house.

The character of the proposed replacement pub/catering units would inevitably change. The proposed building would have a ground floor frontage that measures approximately 28.8 metres in width of which, the proposed replacement pub would occupy approximately a third of its frontage and the proposed retail unit would occupy approximately 50 percent of its frontage. The proposal would result in the loss of a highly valued local landmark building as the replacement building appears to lack any character or identity when compared with the existing public house.

Furthermore, it should be noted that there are no other public houses located next to a railway station in the area or within a short walking distance. The Five Bells is the nearest public house located 1,400 metres east from the site and The Royal Oak is also located approximately 1,400 metres west from the site. Given that the existing pub is viable and the re-provision of a pub/catering unit would be likely to compromise the operation and viability of the future replacement, it is considered that the proposal would result in the loss of a highly valued public house, contrary to draft London Plan Policy HC7.

-Introduction of residential use

Residential and public house uses are both town centre uses and these are not considered unacceptable within a defined shopping centre. However, the existing public house has a sale or supply of alcohol licence which includes late night refreshment and live music. The venue attracts late night activities with a trading and licencing hours up to midnight on Friday and Saturday.

A noise report is submitted which suggests that adequate mitigation measures could be applied to the façade of the proposed building and windows including alternative ventilation to ensure the dwellings can be ventilated without having to open any windows. However, the proposal would still introduce a new/ additional noise sensitive development above a public house where there is a night time economy during unsociable hours. The Council's Environment Health and licencing officers have advised that a new licence would be required for the replacement pub. Depending on a further noise report/assessment, it may be necessary to restrict the opening hours of the public house by planning conditions.

Whilst noise mitigation measures could be used to ensure new sensitive development can be protected, the reliance of sound insulation and mechanical ventilation are not considered sustainable in particular, during summer months. The introduction of residential accommodation within the curtilage of this public house site would compromise the operation or viability of the public house and would not be compatible in terms of its use, in particular during the late weekend evening hours where commercial activities and music events would be expected to be the busiest.

Overall, it is considered that the proposed residential-led development would result in a loss of the public house which is highly valued by the local residents. The proposal would provide much less floor area and facilities for the future pub users and the introduction of new residential accommodation above the public house would compromise the operation and viability of the public house, contrary to draft London Plan Policy HC7.

Housing issues

- Housing supply

London Plan Policies 3.3 (Increasing housing supply) and 3.4 (Optimising housing potential) seek to maximise the provision of additional housing across London. The Borough's annual housing target, as set out in the London Plan 2016, is 641 units.

Whilst the proposal could contribute the Council's housing stock, it should be noted that the number of proposed units would be limited to 11 units. The Council has a 5 year housing land supply and the latest annual monitoring report (Dated September 2018) published by the Greater London Authority indicates that the number of net housing completion is 914 achieving 153%. Therefore, the proposal to provide 11 additional residential units including a pub landlord accommodation would have limited weight in this case.

- Housing Mix

Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. The proposal would provide a mixture of 1 to 3 bed units with an internal floor area ranging between 50sq.m and 108sq.m. The council does not have a specific guidance on particular proportion of housing types and size. As such, it is considered that a mixture of 1 to 3 bed units would be acceptable and would not be contrary to London Plan Policy 3.8.

- Affordable Housing

The threshold of affordable housing planning policy is not identical in the National, London and Local Plan and has been subjected to change in the past few years with the adoption of the National Planning Policy Framework in 2018, the draft London Plan published in 2017 and the Council's Local Plan.

The statutory public consultation on the draft London Plan is closed and has been submitted to the Secretary of State for examination. The consolidated London Plan and Bromley Local Plan are 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 National Planning Policy Framework (NPPF) Paragraph 63 states provision of affordable housing should not be sought for residential development that is not a major development. NPPF Paragraph 64 requires at least 10% of homes to be available for affordable housing ownership, unless this would exceed the level of affordable housing required in the area. The Planning Policy Guidance Paragraph 31 states "contributions should not be sought from development of 10 units or less and has a floor area not more than 1,000 square metres". The proposal would create 11 residential flats (including a separate landlord accommodation) and would have a maximum combined gross internal floorspace more than 1,000

square metres. In line with the NPPF and the adopted London Plan and Bromley Local Plan, it is considered that 35 percent affordable housing (by habitable room) should be provided.

