



THE LONDON BOROUGH
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BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley

Lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 28 May 2019

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

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

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 6 JUNE 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 11 APRIL 2019**
(Pages 1 - 6)
- 4 PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page No.	Application Number and Address
4.1	Bromley Town Conservation Area	7 - 18	(19/00237/FULL1) - Pedestrianised Area Highway, High Street, Bromley
4.2	Bromley Town Conservation Area	19 - 30	(19/00241/FULL1) - 162 High Street, Bromley, BR1 1HJ

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.3	Petts Wood and Knoll	31 - 44	(18/05592/FULL6) - 10 Derwent Drive, Petts Wood, BR5 1EW
4.4	Bickley	45 - 54	(19/00263/FULL6) - 1 Oldfield Close, Bickley, Bromley, BR1 2LL
4.5	Darwin	55 - 62	(19/00509/FULL1) - Luxted Farm, Luxted Road, Downe, BR6 7JT
4.6	Orpington	63 - 96	(19/00620/OUT) - 14 Knoll Rise, Orpington, BR6 0DD
4.7	Crystal Palace Conservation Area	97 - 120	(19/00651/FULL1) - Land adjacent to Rochester House, 2-10 Belvedere Road, Anerley, London, SE19 2AT.

SECTION 3

(Applications recommended for permission, approval or consent)

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4.8	Chislehurst Conservation Area	121 - 136	(19/00705/FULL1) - 1 Riverwood Lane, Chislehurst BR7 5QN
4.9	Darwin	137 - 150	(19/00782/FULL1) - 7 Moselle Road, Biggin Hill TN16 3HS
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4.11	Chislehurst Conservation Area	161 - 170	(19/00890/FULL6) - Bywood, Manor Park, Chislehurst BR7 5QD
4.12	Bromley Common and Keston	171 - 178	(19/00978/FULL6) - 51 Lower Gravel Road, Bromley, BR2 8LP
4.13	Bromley Town	179 - 186	(19/01202/FULL6) - 49 Forde Avenue, Bromley, BR1 3EU
4.14	Bickley	187 - 198	(19/01280/FULL1) - 187 Southborough Lane, Bromley, BR2 8AR

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.15	Petts Wood and Knoll	199 - 210	(19/00953/FULL1) - 75 Queensway, Petts Wood, BR5 1DQ

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
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6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
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	NO REPORTS		
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PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 11 April 2019

Present:

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

Also Present:

Councillors Angela Wilkins

34 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Robert Evans and Councillor Angela Page attended as his substitute.

35 DECLARATIONS OF INTEREST

No declarations of interest were reported.

36 CONFIRMATION OF MINUTES OF MEETING HELD ON 14 FEBRUARY 2019

RESOLVED that the Minutes of the meeting held on 14 February 2019 be confirmed and signed as a correct record.

37 PLANNING APPLICATIONS

SECTION 3

(Applications recommended for permission, approval or consent)

37.1 CHISLEHURST CONSERVATION AREA

(18/05285/FULL1) – Haddon, Beechcroft, Chislehurst, Kent, BR7 5DB

Description of application – Demolition of existing dwelling and the erection of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space).

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to Condition 15 to read:-

“15. Before the development hereby permitted is first occupied the proposed rooflight window(s) in the north and south flank elevations of the dwellings hereby permitted shall be obscure glazed to a minimum of Pilkington privacy Level 4 and shall be fixed shut. The window(s) shall subsequently be permanently retained in accordance as such.

REASON: In the interests of the amenities of nearby residential properties and to accord with Policy 37 of the Bromley Local Plan.”

**37.2
CHISLEHURST**

(18/05662/FULL6) - 66 Elmstead Lane, Chislehurst, BR7 5EL

Description of application – Loft conversion including two rear dormers, two storey front gable extension, two storey side extension, part one/ two storey/ rear extension and elevational alterations.

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.

**37.3
CHISLEHURST**

(19/00124/FULL6) - 1 Denbigh Close, Chislehurst, Kent, BR7 5EB

Description of application – First floor side extension to create additional bedroom with ensuite.

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

Supplementary information and photographs had been received from the objector together with supplementary information from the applicant and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the

conditions set out in the report of the Chief Planner with an amendment to Conditions 2 and 4 to read:-
“2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission, excluding the materials agreed as part of Condition 4, 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.

4. The materials to be used for the external surfaces of the development hereby permitted shall consist of a render finish at first floor level and brickwork at ground floor level to front, flank and rear elevations.

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.”

**37.4
CRYSTAL PALACE
CONSERVATION AREA**

(19/00202/FULL1) - Century House, 37 Church Road, Anerley, London, SE19 2TE.

Description of application - Demolition of existing A1 use ex car showroom, erection of 4 storey building with underground car parking for 9 cars to form 8 no 2 bedroom flats and 1no 3 bedroom flat with amenity spaces and refuse and cycle storage and new Commercial unit for A1, A2 or A3 use.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Angela Wilkins in objection to the application were received at the meeting. Councillor Wilkins drew Members’ attention to two objections that were on the planning file and some photographs of the local area.

Members having considered the report, objections, and representations, **RESOLVED** that **PERMISSION BE GRANTED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT for CARBON OFFSETTING** as recommended, and subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to the wording of Conditions 4 and 20 to read as follows:-

“4. No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan

has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

- (a) Dust mitigation and management measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Measure to reduce demolition and construction noise
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (v) Parking for operatives during construction period
 - (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
- (e) Details of the machinery to be used on site.
- (f) Hours of operation
- (g) Other site specific Highways and Environmental Protection issues as requested on a case by case basis
- (h) 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. 20. The arrangements for storage of refuse for the residential and commercial units (which shall include provision for the storage and collection of recyclable

materials) and the means of enclosure shown on the drawings hereby approved shall be submitted to and approved in writing by the local planning authority, 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 in respect of residential and visual amenity impact.”

The Meeting ended at 8.00 pm

Chairman

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SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 19/00237/FULL1

Ward:
Bromley Town

Address : Pedestrianised Area Highway High
Street Bromley

Objections: No

OS Grid Ref: E: 540268 N: 169068

Applicant : Mr Kevin Munnelly

Description of Development:

Erection of two detached retail (Class A1) kiosk units

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 51

Proposal

Planning permission is sought for the erection of 2 permanent commercial buildings on the High Street. Each building will be occupied by a single retail (Class A1) occupier. The buildings will be sited on the pedestrianised area of the High Street outside the Glades entrance at the southern end and outside No. 107 High Street.

The buildings will both have dimensions of 9.0m by 5.0m and will have a flat roof with a height of 3.25m. The proposed external materials include red cedar cladding, aluminium doors and windows and a stainless steel canopy.

The retail uses will operate from 08:00 to 21:00 on Mondays to Saturdays and from 11:00 to 17:00 on Sundays and Bank Holidays.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

The site comprises the Bromley High Street, which is characterised as a Town Centre retail location. The High Street comprises a mix of architectural styles and building heights, with ground floor commercial retail, restaurant and other uses, with upper floor offices. There are also some upper floor residential units.

The site falls within the Bromley Town Centre Conservation Area and is also an Area of Archaeological Significance.

Comments from Local Residents and Groups

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

Comments from Consultees

Advisory Panel for Conservation Areas (APCA): No inspection made.

Conservation Officer: There is already a significant amount of market and temporary activity in the High Street, all of which adds to the vitality and character of the area. This proposal would enhance this use and I see no adverse impact on the character of the CA. The proposal is therefore in accordance with Policy 41.

Crime Prevention Officer: Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units or 1000 sq/m. However, I see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products.

Highways: I would have no objections from a highway perspective to this application. Having spoken to licencing colleagues it is unclear whether these units would require a highway licence so I suggest this is followed up with them should the application be successful.

Drainage Engineer: Please impose condition PC06.

Environmental Health Pollution Officer: I have considered the above and have no objections within the grounds of consideration.

Business Improvement District (BID) Team: No comment made.

London Fire Service: no comments received.

Historic England: no comments received

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

2.15 Town Centres

4.1 Developing London's Economy

4.7 Retail and Town Centre Development

4.9 Small Shops

5.1 Climate Change Mitigation

5.7 Renewable Energy

5.13 Sustainable Drainage

6.3 Assessing the Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.13 Parking

7.1 Lifetime Neighbourhoods

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.8 Heritage Assets and Archaeology

Bromley Local Plan

Policy 30 – Parking

Policy 32 – Road Safety

Policy 37 – General Design of Development

Policy 38 – Statutory Listed Buildings

Policy 41 – Conservation Areas

Policy 80 – Strategic Economic Growth

Policy 84 – Business Improvement Areas

Policy 90– Bromley Town Centre Opportunity Area

Policy 91 – Proposals for Main Town Centre Uses

Policy 100 - Markets

Policy 112– Planning for Sustainable Waste Management

Policy 116 – Sustainable Urban Drainage Systems

Policy 119 – Noise Pollution

Supplementary Planning Guidance

Bromley Town Centre Area Action Plan
Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance for the Bromley Town Centre Conservation Area.

Planning History

99/00536/FULL2 – Use of part of pedestrianised street for 52 stalls for arts and craft market to operate on any day of the week. PERMITTED

17/05817/REG3 - Relocation of Bromley High Street market comprising 46 pop-up market stalls (3.7m x 2.5m) on the pedestrianised areas in front of 20-25 and 29 Market square, 109-111, 100-122, 124-126, 136-160, 162-184 and 165-167 High Street Bromley to operate every Thursday, Friday and Saturday (08:00 to 22:00) and additional operation on Sundays to Wednesdays for a maximum 7 times per year – PERMITTED

19/00241/FULL1 – Erection of 4 retail units – Under consideration on the same Plans Sub-Committee agenda

Considerations

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

- Principle
- Design
- Conservation Area and Listed Buildings
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Principle

The proposal seeks permission to erect two detached retail units on the pedestrianised part of the High street to be occupied by individual retailers. The proposal would support local small businesses and would provide a new location for retail/market trading that is generally supported by the Council. The Town Centre represents an appropriate location for such new commercial units and would generate activity and business to the Town Centre that would increase footfall and enhance the vitality and commercial viability of this part of the High Street. The development is therefore supported in principle.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should

contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

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

Policy 37 of the Bromley Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The proposal will provide 2 commercial units on the pedestrianised area of the High Street outside The Glades entrance and No. 107. The units will be permanent and constructed with a red cedar clad external appearance. The units will have a low flat roof and will be similar in general size and scale to the existing market stalls that operate on Thursdays-Saturdays within this area of the High Street. It is considered that the development would therefore be sympathetic in terms of design and will not create a design conflict with the overall character of the High Street.

Each detached retail unit will be modest in size and footprint. The siting and design of the units will allow for good accessibility to existing shops and for emergency services without cluttering the High Street or creating issues for pedestrian permeability. The design and siting is not, however, considered to have an impact on the permeability and accessibility of the area for shoppers.

In design terms, the proposal is considered to be acceptable and will not result in a detrimental impact on the character of the High Street.

Conservation Area and Listed Buildings

Policy 38 of the Bromley Local Plan outlines that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a

change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting.

Policy 41 of the Bromley Local Plan relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

There is already a significant amount of market and temporary activity in the High Street, along with new street furniture and planting, all of which adds to the vitality and character of the area. This proposal would supplement and enhance this. As the proposal constitutes an appropriate Town Centre use, and given the scale and design of the units, it is not considered that the proposal would have a detrimental impact on the character and appearance of this part of the Bromley Town Centre Conservation Area. In addition, there would be no harmful impact on the setting of any Listed Buildings.

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, UDP and emerging draft Local Plan should be used as a basis for assessment.

This area of the High Street is pedestrianised and it is considered that there would be no impact on highway safety provided that the emergency access for emergency vehicles is retained at all times.

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 proposal will provide 2 retail units within the pedestrianised area of the High Street and will propose trading until 21:00 on Mondays to Saturdays and 17:00 on Sundays and Bank Holidays. The area surrounding the proposal is largely commercial in nature with upper floor offices, however there are also some residential uses at upper floor level in the wider locality. The units will operate largely within normal shopping hours and will allow for evening use in line with the recently permitted market trading hours granted permission under ref. 17.05817. It is anticipated, however, that the units will normally close around normal shopping hours. Later activity into the evenings may therefore be limited, however this must be considered.

It is considered that the degree of additional disturbance would be limited in terms of evening hours and number of local residential properties affected. The area has a high level of general activity, including during the evenings and the Town Centre location is therefore considered to be appropriate for the proposal in terms of its potential impact on the amenities of neighbouring properties.