The London Plan and the Council's Local plan seek 35 percent of affordable housing with a ratio of 60:40 rented to intermediate tenures. As such, a minimum of 11 affordable habitable rooms with a ratio of 7 rented and 4 intermediate should be provided.

The proposed units would all be private units. In the absence of justification and a financial viability assessment, it is considered that the proposal would fail to provide and achieve a mixed and balanced community, contrary to the NPPF Paragraph 63 and 64, PPG para 31, London Plan Policies 3.8, 3.10 and 3.11 and Bromley Local Plan Policy 2 and the London Mayor's Housing SPD.

- Internal floor space

London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 - 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016.

In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document deals with internal space within new dwellings 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 Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 reflect the national guidance.

All of the proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided.

- Wheelchair unit and inclusive living environment

Para 3.3 under London Plan Policy 3.1 states "The Mayor is committed to ensuring a London that provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city - and share in its benefits - while tackling problems of deprivation, exclusion and discrimination that impede them. This includes understanding and addressing the physical and social barriers that prevent disabled people participating"

London Plan Policy 3.8 requires that 10% of new housing meets Building Regulation requirement M4(3) Wheelchair users dwelling; 90% of new housing

meets Building Regulation M4(2) accessible and adaptable dwellings. 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.

Paragraph 2.3.10 under Standard 11 of the London Housing SPD states that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access.

A wheelchair unit (Apartment 4) would be provided and an internal lift would be installed accessible to all floors. As such, the proposal would comply with the Policy above.

The proposed site plan (Drawing number 17.2456.000 Revision P6) indicates a disabled residential parking space would be provided and located outside the beer cellar. The location of this disabled parking space should ideally be located closer to the residential rear communal door and a section drawing should be provided to confirm the ground level between the disabled spaces and the building.

- Dual Aspect

Standard 29 of the London Housing SPG states new development should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing exposed to noise levels above which significant adverse effects on health and quality of life occur or which contain three or more bedrooms should be avoided.

10 out of 11 units including the family unit would be dual aspect and would comply with policy above.

- Privacy and outlook

Standard 28 of the London Housing SPG states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.

The distance of the proposed front balconies measures 4.7 metres. It is considered that the distance of the front balconies between the proposed units would be acceptable.

A 1.7 metre high privacy screen between the proposed rear terrace/balcony for apartment 2, 3 and public landlord accommodation would be installed. It is considered that adequate outlook and privacy would be provided for these units. However, privacy screen is considered to be a retrospective measure instead of part of an integral design. The design and external appearance is assessed in the following section of this report.

The distance between the proposed rear balcony for Apartment 6, 7 and 8 measures approximately 1.7 metres. It is noted that the rear walls of the proposed building would be staggered. Due to its close proximity between the proposed balconies, it is considered that the proposal would result in loss of privacy, in particular between Apartment 6 and 7.

- Private Outdoor Space and Child Play area

London Plan Policy 3.6 states development proposals should make provision for play and informal recreation based on the expected child population generated by the scheme and an assessment of future needs. This is supported by Bromley Local Plan Policy 4 which requires adequate private or communal amenity spaces should be provided to serve the needs of the particular occupants.

Standard 26 and 27 of the London Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm. Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".

A private balcony/terrace would be provided for each of the proposed units ranges between 6sq.m and 34.1sq.m and would comply with the minimum requirement.

With regard to child play space and the expected child yield for this development, the Mayor of London's child yield calculator (Shaping Neighbourhoods: Play and Informal Recreation SPG) indicates that a minimum of 8sq.m of child play space should be provided. Paragraph 5.10 of this SPG also states "There should be a clear requirement for all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) to provide suitable play space as part of the development scheme. Developments with estimated child occupancy of less than 10 children should be required to make an appropriate financial contribution to play provision within the vicinity of the development".

In view of the proposed layout which indicates that the private family unit would be provided with 34.1sq.m private outdoor space and all other non-family private market units would be provided with private balconies. On balance, it is considered that the absence of child play space would be acceptable in this instance.

- Density

London Plan Policy 3.4 states that planning decisions should take into account local context and character, the design principles in Chapter 7 of the London Plan, public transport capacity, and that development should optimise housing output for different types of location within the relevant density range. This approach is supported by Bromley Local Plan Policies 4 and 37.

The setting of the site is categorized as "Suburban" as the site is located within an area with predominantly lower density development such as detached, semi-detached houses with small building footprint and typical building of two to three storeys. The PTAL rating of the site is rated at 2 and the appropriate density range

of this site is between 150 to 250 habitable rooms per hectare (HRH) in the London Plan.

Paragraph 3.31 under London Plan Policy 3.4 states that "residential density figures should be based on net residential area". The site area measures approximately 1,668sq.m. The proposed mixed use development would provide 30 residential habitable rooms and a total of 1,399sq.m new commercial and residential floor area of which, 677sq.m (48.39%) would be residential floor area.

The proportionate residential density would be 372 HRH and this is above the appropriate threshold set out in the London Plan (150 to 250HRH). As such, it is considered that the proposal would represent a degree of over-intensive development.

Whilst matters of scale and design are to be discussed further within the report, it is not considered that the site would be suitable for such an exceptionally high residential density or over-intensive scheme due to its local character of the site being mainly surrounded by two to three storey buildings and the site has a low Public Transport Accessibility Level rating.

Design, scale and massing

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

London Plan Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Bromley Local Plan Policy 4 and 37 require new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

- Frontage and layout

The entrance doors for the proposed commercial and residential uses are located on the front of the building with a level access near to the catering unit and communal residential front entrance. However, it should be noted that this level access would be shared between the residential and commercial uses and this arrangement would lead to a conflict and competition between the future users in accessing the relevant part of the building, via the level access. As such, it is considered that the access and layout should be well defined to avoid any conflict between the future users. Furthermore, it should be noted that part of the proposed front wall would be over 2 metres high and such design arrangement would present a defensive and imposing appearance when compared with the frontage and layout of the existing public house.

The proposed lower ground floor plan indicates that the waste storage area for the public house would be separate from the public house and this is not considered practical and could create confusion between the residential and commercial waste storage areas. The proposed waste storage location is not considered sustainable between located over 30 metres from the road. It should also be noted that there is no waste storage area for the proposed retail unit.

- Scale and massing

The existing two storey public house measures 22 metres in width and is of a width wider than the prevailing buildings in the area. However, the existing public house is designed with a pitched roof and is well set back from the public pavement by approximately 10 metres. The design, siting, scale and appearance of the existing building offer a good degree of openness and spacious appearance. This is in keeping with the character of the surrounding area as a suburban village.

The proposed front/north elevation plan indicates that the proposed building would be 4 storeys in height with a flat roof matching the existing chimneys of the public house. However, it should be noted that the scale and bulk of the building would be significantly increased when compared with the existing building. The width of the building would be increased from 22 metres to 28.8 metres and would be sited 3.5 metres from the public pavement with front balconies projecting further closer to the road. Due to the siting, scale and massing of the proposed building, it is considered the proposal would fail to respond to the local context and would fail to integrate with the surrounding area.

In addition, the proposed building is designed with multiple flat roofs, multiple rear and side walls with balconies projecting at a scale and size. The proposed dining/function space would project further than the rear wall of the proposed retail unit creating an overhanging structure above some of the proposed residential parking spaces. It should be noted that the side and rear elevation of the proposed building would be visible from Station Approach and an access road leading to No.1 and No.2 Station Cottages. Given that the maximum length of the building would also be increased from 15.2 metres to 24.5 metres and the proposed building would be visible from public view, it is considered that the design and appearance of the proposed building would appear at odds and fail to integrate with its surrounding area. The overhanging dining/function room over some of the parking spaces does present a degree of over-intensive development within the site. Overall, it is considered that the scale of the proposed building would also appear as an over-dominant building, out of keeping and out of scale when compared with the existing building and buildings in the surrounding area.

The design, style and siting of windows can be used as a design tool to break up the bulk of a building and add to the interest to a building. In this case, the design of the proposed building appears to be heavily driven by the goal to achieve certain commercial and residential floor space. The design and arrangement of windows appears to be at odds. In particular, the use of dummy windows for the proposed retail unit, the style and size of windows for the pub dining/function room does not appear to be consistent to the other windows on the proposed building.

Planning, Design and Access Statement (para 7.13) states "the proposed external materials would comprise of a mix of facing brickwork, reconstituted stone detailing and white painted render. Windows and doors are to be white uPVC, whilst facia, soffits and shopfronts are to be constructed in white, colour aluminium. Balconies and terraces will include glazed balustrade with timber top rail".