Sustainability

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

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

CIL

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

Conclusion

Having had regard to the above it is considered that the proposed development 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. The development would support the Town Centre function and provide support for local businesses. The proposal would also not impact harmfully in regards to highways safety.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions

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

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

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

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

- 3 The use hereby permitted shall not operate before 08:00 and after 21:00 on Mondays to Saturdays or before 11:00 and after 17:00 on Sundays and Bank Holidays.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of nearby residential dwellings.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken without the prior approval in writing of the Local Planning Authority.**

Reason: To enable the Council to consider future changes of use and other development at the site in the interest of local amenity, in accordance with Policy 37 of the Bromley Local Plan.

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

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

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

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

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

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

Informative

You are advised of the Crime Prevention Officer's recommendations as follows:

Main entrance door and any other external doors leading into the fabric of the building should meet or exceed PAS24 2016 or alternative Secured by Design Standard. (This would include any terrace or patio doors on the ground and lower ground floors and any balcony doors if accessible)

Any ground floor or other accessible windows or glazing (including climbable balconies and rooflights) to be PAS24 2016 or alternative Secured by Design Standard and glazing to be to BS 356:200 P1A as a minimum.

Mail Delivery should be via tested and accredited boxes in a secure lobby area, through the wall or external boxes.

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'.

The fabric of the structure be suitably robust in construction to prevent unlawful entry and offers no climbing aids, which could be used to access upper windows of adjacent buildings.

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

Application:19/00237/FULL1

Address: Pedestrianised Area Highway High Street Bromley

Proposal: Erection of two detached retail (Class A1) kiosk units



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

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SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 19/00241/FULL1

Ward:
Bromley Town

Address : 162 High Street Bromley BR1 1HJ

Objections: Yes

OS Grid Ref: E: 540199 N: 169278

Applicant : Mr Kevin Munnelly

Description of Development:

3Erection of two detached kiosks to provide 4 retail (Class A1) units

Key designations:

Conservation Area: Bromley Town Centre
Smoke Control SCA 51

Proposal

Planning permission is sought for the erection of 2 permanent commercial buildings on the High Street. Each building will be split into two units occupied by four different retailers (Class A1). The buildings will be sited on the pedestrianised area of the High Street at the Market Square end, one either side of the main entrance to Primark.

The buildings will have dimensions of 9.0m by 3.0m and 6.0m by 3.0m respectively. The large building will have a flat roof with a height of 3.1m and the smaller building will have a height of 3.0m. The proposed external materials include red cedar cladding, aluminium doors and windows and a stainless steel canopy.

The units will operate from 08:00 to 21:00 on Mondays to Saturdays and from 11:00 to 17:00 on Sundays and Bank Holidays.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

The site comprises the Bromley High Street, which is characterised as a Town Centre retail location. The High Street comprises a mix of architectural styles and building heights, with ground floor commercial retail, restaurant and other uses, with upper floor offices. There are also some upper floor residential units.

The site falls within the Bromley Town Centre Conservation Area and is also an Area of Archaeological Significance.

Comments from Local Residents and Groups

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

Objections

- Concerns regarding the type of business and issues relating to potential restaurant occupation, music noise, cleaning and Council tax changes.
- Concerns over loss of footfall to local established businesses

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

Comments from Consultees

Advisory Panel for Conservation Areas (APCA): No inspection made.

Conservation Officer: There is already a significant amount of market and temporary activity in the High Street, all of which adds to the vitality and character of the area. This proposal would enhance this use and I see no adverse impact on the character of the CA. The proposal is therefore in accordance with Policy 41.

Crime Prevention Officer: Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units or 1000 sq/m. However, I see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products.

Highways: I would have no objections from a highway perspective to this application. Having spoken to licencing colleagues it is unclear whether these units would require a highway licence so I suggest this is followed up with them should the application be successful.

Drainage Officer: Please note this area is at high risk from surface water flooding. As such surface water run-off should be attenuated. Please impose PC06.

Environmental Health Pollution Officer: I have considered the above and have no objections within the grounds of consideration.

Business Improvement District (BID) Team: No comment made.

London Fire Service: no comments received.

Historic England: no comments received

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

2.15 Town Centres

4.1 Developing London's Economy

4.7 Retail and Town Centre Development

4.9 Small Shops

5.1 Climate Change Mitigation

5.7 Renewable Energy

5.13 Sustainable Drainage

6.3 Assessing the Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.13 Parking

7.1 Lifetime Neighbourhoods

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.8 Heritage Assets and Archaeology

Bromley Local Plan

Policy 30 – Parking

Policy 32 – Road Safety

Policy 37 – General Design of Development
Policy 38 – Statutory Listed Buildings
Policy 41 – Conservation Areas
Policy 80 – Strategic Economic Growth
Policy 84 – Business Improvement Areas
Policy 90– Bromley Town Centre Opportunity Area
Policy 91 – Proposals for Main Town Centre Uses
Policy 100 - Markets
Policy 112– Planning for Sustainable Waste Management
Policy 116 – Sustainable Urban Drainage Systems
Policy 119 – Noise Pollution

Supplementary Planning Guidance

Bromley Town Centre Area Action Plan
Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance for the Bromley Town Centre Conservation Area.

Planning History

99/00536/FULL2 – Use of part of pedestrianised street for 52 stalls for arts and craft market to operate on any day of the week. PERMITTED

17/05817/REG3 - Relocation of Bromley High Street market comprising 46 pop-up market stalls (3.7m x 2.5m) on the pedestrianised areas in front of 20-25 and 29 Market square, 109-111, 100-122, 124-126, 136-160, 162-184 and 165-167 High Street Bromley to operate every Thursday, Friday and Saturday (08:00 to 22:00) and additional operation on Sundays to Wednesdays for a maximum 7 times per year – PERMITTED

19/00237/FULL1 – Erection of 2 retail units – Under consideration on the same Plans Sub-Committee agenda

Considerations

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

- Principle
- Design
- Conservation Area and Listed Buildings
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Principle

The proposal seeks permission to erect two detached retail units on the pedestrianised part of the High street to be occupied by 4 individual retailers. The

proposal would support local small businesses and would provide a new location for retail/market trading that is generally supported by the Council. The Town Centre represents an appropriate location for such new commercial units and would generate activity and business to the Town Centre that would increase footfall and enhance the vitality and commercial viability of this part of the High Street. The development is therefore supported in principle.

Design

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

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

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

Policy 37 of the Bromley Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The proposal will provide a total of 4 commercial units on the pedestrianised area of the High Street outside Primark. The units will be permanent and constructed with a red cedar clad external appearance. The units will have a low flat roof and will be similar in general size and scale to the existing market stalls that operate on Thursdays-Saturdays within this area of the High Street. It is considered that the development would therefore be sympathetic in terms of design and will not create a design conflict with the overall character of the High Street.

Each detached retail unit will be modest in size and footprint. The siting and design of the units will allow for good accessibility to existing shops and for emergency services without cluttering the High Street or creating issues for pedestrian permeability. It is noted that objections have been raised by local businesses in regards to the siting of the units outside existing businesses and the potential

blocking of shopfronts and visibility of window displays, drawing shoppers away from existing shops. The design and siting is not, however, considered to have an impact on the permeability and accessibility of the area for shoppers.

In design terms, the proposal is considered to be acceptable and will not result in a detrimental impact on the character of the High Street.

Conservation Area and Listed Buildings

Policy 38 of the Bromley Local Plan outlines that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting.

Policy 41 of the Bromley Local Plan relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

There is already a significant amount of market and temporary activity in the High Street, along with new street furniture and planting, all of which adds to the vitality and character of the area. This proposal would supplement and enhance this. As the proposal constitutes an appropriate Town Centre use, and given the scale and design of the units, it is not considered that the proposal would have a detrimental impact on the character and appearance of this part of the Bromley Town Centre Conservation Area. In addition, there would be no harmful impact on the setting of any Listed Buildings.

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, UDP and emerging draft Local Plan should be used as a basis for assessment.

This area of the High Street is pedestrianised and it is considered that there would be no impact on highway safety provided that the emergency access for emergency vehicles is retained at all times.

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 proposal will provide 4 retail units within the pedestrianised area of the High Street and will propose trading until 21:00 on Mondays to Saturdays and 17:00 on Sundays and Bank Holidays. The area surrounding the proposal is largely commercial in nature with upper floor offices, however there are also some residential uses at upper floor level within Market Square and the wider locality. The units will operate largely within normal shopping hours and will allow for evening use in line with the recently permitted market trading hours granted permission under ref. 17.05817. It is anticipated, however, that the units will normally close around normal shopping hours. Later activity into the evenings may therefore be limited, however this must be considered.

It is considered that the degree of additional disturbance would be limited in terms of evening hours and number of local residential properties affected. The area has a high level of general activity, including during the evenings and the Town Centre location is therefore considered to be appropriate for the proposal in terms of its potential impact on the amenities of neighbouring properties.

Sustainability

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

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

CIL

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

Conclusion

Having had regard to the above it is considered that the proposed development 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. The development would support the Town Centre function and provide support for local businesses. The proposal would also not impact harmfully in regards to highways safety.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions

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

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

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

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

- 3 The use hereby permitted shall not operate before 08:00 and after 21:00 on Mondays to Saturdays or before 11:00 and after 17:00 on Sundays and Bank Holidays.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of nearby residential dwellings.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken without the prior approval in writing of the Local Planning Authority.**

Reason: To enable the Council to consider future changes of use and other development at the site in the interest of local amenity, in accordance with Policy 37 of the Bromley Local Plan.

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

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

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

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

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

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

Informative

You are advised of the Crime Prevention Officer's recommendations as follows:

Main entrance door and any other external doors leading into the fabric of the building should meet or exceed PAS24 2016 or alternative Secured by Design Standard. (This would include any terrace or patio doors on the ground and lower ground floors and any balcony doors if accessible)
Any ground floor or other accessible windows or glazing (including climbable balconies and rooflights) to be PAS24 2016 or alternative Secured by Design Standard and glazing to be to BS 356:200 P1A as a minimum.

Mail Delivery should be via tested and accredited boxes in a secure lobby area, through the wall or external boxes.

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'.

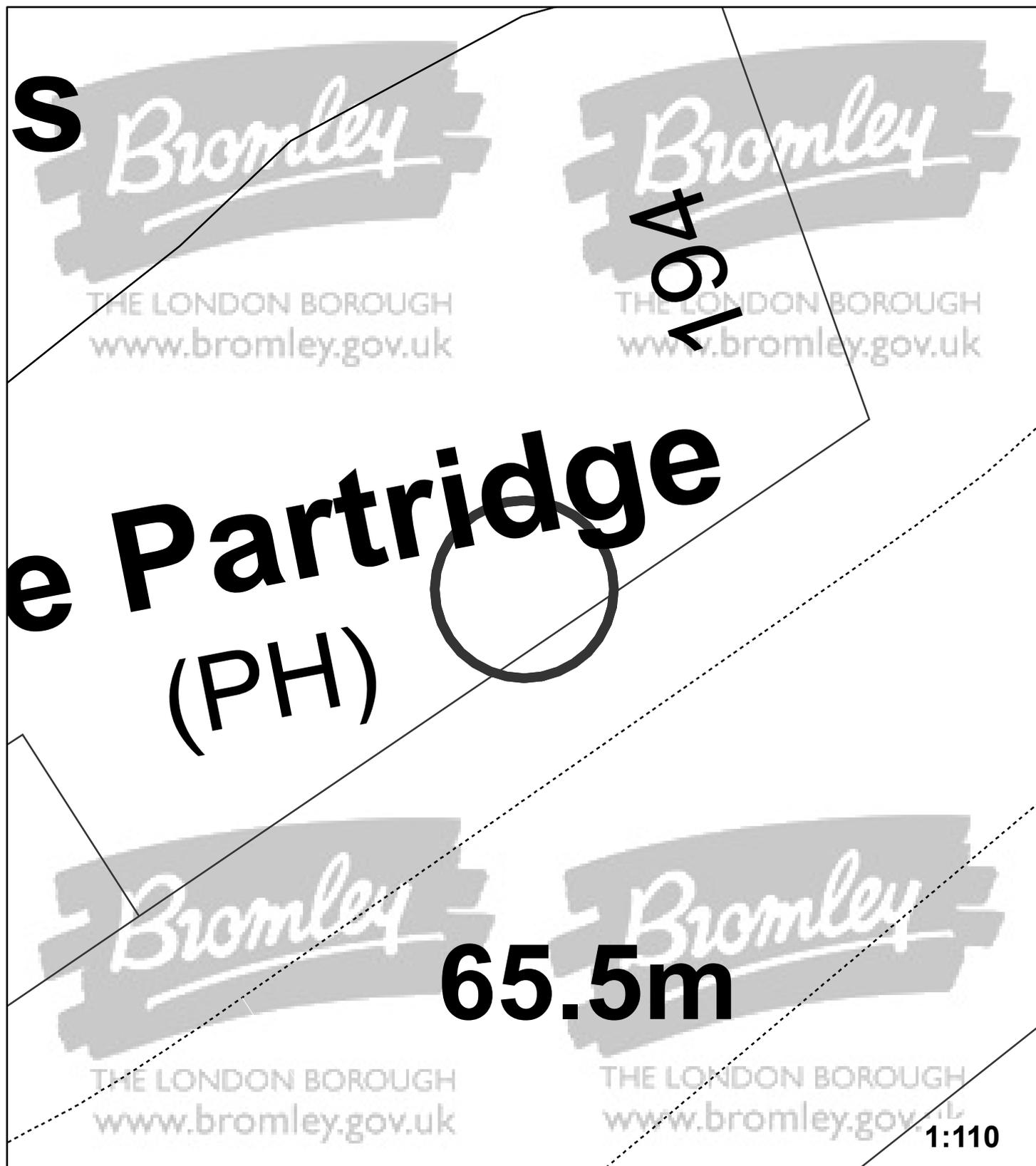
The fabric of the structure be suitably robust in construction to prevent unlawful entry and offers no climbing aids, which could be used to access upper windows of adjacent buildings.

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

Application:19/00241/FULL1

Address: 162 High Street Bromley BR1 1HJ

Proposal: Erection of two detached kiosks to provide 4 retail (Class A1) units



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

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SECTION '2' – Applications meriting special consideration

Application No : 18/05592/FULL6

Ward:

Petts Wood And Knoll

Address : 10 Derwent Drive Petts Wood BR5 1EW

Objections: Yes

OS Grid Ref: E: 544739 N: 166681

Applicant : Mr Basant Mercia

Description of Development:

Single storey side extensions incorporating garage conversion, enlargement of existing porch entrance, and enlargement of roofspace incorporating extension to rear roof to provide first floor accommodation with rooflights to front and side and Juliet balcony to rear.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 8

Proposal

The proposal includes a single storey side/rear extension that will be 1.3m wide and 6.7m deep, located behind the existing garage. The proposal also includes the conversion of the existing garage to a habitable room, involving the removal of the garage doors and replacement with brickwork and a window.

The proposed loft conversion includes extending the hipped roof 2.7m to the side, over part of the converted garage, and incorporates a rear roof extension. Front and side roof lights are also proposed.

A replacement front porch is proposed, which will project 1.9m forward and will be 2.8m wide.

Revised plans were received 27th February 2019, which removed the second crossover and enlarged the existing hardstanding.

Additional revised plans were received 09/04/19 to address inconsistencies and a Sun study was received 23/04/19.

This application has been 'called-in' by ward Councillors.

Location and Key Constraints

The application site is a semi-detached bungalow located on the northern side of Derwent Drive.

A public footpath borders the site along the eastern flank and rear boundaries. Crofton Infant School is located to the rear of the site.

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:

- Increases parking in a road which is already extremely busy due to close proximity of Crofton School
- Loss of privacy
- Loss of light and fails the BRE 45 degree test
- The road comprises small semi-detached bungalows and this extension will look out of character
- Inaccuracies in the application submission such as to give a misleading impression and prevent proper consideration of the proposal:
 - Levels are incorrectly shown to be flat, whereas in reality the land falls from the front to the rear of the property and also slopes slightly across the front of the property. The land generally falls from south to north
 - The orientation of the elevations are all incorrect
 - 'Elevation D-D' is not shown on the ground floor plan. It is not clear what this is supposed to represent, however if it is intended to be from the side of no 12, it is completely false and misleading
 - The existing and proposed elevations do not show no.12 correctly, failing to show the rear conservatory front and rear windows and garage correctly
 - The rear roof extension shows no gulley for rain water to fall away behind the parapet next to no 12 and could not be constructed as shown
 - it is not clear whether the parking would be on a raised forecourt or not
- Over intensification of the bungalow
- Unnecessary loss of small sized single dwelling for which there is a significant housing need
- Unacceptable loss of daylight, sunlight, privacy and unduly dominant impact on neighbouring properties
- Unsympathetic and dominant roof addition that would seriously harm the appearance and character of the host building, visual amenities and character of the area
- Hazardous and unacceptable crossover and parking arrangements - impact on neighbouring amenity, safety, traffic congestion and exacerbate street parking
- The need is to protect particularly vulnerable road users - school children - in close proximity to the school entrance.

- Already a high demand in this area for streetside space close to the school during school hours.
- The driveway adjacent to the main bedroom of no 12 will cause noise and light disturbance and fumes to no 12
- The suggested size of the porch will restrict parking to the front
- An extension of the roof sideways towards my property and upwards to a first floor at the rear would completely block all daylight, sunlight and skyline
- Property has already extended four times, to construct a garage; to add a porch; to add a single storey rear extension to increase the size of the living/dining area; and then another to add a conservatory.
- Plentiful supply of large family sized accommodation elsewhere in Petts Wood and even within the vicinity
- No mention is made as to whether the materials of bricks and roof tiles would match the existing house
- It should be clarified that no change of use is proposed. The proposed layout of the property suggests that it would be vulnerable to be used for multiple occupation, as a boarding/guest house/hotel (Use Class C1, C4 or sui generis use) or let for short term temporary accommodation (e.g. Air BNB type holiday lets).
- The bungalow is set back 8-9, rather than 12 m from the public highway
- incorrectly shows a porch at the front of no.12
- The application refers to the previous adopted development plan, the Unitary Development Plan (UDP), whereas it is understood the Council adopted the Bromley Local Plan (BLP) and related documents on 16 January 2019
- If permission is granted, should include a condition or informative clarifying that no change of use to Class C1, C4, sui generis use or short term lets would be considered appropriate to this property and that it would be likely to instigate enforcement action should any such use commence without planning permission
- Unnecessary loss of smaller single dwellinghouse for which there is a significant housing need
- The South East London Strategic Housing Market Assessment (SEL SHMA) notes a 'very clear requirement for smaller homes' across South East London, including in Bromley.
- It is imperative to protect the existing supply of such smaller sized accommodation. This is reflected in the BLP with Housing Objective 1 being to provide an appropriate supply of homes that 'responds to the changing demographic, in particular as the population ages'.
- In contrast, Bromley has a plentiful supply of larger family-sized properties
- A major loss of amenity will be caused to no 12 by extending at roof level to a gable end to the full ridge height of 5m by nearly 3m beyond the rear wall of the main house, where no 12 has the sole window to the main living room.
- Inconsiderate and unneighbourly

- This will destroy the current relationship of open, light and airy passage of light afforded by the current pitched sloping roofscapes that characterise the rear of these bungalows at no's 12, 10 and 8.
- The insertion of a full height window with Juliette balcony would also cause unacceptable overlooking and loss of privacy to no 12 in using its gardens
- The roof proposed pitch would not match the existing characteristic shallow hipped roof
- It is estimated that the volume of the roof would increase by around three times.
- Size of porch should be reduced

Local Groups (Petts Wood & District Residents' Association (PWDR))

- The proposal will increase the number of bedrooms at this property from 2-3 to 5. The number of bathrooms will increase from 1 to 4. The living spaces left are totally inadequate for the number of bedrooms.
- The garage will be lost with an increase in potential parking either in the current front garden or on-street. This road and the surrounding area is situated in close proximity to Crofton School and already suffers from considerable congestion at the start/end of the school day. Any potential addition to this issue is unwelcome.
- Overlooking from the large window proposed at first floor level, and loss of privacy for the adjoining residential properties
- The proposal represents an over-development of this small bungalow and does not respect the scale and form of the host dwelling
- Contrary to Policy H8 and BE1

A petition was received on 21st March 2019 with 29 signatures, in objection to the proposal on the grounds of:

- Unacceptable impact on the existing bungalow, the area and neighbouring properties due to its design, size and impact on the light and privacy to neighbouring properties.
- Overdevelopment of a small bungalow.
- Unnecessary crossover; increased parking and traffic congestion causing hazardous conditions, especially for young children, creating disturbance to neighbours; and harming the area's appearance and character.

A letter has been received from local MP, Jo Johnson, which supports local residents who believe that this development would be out of keeping with the local area and would cause loss of amenity to neighbouring houses, particularly the adjoining bungalow.

Revised plans were received 09/04/19 and a Sun study was received 23/04/19. Nearby owners/occupiers were re-notified and representations were received, which can be summarised as follows:

Objections:

- Apart from deletion of a second crossover I cannot see any alterations at all and all external measurements appear to be the same.
- A 7 metre rear roof extension from the apex will impact on outlook and skyline
- The proposed extension is unnecessary, unreasonable and out of character with the surrounding
- Previous objections still stand
- The elevations as amended do not show the proposals in context, the applicant has now abandoned the idea of showing the relationship to the adjoining property
- The parapet wall is now proposed to raise by 0.3m in order to accommodate a box gutter which itself will cause an unacceptable loss of daylight and sunlight to the living room and conservatory of no 12.
- The resulting levels of daylight to the living room they would not even meet a BRE recommended daylight test for minimum light levels such as to make the room permanently gloomy and would cause a major loss of morning sunlight to the conservatory rendering it unfit for purpose
- Should the Council decide to grant planning permission, it is imperative that it places a specific condition specifying the maximum height of the parapet wall to the height shown. Any further increases in the height of the parapet wall will have further significant light impacts upon the living room and conservatory to no 12.
- Sun study has no explanatory report setting out the methodology used, the results nor their apparent significance, as would normally be expected for a professional BRE daylight and sunlight report.
- The applicant has not provided any analysis of daylight or nor skyline upon no 12, contrary to Bromley's validation requirements
- Proposal fails the BRE 45 degree test
- Shadows thrown by the proposed roof extension are inconsistent with those thrown by other obstructions, and are misleading
- Loss of morning sunlight to no12 and afternoon sunlight to no 8
- Proposal is contrary to adopted Local Plan Policies and SPG
- There is no sun study in relation to no.8
- The proposed extension is not sympathetic to, or compatible with, the character of the other bungalows in the immediate vicinity.
- It means the loss of a small 2 bed dwelling for which currently there is a great demand, and that demand will increase with the ageing population of Bromley.
- Still fearful that this 5 bedroom house will become a property of multiple occupation

Comments from Consultees

Highways:

- A second crossover is proposed. However the position is contrary to the Crossovers policy due to inadequate distance from the first crossover and so would not be constructed. This would leave only 1 parking space on the frontage.

- The site is in a low (1b) PTAL location. The proposal would result in a 5 bed house so at least 2 car parking spaces, preferably 3, should be provided. These can be provided by using the existing crossover and widening the existing hardstanding. If the application is going to be progressed I would ask that applicant supplies revised plans.
- Revised plans were received 27/02/2019.
- The proposed layout allows parking for 2 vehicles so I would not raise any objection.
- The site is next to a school access so we would want to control vehicle movements and so I would suggest a construction management plan condition.
- Please include the following conditions if permission is given: OC03 parking, PC17 construction management plan, PC18 highway drainage.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

7.4 Local character
7.6 Architecture

Bromley Local Plan

6 Residential Extensions
30 Parking
32 Road Safety

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

- 86/02504/FUL - Single storey side and rear extensions Semi-detached bungalow - Permitted 23.10.1986
- 02/00148/FULL1 - Single storey rear extension for conservatory - Permitted 06.03.2002
- 02/01698/FULL1 - Side and rear boundary fence RETROSPECTIVE APPLICATION - Permitted 03.07.2002

Considerations

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

- Design
- Highways
- Neighbouring amenity

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

Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

The proposed conversion of the existing garage to a habitable room includes the removal of the garage doors and replacement with brickwork and a window. It is noted that the of the surrounding bungalows, no property has yet converted the garage to a habitable room, however it is considered that this

element will not impact significantly on the character or appearance of the property or the street scene in general.

The proposed single storey side extension will be 2.6m wide and 6.7m deep. It will be located behind the existing garage therefore will not be visible from the street. It will be set in 1.3m from the eastern flank elevation and a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. The flank elevation includes an open aperture to provide light to the flank windows. The size and design is considered to be in-keeping with the host property, with the materials indicated to match the existing property.