The use of brick and render are not uncommon materials and they do exist along the same section of the shopping parade at No. 7 and 11 Windsor Drive. However, concern is raised as white render has relatively poor weathering capabilities and can also be prone to mould. Over time officers would question the aesthetic capabilities of white colour render and more durable external materials should be use instead of white colour render. It is considered that the external materials details and its performance should be provided. However, the absence of these details does not itself warrant as a ground to contest the appeal.

Highways

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

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

- Access

London Plan Policy 6.3 states that development should not adversely affect safety on the transport network. The existing vehicular access leading to the existing parking area would be re-used and this is considered acceptable.

- Servicing and delivery

The existing public house has 23 parking spaces and servicing deliveries area carried out within the site. The proposed site layout plan indicates that 6 commercial parking spaces would be coned off for servicing and delivery. It is anticipated that there would be 1 to 2 deliveries per week for the public house, five delivery days per week and twice per day for the proposed retail unit. No objection is raised by the highway officer and subject to a servicing and delivery plan confirming the size of delivery vehicles and a tracking plan confirming vehicles can leave the site in a forward gear, it is considered that the proposal would be acceptable.

- Parking

Table 6.2 under London Plan Policy 6.13 sets out the maximum standards for parking and less than 1 space should be provided for a 1 to 2 bed unit. The maximum parking spaces for 3 beds is up to 1.5 spaces. A maximum of 11 spaces should be provided for the residential accommodation.

The London Plan and Local Plan set the parking standards for the commercial and residential uses. Based on the proposed floor area and uses, 7 to 11 spaces should be provided for the retail unit, 7 to 10 spaces should be provided for public house and up to 11 spaces should be provided for the residential use.

A total of 10 spaces would be provided for the residential use and 20 spaces would be provided for the commercial uses. It is noted that the number of commercial parking spaces would be less than the existing provision. A parking survey is submitted which advises there were a number of parking spaces available through the day particularly during Saturday. The Council's Transport and Highway Department were consulted and no objection was raised. Subject to a car park management plan and servicing and delivering plan, it is considered that adequate

parking spaces can be provided for the future users and would comply with the policies above.

The number and details of electric vehicle charging facilities have not been provided. However, these details could be secured by planning condition.

- Cycle

Table 6.3 under London Plan sets out the minimum cycle storage requirements. For long stay, a minimum of 1 space should be provided for studio or 1 bed and a minimum of 2 spaces should be provided for 2 beds or more. For short stay, a minimum of 1 space per 40 beds should be provided. A minimum of 17 cycle spaces including a short stay space would be required for the private units.

A residential cycle storage area for 11 spaces would be provided. Whilst the provision would be below the minimum requirement, the proposed cycle storage area indicate that adequate storage space can be provided and details can be secured by a planning condition should planning permission be recommended.

With regard to the long stay and short stay cycle storage spaces for the retail and public house, a total of 5 long stay and 9 short stay cycle storage spaces would be required. The proposed site layout plan indicates that 3 Sheffield stands would be provided for 6 spaces. Whilst the provision would be below the minimum requirement, the proposed layout plan indicates that a 4 further cycle stand can be provided adjacent to the 3 Sheffield stand. As such, it is considered these can be secured by condition should planning permission were be recommended.

Neighbouring amenity

Policy 4 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. There is no residential rate at 7 Windsor Drive. As such, No. 1 The Meadway and No. 1 Station Approach are the nearest residential properties which would be impact by this proposal.

- No. 1 The Meadway

The back garden of The Meadway is covered by dense and mature planting. It is note that a number of new residential windows would be facing the neighbour's back garden. The rear wall of the proposed pub would be located approximately 15 metres from the neighbour's property. Given the distance, the back to side relationship between the properties and the existence of dense planting, it is considered that the proposal would not have a significant impact on the neighbour's amenities in terms of loss of privacy, loss of outlook, loss of sunlight and loss of daylight. This is based on the existence of planting at present.

- No. 1 Station Approach

The rear and side distance between the properties measures approximately 11 metres and is set at an angle. As such, it is considered that the proposal would not have a significant impact on the neighbour's amenities in terms of loss of privacy, loss of outlook, loss of sunlight and loss of daylight.

With regard to the noise associated with the proposed commercial activities which would potentially be increased when compared with the existing activities. It is considered that the impact can be managed by limiting the trading and licensing hours of the pub and the retail unit.

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.

A range of renewable technologies have been investigated and solar photovoltaic (PV) array is considered to be the most appropriate. The PV would be mounted on the penthouse roof and the roof area of the ground floor. The Council energy officers are satisfied that a number and variety of measures have been considered.

The anticipated on-site regulated carbon dioxide emission (Building Regs 2013 Compliant Development) is 12.4 tCO₂ per annum. The proposed sustainability measures would achieve a carbon reduction of 4.49 tCO₂ per annum resulting in a short fall of 7.92 tCO₂ per annum. In line with the London Plan and the Councils Planning Obligation SPD, a financial contribution of £14,256 (7.92 (tCO₂) x £60 (per tCO₂) x 30 years) would be required. Should planning permission be recommended, this should be secured by a legal agreement.

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 Council's sustainable drainage officers have advised that there is no public surface water sewer near the site and that adequate arrangement should be in

place to dispose of surface water run-off. Detail of a sustainable drainage system should be submitted and approved in writing by the Council.

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 170 states planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Bromley Local Plan Policy 72 states planning permission will not be granted for development of land that will have an adverse effect on protected species, unless mitigating measures can be secured. Bromley Local Plan Policy 73 states proposal for new development will be required to take particular account of existing trees on the site and on adjoining land which in the interests of visual amenity and/or wildlife habitable are considered desirable to be retained.

An arboricultural implication assessment and method statement indicates that a group of Leyland Cypress between the beer garden and car park would be removed. A group of Leyland Cypress located along the beer garden would be retained. Given that there are no protected trees proposed to be removed from the site and a group of Leyland Cypress would be retained within the site, it is considered that the removal of the Leyland Cypress trees adjacent to the car park would not be unacceptable.

The site is located opposite to a site of importance for nature conservation. There are two large woodland areas located near to the site which measures 2.96 hectare in area to the south of the houses on Spring Gardens and 3.89 hectares in area to the east of the houses on The Woodlands. An initial ecological appraisal indicates that the site is considered to be of low to moderate ecological values. However, the existing building is considered to be of moderate potential for roosting bats and two bat surveys will be required (Dusk emergence and/or dawn re-entry) to ascertain the presence of likely absence roosting bats. In the absence of a bat survey, the impact on biodiversity including any potential mitigation cannot be fully assessed in this instance.

Waste and recycling provision

-Residential

The Council's waste guidance note states that 1 x 1100 litre bin for non-recyclable , one 240 litre bin for paper and one 240 litre bin for bottles should be provided for every 6 flats. As such, two 1100 litre bins for non-recyclable two 240 litre bins for paper and two 240 litre bins for bottles should be provided for the residential flats.

A waste storage area measuring approximately 14.5sq.m would be provided. The details of waste storage bins in terms of the number and size could be secured by planning condition and would not warrant as a reason to refuse this planning application. However, the storage area would be located to the rear of the building and would measure over 30 metres from the road via a shared access road and car park. The council waste collection vehicles are 26 tonnes in size. In the absence of a tracking plan to confirm vehicles can enter and leave the site in a forward gear, it is considered that the location of the waste storage area would be inadequate.

The Transport Statement states that "refuse collection for the proposed residential units and public house, will take place from the highway with waste bins brought to the front of the site by site management". The reliance on site management to ensure smooth collection of residential waste is not considered sustainable. It should be noted that the waste storage area would be located in excess of 30 metres from the road. Given that the proposed building would be sited further forward than the existing building and the compact layout of the proposal, it is not considered acceptable to have waste bins being placed near/on the highway or the entrance of the proposed car park. Having considered the waste collection arrangement for the commercial units, it is considered that the proposed site layout would represent a cramped development and fail to achieve a good quality built environment for the future users.

-Commercial waste

Commercial waste can be collected by private companies and is not covered under business rate. The proposed lower ground floor plan indicates that a waste storage area would be provided for the replacement pub. However, this storage area would be separate from the replacement pub and could lead to confusion between the future users.

There is no storage area provided for the proposed retail unit. The Transport Statement (paragraph 4.7) stated that "waste arising from the convenience store will be collected and removed as part of the delivery process". Given that the overall site and internal layout is compact, it is considered that this detail cannot be secured via a planning condition and in the absence of a waste storage area, this is not considered acceptable.

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. This is supported by Bromley Local Plan Policy 125 and the Council's Planning Obligations SPD. The identified Head of Terms are as follows:

- Education - £3,180 (based on private units);
- Health - £ 23, 403.03(based on all private units);
- Carbon offsetting - £14,256; and
- Affordable housing.