The proposed loft conversion includes extending the hipped roof 2.7m to the side, over part of the converted garage and side extension, and incorporates a rear roof extension. Front and side roof lights are also proposed. The property forms one half of a pair of semi-detached bungalows; both of which currently benefit from symmetrical hipped roofs. Whilst the proposal will increase the width of the ridge, the hipped roof design is considered to be in keeping with the host property. At the rear, the proposal will project from the rear roof slope and will extend over the existing single storey rear extension, creating a total rearward ridge length of 7.1m. The proposed rear elevation will contain a Juliet balcony. It will be set down 0.1m from the main ridge. A public footpath runs along the eastern flank boundary, therefore the development will be visible from the public realm, however the size and design is considered sympathetic to the host property and will not impact significantly on the character and appearance of the surrounding area.

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.

Highways

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

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

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

The proposal results in the loss of one parking space by way of the conversion of the garage to form a habitable room. Revised plans were received 27th February 2019, which enlarges the existing hardstanding to provide two parking spaces within the front curtilage of the site. As such, no objection was raised from a highways perspective.

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.

The proposed single storey side extension will be 2.6m wide and 6.7m deep. It will be located behind the existing garage and will not project beyond the existing rear extension. The proposed loft conversion includes extending the hipped roof 2.7m to the side, over part of the converted garage and side extension, and incorporates a rear roof extension which extends over the existing single storey rear extension, creating a total rearward ridge length of 7.1m.

It is noted that the adjoining property, No.12, has been subject to a single storey rear extension that is approximately 2.8m deep and steps out to 4.3m deep. The application site also benefits from a 2.8m deep single storey rear extension, with additional 2.9m deep conservatory extension. The proposed rear roof extension will not exceed the depth of this neighbouring extension and is pitched away from the boundary. Concerns have been raised regarding the impact on neighbouring amenity, with particular regard to light, privacy and visual amenity. The agent has submitted a basic 'sun study' in support of the application which indicates minimal impact on sunlight and daylight, however no written explanation or methodology has been provided. Nonetheless, the roof pitches away from the shared boundary at an angle of 42 degrees when measured from the submitted plans. Furthermore, the orientation of the site is such that the rear gardens are north facing, with the adjoining property, No.12 located directly to the west. As such, it is not considered to impact significantly on the level of light or outlook from the existing rear windows of this adjoining property. The proposal will include a Juliet balcony in the rear elevation. This will result in some additional overlooking due to its elevation position, however, given the modest size and location at first floor only, this is not considered significant enough to warrant refusal of the application.

With regards to the neighbouring property to the east, No.8, the proposal includes extending the hipped roof 2.7m to the side, over part of the converted garage and includes two side roof lights. It will be set in 1.3m from the eastern flank boundary. Furthermore, a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. Given the separation between properties, the proposal is not considered to impact on the amenities of this neighbouring property with regards to loss of light, outlook or privacy.

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

CIL

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

Conclusion

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

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

**as amended by documents received on 09.04.2019 23.04.2019 27.02.2019
12.03.2019**

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 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.

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

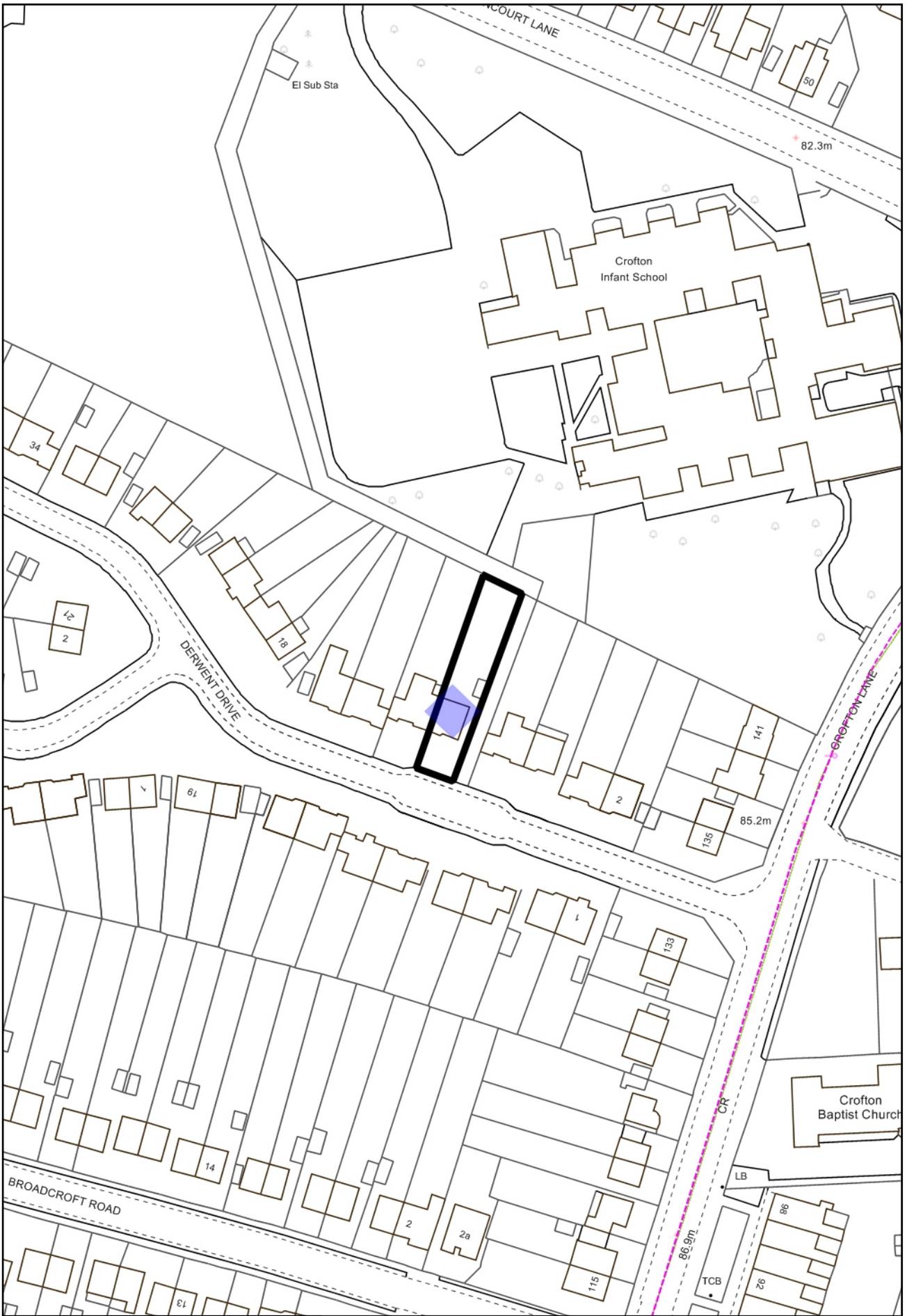
Reason: In the interests of the protection of the sewerage system and to comply with Policy 5.14 of the London Plan

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, 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 Policies 6, 9 and 37 of the Council's Local Plan (2019).

- 6** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with Policies 6, 9 and 37 of the Council's Local Plan (2019).



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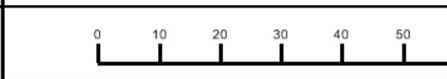


18/05592/FULL6 - 10 Derwent Drive,
 Petts Wood



Friday, May 24, 2019

1:1250



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SECTION '2' – Applications meriting special consideration

Application No : 19/00263/FULL6

Ward:
Bickley

Address : 1 Oldfield Close Bickley Bromley BR1
2LL

Objections: No

OS Grid Ref: E: 542863 N: 168290

Applicant : Mr Loughman

Description of Development:

Part demolition and reconfiguration of existing garage to form lounge, alterations to existing lounge to form new garage with pitched roof, first floor front and two storey rear extensions, removal of chimneys, new chimney stack to side and elevational alterations.

Key designations:

Smoke Control SCA 13
Smoke Control SCA 12

Proposal

Planning permission is sought for a two storey rear extension, gable ended front façade, new garage door and new chimney stack. Upgrade works to the aesthetics of the building and internal reconfiguration.

Additional drawings were received from at the agent on 26th April 2019 to illustrate the distance of the property to the northern and southern boundaries.

Location and Key Constraints

The site is located on the north-eastern side of Oldfield Road, Bromley. Oldfield Road is a cul-de-sac built in 1959 with seven individually designed detached properties. No.1 has an existing dropped kerb for off road car parking.

The application is accompanied by a Design & Access Statement.

Comments from Local Residents and Groups

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

Consultee comments

Highways - The access arrangements are not changing. The proposed unit would have a single garage and there is other parking available on the frontage.

Please include the following conditions in any permission:

OC03 parking
ND16 hardstanding
PC16 arrangements for construction period

Policy Context

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

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

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

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

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

The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (2016).

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

Under planning application ref:- 17/04236/FULL1 planning permission was refused for 'demolition of existing house and redevelopment of site with 2 x 4 bedroom two storey detached dwellinghouses, dropped kerb for off-street parking and covered bin store. The application was also dismissed on appeal on 25.04.2018.

Considerations

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

- Resubmission
- Design
- Neighbouring amenity

Resubmission

Under planning application ref:- 17/04236/FULL1 planning permission was refused for 'demolition of existing house and redevelopment of site with 2 x 4 bedroom two storey detached dwellinghouses, dropped kerb for off-street parking and covered bin store. The application was also dismissed at appeal on 25.04.2018.

The current application seeks to update and redesign the existing property internally and externally. The existing garage is to be relocated to the other side of the property and incorporate a new chimney stack. The main development to the property will be to the front and rear.

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

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

Policies 6 & 37 of the Bromley Local Plan and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

Policy 8 of the Bromley Local Plan seeks to prevent a cramped overdevelopment of a site which can lead to unrelated terracing and to safeguard the amenities of the neighbouring properties. It requires any extensions of two or more storeys to have a minimum of 1m side space for the full height and length of an extension, in order to prevent a cramped appearance. In certain areas where high spatial standards exist currently, a greater level of side space is expected such as in an ASRC.

Supplementary Planning Guidance indicates the importance of retaining the architectural integrity of the host dwelling, with extensions being required to respect the buildings composition, especially the roof and rhythm of form.

The cul-de-sac was built in the 1950/60's and comprises predominantly two storey properties of varying designs. Whilst no one design of house dominates the road and No.4 is an anomaly being a bungalow all the properties are defined by their width.

The accompanying Design & Access Statement sets out that the following works are proposed including the following double storey rear extension; gable ended front façade; revised garage location; and upgrade works to improve the aesthetics of the building.

The main increase in bulk, scale and mass to the property is to the front and rear of the property. To the front a gable ended façade will be added with traditional mock tudor style with timber cladding and render infill. The existing property is of no architectural merit and so the change to the design and front is on balance considered to be acceptable on the basis that all the properties in Oldfield Close are all different. Whilst the front extension will add additional development to the front of the property, including the first floor which introduces a projecting gable, the proposal would be modest in width and depth with a ridge height that would not extend above that of the main house. The property would retain the garage door but on the other side on the (nearest to the boundary with No.2).

Policy 8 of the Bromley Local Plan (2019) is relevant. This policy provides (in part):

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

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

This policy seeks to ensure "that the retention of space around residential buildings at first floor level and above is essential to ensure adequate separation and to

safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas."

It is noted that, the presence of the term 'normally' in the body of Local Plan policy 8 strongly implies, a need for discretion in the application of the having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

Additional drawings were received by the agent to assist Officers with their assessment as to whether the proposal complied with Policy 8 (Side Space).

An assessment of the additional drawings show that the existing garage on the ground floor sits hard on the northern boundary which splays from front to back. The proposed development shows that the existing garage will be relocated to the opposite side of the property and the existing garage will be designed and become a lounge area. As part of the redesign the ground floor will be set in by 0.8m from the boundary before extending back by 2.2m and then returning hard up to the boundary. At first floor level the property will be set in by 0.3m at the front before splaying back to 2m.

On the southern boundary a separation of between 0.3m to the front exists before splaying back to 0.5m to the rear.

The proposed design changes show that the development is not strictly in accordance with Policy 8 but given the splayed nature of the northern boundary coupled with the fact that the house would not be changing beyond its existing footprint Members may agree that the development would not cause terracing or appear cramped in the streetscene despite not having a full 1m side space to either boundary.

A material consideration in the determination of the application is the previous Inspector's appeal decision, which whilst for 2 x 4 bedroom two storey detached properties, was not dismissed on the grounds of having inadequate side space. The Inspector noted under paragraph 8 that..."the proposed development would be able to achieve gaps of between 0.51m-2.51m along the length of the flank elevations to neighbouring properties, with the variation as a consequence of splayed boundaries".