Conclusion

The Chelsfield pub is considered to be a local landmark building in the local area within the village of Chelsfield. Whilst the proposal would provide a replacement public house, the proposal would result in the loss of a public house which is highly valued by the local residents and communities. The replacement floor area and facilities for the pub would be less than existing provision. A new alcohol and late night music licence would be required as the proposal would be contained within a new building with residential use immediately above. As such, it is considered that proposal would compromise the operation and long term viability of the new public house use.

Whilst the proposal would contribute to the housing stock in the borough and provide more retail floor area, the merits would be limited and the proposal would fail to provide adequate affordable housing to support a mixed and balanced community.

The design, scale and bulk of the proposed building would represent an over-intensive development in the area, out of keeping, out of scale and appear as an over-dominant structure. The proposed residential density would be over the suggested threshold with no affordable housing provided. The proposed buildings designed with multiple flat roofs with a projecting pub dining/function area overhanging some of the parking spaces and would appear incongruous and detrimental to the character and appearance of the area.

In the absence of a bat survey, provision of a dedicated waste storage area for the proposed retail unit and a tracking plan confirming waste collection vehicle can enter and leave the site in a forward gear, the proposal is not considered acceptable.

Consequently, the proposal should not be supported for the reasons outlined above and in this report. It is therefore recommended that the appeal be contested for the reasons set out below.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

1. The proposal, by reason of its siting, design, excessive residential density, scale and massing would appear out of keeping and out of character with the locality, represent as an over-dominant structure and an over-intensive development in the area with an excessive proportionate residential density, contrary to London Plan Policy 7.4, draft London Plan Policy D2, Bromley Local Plan Policies 4 and 37.

2. The proposal would fail to demonstrate that a mixed and balanced community can be achieved and delivered with adequate affordable housing, contrary to the National Planning Policy Framework 2018, London Plan Policies 3.9, 3.10, 3.13, draft London Plan Policies H5, H6, H7, Bromley Local Plan Policy 2, the London Mayor's Affordable Housing and Viability SPG (2017) and the Council's planning obligation SPD (2012).

3. In the absence of a financial viability assessment and legal agreement confirming adequate planning obligation can be provided, the proposal would fail to support the delivery of local infrastructure, facilities and services to meet the needs generated by this proposed development and to mitigate the impact of the proposal, contrary to Bromley Local Plan Policy 125 and Bromley Planning Obligations SPD (2010).

4. The proposed waste storage location for the residential and public house, by reason of its distance from the road and absence of a dedicated waste collection area for the residential and public house use would fail to provide adequate waste storage provision for the future users. In the absence of a dedicated waste storage area for the retail unit and the proposal would represent a cramped and poor design layout, contrary to London Plan Policy 5.16 and Bromley Local Plan Policy 113.

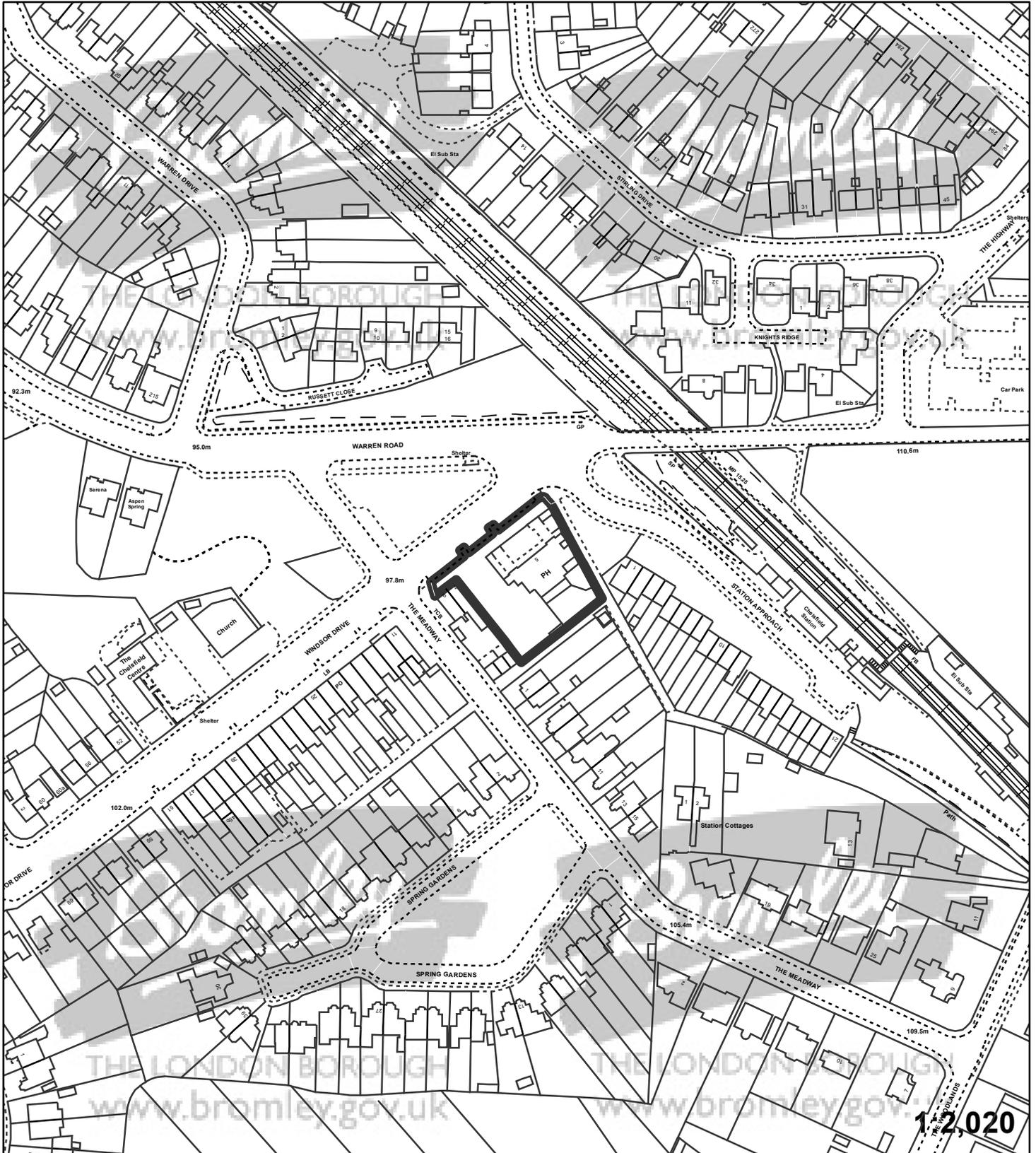
5. In the absence of information to demonstrate that the proposed replacement public house would be viable and in view of the existing community function and services provided by the existing public house, to residents and communities, it is considered that the proposal would result in a loss of a highly valued public house in the area without adequate replacement, contrary to draft London Plan Policy HC7 and Bromley Local Plan Policy 23.

6. In the absence of a bat survey, it is considered that the impact on biodiversity cannot be fully assessed and it is not demonstrated the proposal would comply with Bromley Local Plan Policy 72, London Plan Policy 7.19 and draft London Plan Policy G6.

Application:18/04573/FULL1

Address: The Chelsfield 1 Windsor Drive Orpington BR6 6EY

Proposal: Demolition of existing building and redevelopment of the site to create a replacement public house and landlord accommodation; A1 convenience store; 10x residential apartments; reconfiguration of the car park and bin/cycle storage.



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

This page is left intentionally blank

Report No.
DRR19/007

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 3

Date: Thursday 14 February 2019

Decision Type: Urgent Non-Urgent Executive Non-Executive Key Non-Key

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2647 - WESTFIELD, FARNBOROUGH HILL, ORPINGTON, BR6
7EQ

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Farnborough and Crofton;