Whilst the property would not achieve a full 1m side space for the entire flank boundaries, the property fails to achieve this in this current form. It is also noted that the existing electricity sub-station next to the site on the northern boundary does already provide a degree of separation between No.1 and the rear gardens of Silver Birches, Alderwood and The Lodge. Likewise No.2 Oldfield Road is set back and away from the shared boundary from No.1 and this also provides a degree of side space in the streetscene.

The proposed two storey rear extension will also add bulk, scale and mass to the rear of the property measuring between 2.6-4m in depth x 14m in width x 7.3m in height with a hipped roof. Whilst the additional development would increase the overall footprint of the property, especially at first floor level the proposal is considered to be a proportionate and a sympathetic addition to host dwelling. Furthermore the host dwelling is considered to blend in with the varied form of development in the close.

The materials used for the external surfaces of the extension would match the host dwelling. The proposal is considered to comply with policies 6 & 37.

Neighbouring amenity

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

The existing property lies on the boundary of its plot. The additional bulk, scale and mass to the property will be to the front and rear. The main impact will be to the annex of Silver Birches and to No.2 Oldfield Close.

The property will remain in its existing plot which resides on the boundary of either boundary. The main impact will be to the front and rear. No.1 sits back in its plot to the annex to Silver Birches so it is not considered that the front development would cause an overbearing visual impact. Likewise No.2 Oldfield Rd sits further back in its plot and at a slight angle to No.1. No.1 has also been considerably extended. The side garage of No.2 sits between No.2 and the shared boundary of No.1. The two storey rear extension is also set-in from the shared boundary and overall the additional development is not considered to cause a loss of overlooking or privacy (with no windows located in either flank elevation).

The appeal Inspector, when considering the previous application on the site, noted at paragraph 8 "the relationship with the neighbouring properties to the appeal site within the streetscene as a consequence of a failure to achieve the requisite side space, would not be adversely affected in this specific regard when compared to the existing development".

Having regard to the scale and siting, of the development, it is not considered that the development to the property would not cause a significant loss of amenity to light, outlook, prospect, privacy or overlooking.

CIL

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

Conclusion

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

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

Reason: In order to comply with Policy 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 interests of visual and residential amenity.

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

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

- 5** 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.

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

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policies 30 and 32 of the Bromley Local Plan

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

Application No : 19/00509/FULL1

Ward:
Darwin

Address : Luxted Farm Luxted Road Downe
BR6 7JT

Objections: Yes

OS Grid Ref: E: 543342 N: 160223

Applicant : Mr Kenny Love

Description of Development:

4 dormer extensions and elevational alterations to include enlarged doors, glazed roof panels and alterations to windows

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

Planning permission is sought for the provision of 4 dormer extensions within the southern roof structure of the existing barn building. Additional elevational alterations include the provision of large ground floor windows, garage door and glazed panels and rooflights on the elevations of the roof.

Prior Approval was granted under ref. 18/03033 for the conversion of the building to a residential dwelling, however this has not been implemented. The application in this case should therefore be considered in regards to the extension of the barn and the proposed works should relate only to the existing barn at this stage.

Location and Key Constraints

The site is located on the southern side of Luxted Road and comprises a group of residential and agricultural buildings. The wider area is rural in character and has a mix of dwellings and farm land. The site is located in the Metropolitan Green Belt.

Comments from Local Residents and Groups

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

Groups:

- The Downe Residents' Association has objected on the basis that the proposed dormers fall outside of Class Q of Part 3 of the GPDO

Comments from Consultees

None.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

- 7.4 Local Character
- 7.6 Architecture
- 7.16 Green Belt

Bromley Local Plan

- 37 General Design of Development
- 49 Green Belt

Supplementary Planning Guidance

SPG1 – General Design Principles

Planning History

18/03033/FLXAG - Change of use of Agricultural Building to Class C3 Dwellinghouse (56 day application for prior approval in respect of transport and highways, noise, contamination, flooding risks, under Class Q(a) of Part 3 of schedule 2 of the GPDO 2015). – PRIOR APPROVAL GRANTED

01/00173/FULL1 - Single storey side and rear extensions - Permitted

95/01922/LBCALT – Renewal of slate roof and demolition of attached sheds LISTED BUILDING CONSENT - Permitted

92/00841/FUL – Elevational alterations to barn and conversion into 1 two bedroom and 1 three bedroom dwellings with 4 car parking spaces - Permitted

90/02820/FUL – Elevational alterations to barn including provision of 4 additional dormers and conversion into 1 single storey two bedroom dwelling and 1 two storey 3 bedroom dwelling with 4 car parking spaces - Refused

89/01441/FUL – Temporary siting for residential caravan - Refused

89/01440/FUL – Increase in roof height incorporating front rear dormer extensions conversion of barn comprising one single storey two bedroom one two storey three bedroom dwelling 4 car parking spaces - Refused

87/03969/FUL – Change of use of barn to two dwellings for family occupation - REFUSED

Considerations

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

- Green Belt
- Design
- Neighbouring amenity
- CIL

Green Belt

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

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.

Point C of Para 145 relates to the extension of a building and outlines that this is not inappropriate provided that it does not result in a disproportionate additions over and above the original building. This guidance is reflected in Policy 49 of the Bromley Local Plan.

The proposed dormers will be sited within the roof space of the existing barn, which is in its original form. The dormers will be small, each with a pitched roof and each sited comfortably within the existing roof of the barn. It is considered that the four additions to the roof collectively would not result in disproportionate additions over and above the original building. The overall footprint, external appearance and scale of the building would not be significantly altered by the proposal and therefore it is considered that the proposal would not be inappropriate in the Green Belt as outlined by Policy 49 of the Bromley Local Plan.

Design

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

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

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

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

The proposed dormer extensions will have a traditional appearance with pitched roof design and will be modest in scale, sitting comfortably within the roof space of the building without dominating it or competing with its character. The proposed elevational alterations are sought with regard to the planning history, which grants prior approval under ref. 18/03033 for the conversion of the building into a residential dwelling. Whilst the changes will move the appearance of the building away from a rural barn and more towards that of a dwelling, these are mainly focused to the southern elevation, with a garage door on a side elevation and minor fenestration changes to the other elevations. On balance, the rural character of the structure would not be drastically altered, and the use of brickwork, cladding and roof tiles will respect the inherent character of the barn.

Having regard to the form, scale, siting, proposed materials and planning history at the site it is considered that the proposed extension would be acceptable in design terms and would comply with Policy 37 of the Local Plan.

Neighbouring amenity

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

The building is sited to the south of the dwellings known as Luxted Cottages and the 4 dormers will be constructed within the southern roof space, overlooking fields to the south. It is therefore considered that the proposed additional bulk will have no direct impact either in terms of visual impact or overlooking. On the northern elevation, it is proposed to alter some of the positioning of the rooflights approved under ref. 18/03033, however this is not considered to introduce additional opportunity for overlooking.

On balance it is considered that the development would not impact detrimentally on the amenities of neighbouring properties and would comply with Policy 37 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

This application relates only to works to the existing barn building and as such must be considered on its own planning merits (outside of the previously approved prior approval application for residential conversion).

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 harmful impact on the openness and visual amenity of the Green Belt and will not impact on neighbouring residential amenities.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development 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.

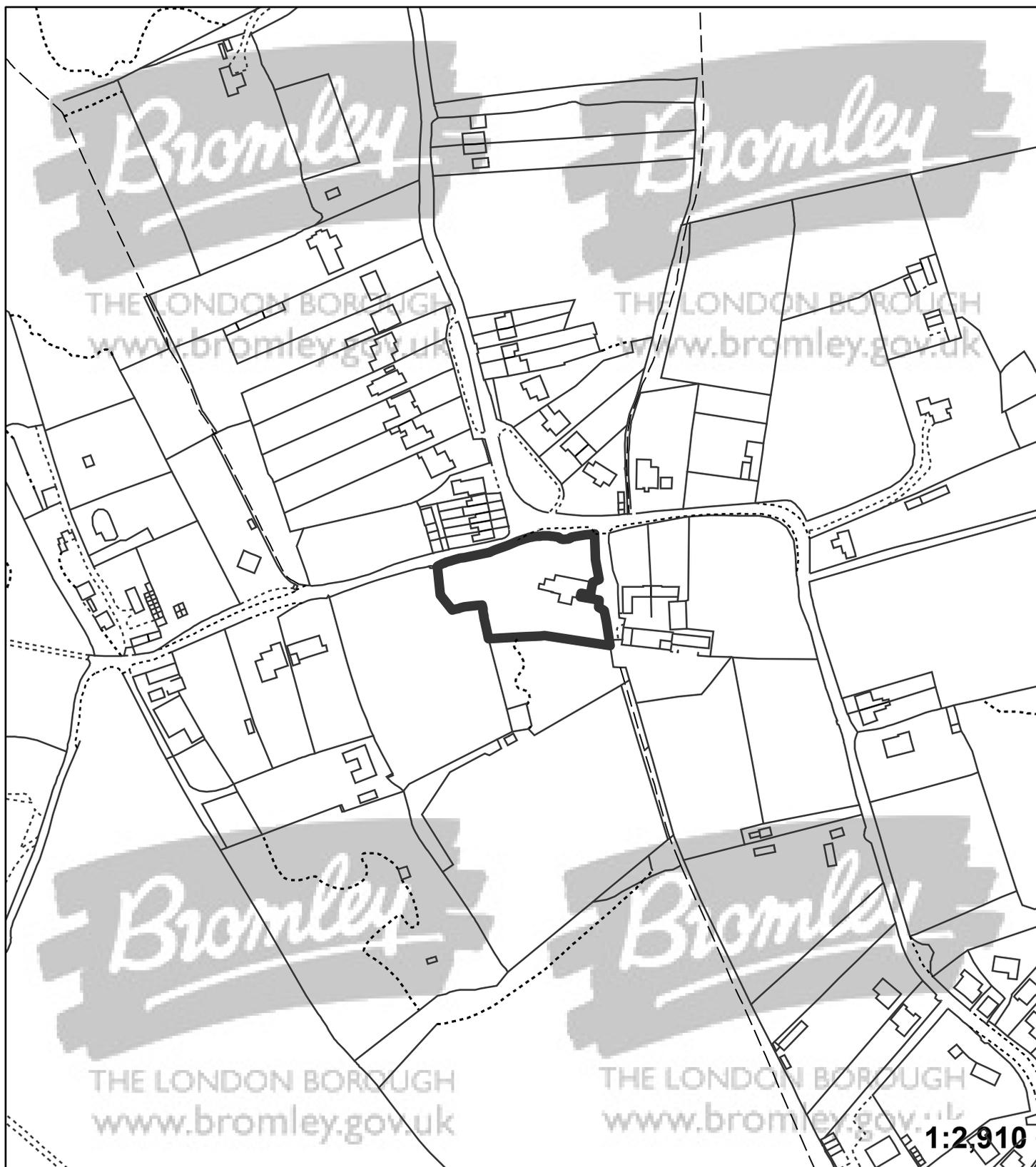
Informative

The applicant is advised that the planning permission hereby granted relates solely to the extension of the existing barn building. The applicant should satisfy themselves that any future conversion of the building benefits from the required prior approval or lawful development certification.

Application:19/00509/FULL1

Address: Luxted Farm Luxted Road Downe Orpington BR6 7JT

Proposal: 4 dormer extensions and elevational alterations to include enlarged doors, glazed roof panels and alterations to windows



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

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SECTION '2' – Applications meriting special consideration

Application No : 19/00620/OUT

Ward:
Orpington

Address : 14 Knoll Rise Orpington BR6 0DD

Objections: Yes

OS Grid Ref: E: 546060 N: 166125

Applicant : Mr Roger Waddingham

Description of Development:

Outline planning application for the demolition of four existing houses (No. 14 to No. 20 Knoll Rise), erection of three new buildings ranging from three to four-storeys comprising 41 apartments with associated access, parking and amenity space

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

Outline planning application (with **access, layout and scale** for approval) for the demolition of the existing four dwellings (No.14 – 20 Knoll Rise) and the erection of 3 buildings ranging from three to four storeys to provide 41 residential apartments. Landscaping and Appearance are reserved to be considered at a later stage.

The proposed accommodation would comprise of 18 x 1 bed, 19 x 2 bed and 4 x 3 bed units, 15 affordable units (comprising 3x 1b bed and 6 x 2bed rented units; 3 x 1 bed and 3 x 2 bed intermediate units) achieving 35.8% by habitable room and a split of 61.5% rent and 38.5% intermediate provision. 5 wheelchair units (12%) are proposed and would be located on the ground floor. An internal lift would be provided within the 4 storey building and accessible to all floors.