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The subject cedar tree (T1) makes an important contribution to the visual amenity of the surrounding local area and is awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1** TPO 2647 was made on 24th August 2018 and relates to a mature cedar tree located to the rear of Westfield, Farnborough Hill.
- 3.2** An objection has been received from one of the residents at the property which comprises two blocks of flats. Together the buildings contain 13 flats. The objection letter is counter signed by 5 other residents. A photograph is appended to the objection.
- 3.3** The objection is summarised as follows:
- Residents recently approached Hyde Housing to request the tree be cut down due to the damp, dark conditions and dropping of needles from the tree.
 - The tree is considered to be very large and far too close to the building that houses flats 3-5.
 - Reference is made to very weak looking branches and the risk of them breaking in the wind. A fallen branch has been noted by residents over the past year.
 - A general maintenance complaint is made by residents regarding the clearing of fallen needles and the impact on surrounding plants.
 - The objector finds it hard to understand how the TPO will preserve the amenities of the area.
 - A request is made not to confirm the TPO and allow the felling of the tree for the reasons mentioned above.
- 3.4** The TPO was made following a foreseeable threat to the tree being established via a phone call from a member of the public. The content of the objection confirms a request to fell the tree has been made to the housing association.
- 3.5** The issues raised by the objectors are foreseeable and predate the construction of the building. Any necessary pruning to address dead branches or those that have become hazardous would be manageable under exemption. No evidence has been provided to prove the tree is any less structurally safe than visually observed. This could be addressed by way of application. Maintenance of the grounds is a task that any land owner would have to manage.
- 3.6** Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree was found to be of normal vitality, with a suitable retention span and a level of public visibility. The tree is a mature feature of the local landscape. The tree's maturity and visibility in the public domain are primary factors in amenity value.
- 3.7** The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.
- 3.8** The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. PHOTO



Report No.
Please obtain
a report
number

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 3

Date: Thursday 14 February 2019

Decision Type: Urgent Non-Urgent Executive Non-Executive Key Non-Key

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2649 - MULBARTON COURT, KEMNAL ROAD, CHISLEHURST,
BR7 6NE

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Chislehurst;

1. **Reason for report**

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The subject lime trees (G1) make an important contribution to the visual amenity of the surrounding local area and are awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 TPO 2649 was made on 30th August 2018 and relates to two mature lime trees located to the west of Mulbarton Court, adjacent to Kemnal Road.

3.2 An objection has been received on behalf of Mulbarton Management Company Ltd, the Residents' Association and the majority of residents/owners that live at the property. The building contains 12 flats. The objection is made on the two following grounds:

1. health and safety

2. wellbeing of residents

A Drainage Survey and a Technical Report commenting on moisture levels and mould activity have been submitted as supporting documents.

3.3 An extract of the grounds of objection is as follows:

- **Health & Safety** – “The resultant damage to the drains has become a health and safety issue and after £20k worth of work on the drains that was split 70/30 between our insurers AXA and the residents/owners at Mulbarton Court, to address collapsed drains due to tree root damage. This now also poses a risk to the structure of the building and the size of the tree must be reduced in some capacity. We have also paid 25k+ last year to get the FinLock Gutters totally redone, due to building movement causing the concrete to become poorly aligned. We cannot keep pace with these ever-increasing costs and have had sewage covering two patches exceeding 20m over the last 12 months.”
- **Wellbeing of Residents** – “The Trees block out all the afternoon/evening sun from the rear of the properties due to the size and width this has extended to. This has impacted the ability for the structure to effectively dry itself after water escapes and heavy rain that has led to significant internal damage in the properties where the Damp Proof is breached. The breach has occurred due to items falling within the cavity due to the tree root damage being caused to the property and resultant movement of the structure. This has affected the mental wellbeing of some of the residents and the lack of light is a significant issue and some light should be allowed to enter the rear of the properties as this was the case when they were purchased. We all have a duty of care to consider these impacts and what is more valuable to us as companies and public servants and an obligation to act in the wellbeing of the environment and its native occupants.”

3.4 The Tree Preservation Order (TPO) was made following receipt of a conservation area notification. This was allocated reference number 18/02907/TREE. The notification proposed a crown reduction by 14m. Due to the excessive nature of the proposal, the case officer contacted the agent to request lesser works. Lesser works were not agreed to a degree that would have prevented serving the TPO.

3.5 The issues raised in the objection focus on the impact upon drainage and on sunlight access. A common misconception of tree roots is that they cause drain damage. This is only possible through direct horizontal thrust. Roots are attracted to and enter drainage systems that have already failed or are leaking. The roots in this case can only be presumed to be exacerbating pre-existing damage. Repairs are therefore considered necessary regardless of root ingress.

The reduction of trees is not noted within the remedial recommendations of the appended Technical Report. The retention of the tree canopies in the current proportions is considered a priority in the interests of amenity.

- 3.6** Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merit preservation. In summary, the trees were found to be of normal vitality, with a suitable retention span and a level of public visibility. The tree is a mature feature of the local landscape. The tree's maturity, contribution to the local conservation area and visibility in the public domain are primary factors in amenity value.
- 3.7** The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.
- 3.8** The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. Aerial Photo