A new vehicular access would be created via Vinson Close leading to a car park with a capacity of 21 parking spaces including 5 disabled spaces. A communal bin storage area and 2 communal cycle storage areas are also proposed.

38 units would be provided with a private outdoor space in the form of a private balcony, private or front garden. A communal garden measuring approximately 670sq.m would be provided behind the proposed buildings.

The application was supported by the following documents:

Design and Access Statement (prepared by PAC Design Ltd; dated Feb 2019)

This statement describes the site location, planning history, local character of the area and the key differences between the previous and current scheme. This report indicates the site is surrounded by a variety of buildings of different scale. Low density, suburban detached houses with large gardens are located further from the site. The key differences to the previously refused scheme relate to:

- A reduction in building height by one storey (to a maximum of four storeys at the corner);
- Creation of 3 storey buildings to provide visual breaks;
- Removing the lower ground floor units at the rear;
- Reduction of single aspect units; and,
- Reduction of proposed units and parking spaces (achieving 0.5 space per dwelling).

Planning Statement (prepared by Maven Plan; dated Feb 2019)

This statement describes the site location, planning history including reasons of previous refusal, relevant planning policies, and details of the proposal and planning assessment in light of the previous appeal decision. The site is located 100 metres from Orpington Town Centre with good accessibility by public transport. The proposal is revised to address the character and appearance, standard of accommodation, impact on residential amenities, highway and biodiversity concerns. The footprint of the L shape building is reduced and the proposed accommodation would be provided in 3 separate buildings with gaps in between. The revised scheme is designed to address the previous refusal which was dismissed at appeal.

Extended Phase 1 Habitat Survey (prepared by Innovation Group Environmental, dated 27th September 2017)

The buildings are in overall good condition, and no potential roost features were visible on properties at no.16 and 18. No.14 has several potential roost features for bats, and based on the external inspection it is assessed as having 'moderate bat roost potential'. The property at No.20 had one potential roost feature and two enclosed loft spaces. Based on the external inspection, this building was assessed as having 'low bat roost potential'. In accordance with current best practice guidance, it is recommended that an internal inspection of enclosed loft spaces is undertaken where possible and safe (i.e. No. 20 and No. 16), together with emergence surveys for buildings at No. 14 and No. 20, to determine the use of these features by bats. Due to the presence of small patches of suitable habitat for reptiles at the end of the rear gardens at No 14 and 16, reasonable avoidance measures are recommended to ensure that reptiles are safeguarded. Virginia Creeper has been identified as growing on the site, it is recommended that competent contractors are employed to carry out works to eradicate this species from the site prior to the commencement of construction. Bat and bird boxes will be included within the new building design, and wild flower seed mix (suitably sourced

for the area) and native trees and shrubs used to landscape areas surrounding the buildings.

Bat Survey (prepared by Innovation group environmental services, dated August 2018)

Two dusk emergence surveys were carried out and no bats were seen emerging from either building during any of the emergency surveys. Foraging/commuting activity was limited to one high pass of a Common Pipistrelle during the second survey. No other bats were recorded. As such, it is recommended that no further action is required.

Reptile Method Statement (prepared by The Ecology Co-op Environmental Consultants, dated Feb 2019)

The Preliminary Ecological Appraisal and Phase 1 Habitat Survey and Report identified habitat on site suitable to support reptile. This report outlines appropriate ecological mitigation and enhancement measures will be implemented during the construction phase and works will be overseen by a suitably qualified ecologist.

Paragraph 40 to 42 of the planning inspector report;s states *“Based upon the specialist ecological surveys before me, the site not and important habitat, and there would be no adverse effect on protected species. Mitigation measures are proposed that could be the subject of a condition and this would contribute to the protection and management of biodiversity”*.

Noise Assessment (prepared DKN Acoustics, dated Feb 2019)

A 24-hour noise survey has been undertaken of road traffic noise on Knoll Rise, which is the main noise source affecting the site. Noise levels have been predicted at the most exposed on the proposed residential facades overlooking Knoll Rise. Appropriate noise control recommendations have been provided to ensure that noise levels inside proposed habitable rooms (living rooms and bedrooms) will meet the desirable levels recommended by BS8233: 2014. Noise control recommendations have also been provided for balconies, where required. The majority of private external amenity space and the proposed shared public outdoor amenity area are expected to be exposed to levels meeting or better than the desirable range recommended by BS8233: 2014.

Sustainability and Energy Statement (prepared by Maven Sustainability, dated Feb 2019)

The total site CO2 emissions are calculated as 36,110 kg CO2 per year (TER) and 28,714 kg CO2 per year (DER). Various technologies are considered and whilst wind turbines, combined heat and power, ground source heat pumps, solar hot water heating panels and air source heat pumps are not considered appropriate the use of photovoltaic panels, flue-as and waste-water heat recovery systems are considered feasible and appropriate. Following the Be Lean, Be Clean, Be Green principles, the total reduction in emissions from energy efficiency measures, the

FGHR and WWHR units and the photovoltaic array is therefore calculated as; 12,644 kg CO₂ per year, which equates to a reduction of 35.02% (% of TER).

Daylight and Sunlight Assessment (prepared by Herrington Consulting Ltd, dated Feb 2019)

The report concludes that it has been demonstrated that the majority of the windows and rooms tested will not be subject to noticeable daylight reductions and will receive acceptable daylight levels with the proposed development in place. The exceptions are the kitchen windows to 1 Vinson Close and 22 Knoll Rise, in which the report states that there is likely to be a reduction in daylight which will be noticeable to the occupants of the room, it is necessary to acknowledge that in some situations, such reductions are unavoidable in dense suburban environments. The assessment also notes that there will be an impact on the sunlight enjoyed by the neighbouring buildings however this is unlikely to be noticeable to the occupants.

Transport Statement (prepared by Highway Planning Ltd, dated Feb 2019)

The report concludes that the site is located close to Orpington town centre and within convenient walking distance of a wide range of day to day facilities and public transport. The site has a PTAL rating of 6a. Local and national planning policy seeks to locate residential development in areas where residents will have the opportunity to travel by sustainable modes. The report notes that the development complies with these policies and the level of car parking proposed reflects the very good accessibility credentials of the site. The conclusion of the report also states that the parking surveys demonstrate that there is spare on-street parking in the vicinity of the site. The parking survey indicates that the available parking stock within a 200 m walk distance of the site, including the CPZ within which residents must have a permit, is not fully utilised. The proposal would result in the closure of 4 existing accesses onto Knoll Rise and creates an opportunity for the Council to re-assess the on-street parking restrictions in Knoll Rise to potentially create additional CPZ spaces to offset the loss of 2 existing on-street parking bays on Vinson Close. Paragraph 39 of the Appeal decision notice states that the proposal would not cause harm to the safety of highway users or conflict with the planning policies. The report in summary notes that the proposed site layout complies with the Council's requirements in terms of access design, car parking layout and servicing requirements. Secure and covered cycle parking will be provided in accordance with the London Plan standards.

Air Quality Assessment (prepared by Hawkins Environmental, dated Feb 2019)

The report states that baseline pollutant concentrations on site have been investigated using both existing monitoring data and through predictions using the Breeze Roads Detailed Dispersion Model methodology. At present, and in the opening year of the proposed development (2020), concentrations of all pollutants are below the Air Quality Objectives. Therefore, onsite pollutant concentration should not be a constraint upon the development of the site. In line with the London Plan's Sustainable Design and Construction SPG, this development can be considered to be "Air Quality Neutral", in terms of both plant and transport

emissions. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will see the site designated a "Medium Risk Site". However, with risk appropriate mitigation, residual effects will not be considered significant.

Tree Protection Report (prepared by Challice Consulting Ltd, dated February 2019)

A site inspection was carried out and 4 category B trees (T13, T15, T18 and T19), 12 category C trees (T3, T5, T6, T7, T14, T16, T17, T20, T22, T24 and T25) and 5 category C tree groups (G1, G2, G4, G10, G21, G23) and 4 category U trees (T8, T9, T11 and T12) were identified.

One category B tree (T19), 10 category C trees, 5 groups including part G4 and part G23 and 4 category U trees will be required to be removed. The report states that the arboricultural impact from the street is moderate as a number of boundary trees are to be retained. A landscaping plan has been submitted to accompany the application.

Surface Water Management Strategy (prepared by Herrington Consulting Ltd, dated Feb 2019)

The report concludes that the most viable solution to manage all of the surface water runoff discharged from the proposed development will be via a connection to the public surface water sewer system. To restrict the rate at which surface water runoff is discharged offsite, a hydro-brake flow control device has been specified to attenuate the rate at which surface water runoff is discharged from the site to be limited to a maximum rate of 2.0l/s.. It is recommended that additional measures such as permeable paving, green roofs and other measures be incorporated into the detailed drainage design if practicable.

Landscaping proposal – (prepared by ME Landscape Studio, dated Feb 2019)

This document provides some illustrative landscaping plans indicating how the site could be landscaped.

Location and Key Constraints

The site measures approximately 2, 727sq.m in area and is located on the northern side of Knoll Rise, at a prominent junction with Vinson Close. The site is adjoining low rise residential buildings to the north and west and the buildings are domestic in scale ranges between single to two storey in height. The residential houses are well spaced out and benefited with private front and rear gardens area, away from the more urbanised development along the High Street.

The site comprises of 2 detached houses and a pair of semi-detached houses ranging between single to two storey in height. The building line along the northern part of the road is relatively uniform, with the semi-detached properties sited slightly in front of the detached properties. The dwellings along Knoll Rise have an open and verdant frontage, with low boundary treatments adjacent to the highway.

The properties also all benefit from a considerably sized rear amenity space spanning 40m in length. Knoll Rise slopes steeply from west to east.

The site is located within a residential area, with dwellings surrounding the plot to the north, west and south. The site is situated approximately 110m from Orpington High Street and bounds predominantly office and retail uses to the east. It is noted that Berwick House has recently been granted prior approval for a change of use from office to residential. The site is located within a PTAL 6a area.

The building line along the northern part of the road is relatively uniform, with the semi-detached properties sited slightly in front of the detached properties. The dwellings along Knoll Rise have an open and verdant frontage, with low boundary treatments adjacent to the highway. The properties also all benefit from a considerably sized rear amenity space spanning 40m in length. The site slopes steeply from west to east.

Comments from Local Residents and Groups

The nearby owners/occupiers were notified of the application and a 114 letter of objection were received. The grounds of objection are summarised as follows:

Housing and character of the area

- Over dominate the street scene, overdevelopment and too high density;
- Out of keeping and overbearing when compared with this sub-urban area, which is dominated by detached houses that are benefit from long gardens;
- The proposed buildings would be of a size, height and bulk being excessive in this suburban area and would represent a blot on the local landscape;
- Higher buildings will look out of place in this low rise area and will set a precedent for harmful development which effect the character and appearance of area;
- Design is not of a high quality and despite the reduction in units, the proposal remains excessive;
- Density of development contravenes the Bromley Local Plan and will not benefit the local area;
- The existing houses that are being demolished are not in a bad condition. The proposal would result in net loss of family housing which is more suitable at this location;
- The proposed flats would not be affordable. There are a number of properties and new flats in Orpington and there is no need for more flats in the area;
- Redeveloping unused office blocks would be more sensible than demolishing dwellings; and,
- Loss of trees, wildlife and affect the character of the area. Two neighbouring trees appear to be included in the Tree Survey.

Impact on residential amenities

- Overlooking and loss of natural light;

- Loss of privacy and excessive noise from new flats. The tranquillity of area will be lost;
- Noise during construction will be unbearable;
- Communal garden likely to increase noise levels in the area;
- The proposed communal garden being adjoining to neighbouring houses could pose a security risk. There is a lack of adequate crime prevention measures;
- Vinson Close is already overlooked by other development and the proposal would exacerbate the problem;
- The office accommodation next door will be completely overshadowed and the underground car park is at risk of flooding; and,
- Balconies will overlook surrounding houses and gardens.

Inadequate parking

- Whilst the site is close to High Street with good transport links, the residents rely on cars;
- Inadequate parking spaces to accommodate the proposal and it is already difficult to park in the area as the site is close to the High Street;
- Residents from the other apartment block on the road already have inadequate parking so are forced to park on the street;
- Many commuters travel by public transport and still have multiple cars per household; Bromley is not well served by public transport; and,
- The proposal is likely for elderly residents and Blue Badge spaces should be provided.

Impact on traffic

- Already increased level and flow of traffic due to other recent developments;
- Further risk and danger due to the increase in the number of vehicles down the road due to this development;
- Increased pollution from more vehicles;
- Likely to be more deliveries and refuse collections will be introduced that the road cannot cope with;
- Site is on a corner - increased cars and pedestrians at the junction would be dangerous;
- Drivers use Knoll Rise as a short cut so there is always through-traffic;
- Emergency vehicles struggle to drive down Knoll Rise; and,
- The road is a hill which is not suited to the flow of traffic.

Adverse impact on local infrastructure

- Inadequate schools places and GPs; and,
- There many recent developments in the local area which already out severe strain on local infrastructure.

Comments from Consultees

Secure by Design:

Should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design officers and the New Homes 2016 guidance document, and it is therefore request a Secured by Design condition be attached.

Thames Water:

- Waste comment

The site is located within 15 metres of a strategic sewer. Details of piling method statement should be and secured by a planning condition in consultation with Thames Water. Development should minimise ground water discharge into public sewer A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. 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.

- Water comment

Thames Water does not permit building over or construction within 3 metres of water mains. Any significant works near the mains (within 3m) should not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>

No objection regarding to water network infrastructure capacity . 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. The site is located within 15m of our underground water assets and an informative relates to 'working near our assets' should be attached.

Environmental Health Pollution Officer:

No objection is raised to the proposed development. A Construction management plan should be secured by a planning condition.

Drainage Engineer:

The Surface Water Management Strategy Report indicates that adequate measures would be provided to restrict the flow to 2l/s and this is considered acceptable. A planning condition requiring development to be implemented in accordance with the plan should be secured by a planning condition.

Highways:

It is noted that the previous outline application was dismissed at appeal in October 2018 (ref : 18/00006).

- Access

The existing vehicular accesses on Knoll Rise will be closed and a new access would be created at the northern end of the site via Vinson Close. The visibility splays of 2.4 m x 43m will be provided in both directions together with 2m x 2m pedestrian visibility splays at the back edge of the Vinson Close footway.

- Parking

Bromley Local Plan Policy 30 requires a minimum of 30 spaces and a maximum of 43 spaces to be provided. Whilst there is a shortfall of 9 parking spaces, the site has a high PTAL (6a) and it would be difficult to sustain a ground to object to the proposal. A car park management plan should be secured by planning condition.

A Transport Statement has been submitted with the application. Parking stress surveys have been carried out along the lines of the Lambeth methodology. There were 3 surveys carried, 1 during the evening between 6 -9pm on a weekday and two between 12.30am to 5.30am weekday in September 2017. The evening survey showed the highest parking stress as shown in the table below. The survey showed that there are enough spaces to take up the shortfall in parking provision overnight but the surveys do not cover the daytime situation so that is indeterminable.

	Tuesday 01.15am	Tuesday 6pm – 9pm (max stress during period)	Wednesday 02.00am
CPZ (available spaces)	74% (12)	79% (10)	79% (10)
Restricted parking (pay & display bays) (available spaces)	24% (22)	97% (1)	14% (25)
Single yellow lines (available spaces)	11% (106)	19% (87)	9% (98)

The new access would require the removal of 2 shared use / pay & display bays and the applicant should make a financial contribution of £27,960, 2 years free car

club membership and a minimum of 20 free hours driving should be secured by a S106 legal agreement.

Transport for London:

The site is located approximately 225m from the A232 Station Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

The level of parking provision is considered to be excessive as the site has a PTAL of 6a and is located approximately 12 minute walk from Orpington Station with good access to local bus services on High Street. Draft London Plan Policy T6.1 would expect the development to be car free and a restriction on future occupiers from applying for any on-street parking permits should be secured via a Section 106 agreement.

The proposed number of cycle parking spaces is compliant with draft London Plan Policy. The design should comply with cycle parking standards set out in Chapter 8 of the London Cycle Design Standards. Details of proposed construction access arrangement should be provided to TFL to confirm impacts on the surrounding transport network and these will require approval from TfL. The proposal is subject to London-wide CIL which is £ 60/sq.m.

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 Bromley Local Plan is adopted in January 2019. The Mayor's of London is preparing a draft London Plan and is subject to modifications at present. The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (March 2016). The NPPF does not change the legal status of the draft London Plan.

London Plan (2016)

- 2.6 Outer London: vision and strategy
- 2.14 Areas for regeneration
- 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
- 3.12 Negotiating affordable housing
- 3.16 Protection and enhancement of social facilities
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 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
- 5.21 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
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

The Mayors Housing SPG (2015)
Homes for Londoners SPG (2017)

Draft London Plan (2019)

- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy D3 Inclusive Design
- Policy D5 Accessible housing

PolicyD6 Optimising housing density
Policy D10 Safety, security and resilience to emergency
Policy D12 Agent of Change
Policy D13 noise
Policy H1 Increasing housing supply
Policy H5 Delivering affordable housing
Policy H6 Threshold approach to applications
Policy H7 Affordable housing tenure
Policy H8 Monitoring of affordable housing
Policy H12 Housing size mix
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 1 Improving air quality
Policy SI 2 minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 8 Waste capacity and net waste self- sufficiency
Policy SI 13 Sustainable drainage
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy M1 Monitoring

Bromley Local Plan (2019)

Policy 1 - Housing Supply
Policy 2 - Provision of Affordable Housing
Policy 4 - Housing Design
Policy 8 - Side Space
Policy 30 - Parking
Policy 31 - Relieving Congestion
Policy 32 - Road Safety
Policy 33 - Access for All
Policy 34 - Highway Infrastructure Provision
Policy 37 - General Design of Development
Policy 113 - Waste Management in new Development
Policy 115 - Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems
Policy 119 - Noise Pollution
Policy 120 - Air Quality
Policy 122 - Light Pollution
Policy 123 - Sustainable Design and Construction
Policy 124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Planning Obligations SPD
Affordable Housing SPD

Planning History

- 86/03032/OUT – Refused

Outline planning permission for the demolition of three dwellings and construction of two storey housing for the elderly warden accommodation with 17 parking spaces

- 18/00006/OUT – refused on 25th April 2018 and subsequent appeal dismissed on the 21st October 2018

Proposed outline development in respect of access, appearance, layout and scale for the demolition of 14-20 Knoll Rise and the erection of a part three, part four and part five-storey building to contain 58 flats with associated parking, access and amenity areas. The Council's reasons of refusal were:

1. The development, as proposed, would result in a cramped overdevelopment of the site, out of character with, overly prominent and harmful to the visual amenities of the area and suburban character of the wider locale which this site is considered to contribute positively to as a result of its size, scale and massing contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and policies 3.4 and Table 3.2, 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.

2. The proposed development fails to provide a satisfactory standard of living accommodation for future occupiers by virtue of the substandard layout of internal communal space, extent of north facing single aspect units, poor outlook from habitable rooms, transient pedestrian and vehicular movements within close proximity to amenity and habitable areas and loss of privacy as a result of the access, height and location of the raised deck area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and policies 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.

3. By virtue of the size, scale, massing and layout of external amenity areas the proposed development will result in an oppressive and harmful impact in respect of neighbouring owner/occupiers by reason of a loss of privacy and outlook and as a result of insufficient information to the contrary, would result in a harmful impact by way of noise and disturbance due to transient pedestrian and vehicular movements contrary to policy BE1 and H8 of the Unitary Development Plan and Policy 27 of the Draft Local Plan and policies 7.4 and 7.6 of the London Plan and the Mayor's Housing SPG.

4. Insufficient information has been provided as part of the application in the form of bat emergence surveys and measures to safeguard reptiles to properly assess the potential impacts of the scheme upon the protected species which, due to the demolition of existing buildings and the intensification of the site, may result in a prejudicial impact upon bats and reptiles contrary to Policies NE5 of the Unitary Development Plan, Policy 72 of the Draft Local Plan and Policy 7.19 of the London Plan.

5. The proposal, by reason of the insufficient information provided in the traffic statement, vehicular access from Vincent Close and service and delivery vehicles

which use this road, loss of on-street parking bays and insufficient on site car parking, would result in prejudicial impact on road safety for road users and pedestrians and additional pressure on the provision of on-street car parking in the area, contrary to Policy T18 of the Unitary Development Plan and Policy 32 of the Draft Local Plan.

6. The development will result in the loss of important suburban family housing at this location this being an essential characteristic of the residential form of the area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan 3 and 7.4 of the London Plan.

7. The development will result in the loss of important back garden at this location this being an essential characteristic of the area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and 3.5 and 7.4 of the London Plan.

The subsequent planning appeal was dismissed for the following reasons:

1. Character and appearance – (Council's refusal reason was endorsed)

The scale of the proposal (both footprint and height) would cover a significantly greater proportion of the site than the existing suburban family dwellings. The elevational treatment and recessed sections attempts to break up the building. However this would not mitigate the overall massing and width and the unbroken consistent roadside frontage on both Knoll Rise and Vinson Close. New development would need to have regard to the prevalent characteristic of the area. In this case, the proportions of the building would fail to have regard to the existing pattern and grain of spaces and gardens. The proposal would have a harmful effect upon the character and appearance of the area.

2. Living conditions for the future occupiers - (Council's refusal reason was endorsed)

Bedroom windows associated with Units 12, 26 and 39 would be provided with an inadequate outlook and availability of light. Each core should be accessible to generally no more than 8 units and developments should minimise the number of single aspect units and avoid family north facing units. The communal amenity deck (associated to Unit 1, 2, and 3) would be raised 3 metres higher than the private amenity areas and would result in loss of privacy. These areas would be bounded by tall structures to 3 sides which further limit their usefulness. Unit 12, 13 and 14 would experience loss of privacy and poor outlook due to the close proximity to the communal space.

3. Living conditions of the neighbouring properties - (Council's refusal reason was partially endorsed)

Communal gardens that would serve all 58 units would create more noise than a domestic garden, particularly during pleasant weather conditions. The proposed communal garden would be highly likely to lead to undue noise and disturbance to the neighbouring peaceful enjoyment of their gardens. Whilst the proposed building

would not result in loss of light , the proposed building would be a tall dominant and oppressive structure and would appear as an overbearing, unduly harmful development and would compromise the outlook of the neighbouring properties.

The vehicle and pedestrian movements associated to the underground car park would not have an unacceptable effect upon the living conditions of the neighbouring occupiers at 22 Knoll Rise and 1 Vinson Close. The proposed rear balconies would be set a sufficient distance away and a privacy screen would mitigate any overlooking to the sides.

4. Highways - (Council's refusal reason was not endorsed)

The parking provision (29 spaces - 0.5space per dwelling) was considered acceptable as the site has good accessibility by public transport (PTAL6). The parking stress surveys indicated that the evening has the highest parking stress and there were sufficient spaces to take up the shortfall in parking provision overnight. There was a lack of daytime survey. However, it was generally accepted that parking demand during the day would be lower than in the evenings and at night. Servicing, delivery and waste collection arrangements were considered acceptable. The existing vehicular accesses on Knoll Rise can be stopped up. The residual cumulative impacts on the road network were therefore not considered to be severe. 2 on-street parking spaces would be lost. The loss of revenue and provision of a car club can be secured by S106 agreement.

5. Protected species and loss of gardens - (Council's refusal reason was not endorsed)

Mitigation measures are proposed to protect and manage the impact on biodiversity and this could be the subject of a planning condition, should planning permission be recommended for approval. Based on the finding of the special ecological survey, the proposal was not considered to have an adverse effect on the protected species.

Considerations

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

- Land Use
- Housing
- Standard of residential accommodation
- Scale, Massing and Layout
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other
- CIL
- S106

Land Use

The National Planning Policy Framework (NPPF) states in Paragraph 11 that there is a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. NPPF Paragraph 117 requires planning policies and decision to promote an effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. Bromley Local Plan Policy 1 seeks to meet the minimum required housing supply target and make the most efficient use of land. The current proposal could represent a good contribution to the Council's required Housing Land Supply in a location adjacent to Orpington Town Centre.

As existing residential land, an increased density and housing provision could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations.

The site is not designated or an allocated site for any uses. The site is not within or near to a designated sensitive area such as conservation areas or sites of specific nature importance. There are no statutory listed buildings in the vicinity. Furthermore, the site is situated within an accessible, residential area bounded on three sides by a mixture of residential properties and is currently in residential use.

The principle of the redevelopment of the site for a higher density of housing and additional housing provision is therefore supported in principle subject to an assessment of all other matters.

Housing

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) suggests residential density ranges related to a site's setting and public transport accessibility (PTAL). The setting of the site is considered to be 'suburban'. The suggested density range with a PTAL rating of 6a is between 200 - 350 habitable room per hectare (hr/ha).

This site is located on the northern side of Knoll Rise and the western side of Vinson Close and is markedly suburban in character and appearance. The buildings on these residential roads are low in density, low in building height and scale containing single or 2 storey dwellings that generally benefit from long rear

gardens which is distinctively different to the buildings located on the eastern side of Vinson Close. This view was supported by the Planning Inspectorate and paragraph 7 of the previous appeal decision states *“The site is markedly suburban in character and appearance....This suburban area has a pleasant, spacious and leafy residential character”*.

The proposed residential density would be 382 hr/ha and would be above the recommended density range. Whilst the proposed density would be reduced when compared with the last dismissed scheme, it should be noted that the density of the existing site/dwelling is approximately 91 HR/HA. The proposed density would represent a significant change in terms of local density context and a highly noticeable degree of over-development at this suburban site. The proposal would not be compatible with the existing residential development on Knoll Rise and Vinson Close, to which the site adjoins.

Paragraph 3.28 of the London Plan states: *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically”*. Paragraph 1.3.8 of the Housing SPG (March 2016) provides further guidance on applying the density matrix which states that Table 3.2 should be used as a starting point and guide rather than operate as an absolute rule. This is in order to take proper account of their objectives and local context. Paragraph 1.3.9 of the Housing SPG also states that proper weight should be given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in Chapter 7 of the London Plan.

The proposed development density would sit well above the London Plan density ranges however this is not necessarily determinative given the location on the edge of the town centre. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Whilst the principle of the redevelopment of the site for a higher density of housing and additional housing provision may be supported in principle subject to an assessment of all other matters, Officers are concerned as to the extent of the development proposed and the impacts of this upon the residential suburban character of the area. Officers consider the site to be located within an area where the predominant land use is of low scale residential properties, predominantly single and two storey in nature, however the proximity of the site to the High Street is acknowledged. The properties along Knoll Rise benefit from considerably sized rear amenity areas of uniform plot sizes, with those opposite the site being of a low scale residential appearance. The site itself, given the surrounding land form, relates more to the residential setting than the Town Centre uses and therefore would be more successful as a lower density residential 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 a high density scheme as that proposed within this application and consideration should be given to the locality which is predominantly suburban and spacious in character.

Residential Mix

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley Local Plan do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The size of the site and location in a predominantly suburban setting however close to the town centre would respond well to the provision of 1 and 2 bedroom flats as is the majority provision however consideration should also be given to the loss of the family houses. In response to this, the applicant has provided four 3 bed units. The three bedroom properties should ideally be provided with a private garden and would be more preferable to be located within the 3 storey block adjacent to No. 1 Vincent close and 22 Knoll Rise where private front and/or rear gardens would be provided for the ground floor units. The proposed family units would be located within the 4 storey buildings and will have access to the proposed communal gardens. On balance, it is considered that sufficient doorstep play can be provided.

Affordable Housing

Affordable housing will be sought on sites capable of providing 11 dwellings or more (Bromley Local Plan Policy 2). London Plan Policy 3.8 states that Londoner's 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 3.12 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. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing.

The development is considered liable for the provision of affordable housing on site and a minimum of 35% affordable housing by habitable room achieving a split of 60% rent and 40% intermediate units would be required.

The proposal would provide 15 affordable housing units (comprising 3x 1b bed and 6 x 2bed rented units; 3 x 1 bed and 3 x 2 bed intermediate units) achieving 35.8% by habitable room and a split of 61.5% rent and 38.5% intermediate units would be provided. The split in tenure in favour of affordable rent which is considered acceptable for the size of the development being provided and reflecting upon local need.

Wheelchair units

The Minor Alterations at paragraph 3.48 state 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. As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey.

In accordance with the Technical Housing Standards, the minimum gross internal areas specified for new dwellings will not be adequate for wheelchair housing (Category 3 homes in Part M), where additional area is required to accommodate increased circulation and functionality to meet the needs of wheelchair users.

The proposed units all comply with the space standards set out in the Technical Housing Standards and will have an internal area in comply and excess of the minimum floor space standards.

Five wheelchair units would be provided and these units would be located within the ground floor which equates to 12% provision of wheelchair accessible properties and deemed acceptable. Among the proposed wheelchair units, 3 units would comply with M4 (3) and 2 units would comply with the design requirements set out in the South East London Housing Partnership Wheelchair Homes Design Guidelines. Should Members consider the level of such provision acceptable, these provisions should be secured by way of a Legal Agreement.

The proposed ground floor plan indicates that the access to be parking spaces would be step free from the proposed wheelchair units. Overall, it is considered that an inclusive environment can be achieved.

Standard of Residential Accommodation

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.

Internal floor area

The technical housing standard – Nationally described space standard sets out the requirements for new residential development. The minimum requirements are outline below;

- 1bed/2 person requires 50sq.m
- 2bed/3 person requires 61sq.m

- 2bed/4 person requires 70sq.m
- 3bed/4 person requires 74sq.m

The Mayor's Housing SPG, which was updated in March 2016 sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation 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 proposal would comply with the policy's requirement and would provide adequate internal living space for the future occupiers. However, the proposal is subject to the following qualitative assessment which is outlined in the following sections.

Floor to ceiling heights

Standard 31 of the London Housing SPG states that "A minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged". All proposed homes meet the minimum National Described Space Standard and would be provided with bedrooms and dedicated storage areas, which meet the minimum requirements.

Section drawings indicating the floor to ceiling height of the proposed car park are provided. However, there are no details to confirm the residential accommodation would comply with this requirement. As such, this part of the proposal cannot be fully assessed.

Private outdoor space

Standard 26 and 27 of the Housing SPD states a minimum of 5sq.m private outdoor space should be provided for a 1 to 2 person dwelling and an extra 1sq.m should be provided for each additional occupant. The minimum depth and width for all balconies should be 1500mm.

Private outdoor/open space is highly valued and should be provided in all new housing developments. The minimum private spaces have been set in the same way as the internal space standards by the Mayor of London. The site is located within a sub-urban location and there is no compelling reason to provide new accommodation below the minimum requirement.

Unit B1, B2 and 11 would not be provided with a private balcony or terrace. It should be noted that Unit 1 and B2 are two bedroom units and could accommodate a small family. Furthermore, the size of the proposed balcony for Unit 10, 12, 18, 26, B3 and B4 would be 1sq.m below the minimum requirement. Whilst the deficiency is relatively marginal in floor area, new housing development should be designed to ensure adequate private outdoor space can be provided for the future occupiers. As such, it is considered that the proposal would fail to demonstrate

adequate private outdoor spaces can be provided for all future occupiers and such deficiency would represent a degree of over-intensive development at this site.

Child play area

The Mayor of London's 'Shaping neighbourhoods: Play and informal recreation' SPG sets a benchmark standard of a minimum of 10sq.m of child plays space per child for new development. Based on the mayor's SPG and the child yield calculator, a minimum of 10sq.m for 1 child would be required.

Based on the expected child occupancy of the development, the London Plan requires a minimum 93 square metres of play space for the development. Whilst a dedicated child play area is not indicated, a communal garden area measuring 630sq.m would be provided. It is considered that these details could be secured by a planning condition and adequate child play area would be provided.

(Access to the proposed communal garden)

The proposed communal garden access arrangement for Unit A1, A2, A3, A4, A5 and A6 is not ideal within a direct access connected to the communal outdoor space. The access to the communal garden would be via a basement car park or via a street level access which is located approximately 74 metres away via Knoll Rise. It is considered that the proposed layout and absence of a direct access to the proposed communal space would not be acceptable.

Dual aspect and privacy

Standard 29 of the London Housing SPG states that "Single aspect dwellings that are north facing or exposed to noise level which contained 3 or more bedrooms should be avoided".

Standard 28 of the London Housing SPG states that "Design proposal should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces".

There are no single aspect family units proposed which represents an improvement in quality when compared with the last scheme. However, there are 5 single aspect units and these would be located on the ground floor including 3 wheelchair units. The bedroom window of Unit A1 and living room window of Unit A2 would be positioned approximately 5.4 metres from the opposite wall/fence and would be below the communal garden level. It should be noted that the proposed communal garden would be approximately 3 metres elevated against the ground level of Vinson Close. As such, it is considered that the proposal would fail to provide adequate outlook for these units.

The bedroom and living room windows of Units 12 would be positioned 5.4 metres from the proposed communal garden. However, it should be noted that the bedroom window would be adjacent to a communal path leading to the proposed communal garden. It is noted that a privacy screen or planting could be used to manage privacy issues. Due to its siting and layout, it is considered that the

proposal would fail to provide adequate privacy for the future occupiers. The bedroom windows of Unit 11 would be positioned 3.3 metres to the proposed communal garden. The Living room windows of Unit 11 would be set at an angle and also adjacent to a communal path leading to the proposed communal garden. Due to its close proximity and proposed layout, it is considered that adequate privacy cannot be achieved.

The living room window of Unit 10 is also located 3.3 metres away from the proposed communal garden and adjacent to a communal path leading to the proposed communal garden. Bedroom 1 of Unit B1 and B2 would also be located in close proximity to the proposed communal garden.

Overall, it is considered that the proposed layout would fail to ensure that adequate privacy, private outdoor space, and outlook can be provided and achieved. The proposal would fail to provide a good quality living environment and the deficiency identified above including the proposed density level would represent a cramped and an over-intensive development at this sub-urban location.

Scale, Massing and Layout

Chapter 12 of the NPPF states that 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 124).

London Plan policy 3.5 “Quality and design of housing developments” states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.

London Plan policy 7.4 “Local character” requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided:-

- a. has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- b. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;
- d. 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,
- e. 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.

Bromley Local Plan Policy 4 requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Proposal will need to respect local character, spatial standards, physical context and density. Supporting text 2.1.54 states within the Borough there are many diverse and attractive housing areas. In the context of Government policy it is the Council's view that their individual characteristics and quality should be adequately protected.

This is an outline planning application with access, layout and scale matters to be considered. The landscaping and appearance matters are reserved to be considered at a later stage.

The following are the key changes proposed in this revised application:

- A reduction of residential units from 58 to 41 units and parking spaces from 29 to 21 spaces.
- Vehicular access on Vinson Close would be sited away from 1 Vinson Close;
- A reduction of building height from a maximum of 5 to 4 storey and accommodation would be provided in 3 buildings instead of a single building to reflect the neighbouring properties;
- Each building core would not be more than 8 units and single aspect north facing unit removed;
- Size of communal garden increased from 530 to 670sqm and is designed to provide good living environment for the future occupiers and maintain neighbours amenities;
- Rear balconies removed; and,
- Relocation of waste and cycle storage area and changes of external materials.

The conditions of the site and character of the surrounding area have not changed since planning permission was refused in April 2018. The site is located within a suburban area and is adjoining to domestic houses to the west on Knoll Rise and houses to the north on Vinson Close. The site is surrounded by low level residential dwellings to the north, west and south and directly faces a two storey office block to the east. The site forms part of the surrounding distinctive residential character. Officers consider that Vinson Close provides a clear delineation between the higher rise and commercial properties to the east which are more akin to the town centre and the suburban, low rise, low density residential development to the west which it is considered this site forms part of.

Officers note that there is a variation of building height and design on Knoll Rise, However, it should be noted that there is an established pattern of development and a number of shared characteristics within this suburban area. The houses in the area are designed and constructed to reflect the topography of Knoll Rise and the ridge lines of the houses drop down from west to east. The residential buildings along Knoll Rise and Vinson Close are mainly single to 2 storey in height and are spaced out with a good spatial distance between the building and its boundaries.

The proposed three storey and four storey residential blocks within this location is considered inappropriate and out of scale with the surrounding land form, despite the reduction in height and the visual breaks introduced between the proposed buildings. The scale and quantum of the proposal and the removal of the mature high level

vegetation which currently exists along the Vinson Close boundary and placement of parking area within an undercroft to the rear of buildings with amenity space on top is considered an overdevelopment of the plot.

Officers do not consider that the scale, massing and layout of this revised proposal would adequately reflect the prevailing urban grain and spacious qualities of the surrounding residential use. The proposed three storey building located adjacent to 22 Knoll Rise measures 11 metres in width and 14 metres in length. Whilst the proposed building would be located 1.4 metres from 22 Knoll Rise and would be 0.4 metres greater than the existing, it should be noted that the existing building is a bungalow measuring 6.2 metres in height. The proposed buildings would be three storeys with a maximum height measuring 8.5 metres. Furthermore, it should also be noted that the shoulder height of the refused scheme measures 7 metres from the ground level. There is a higher standard of side space separation already existing along the same section of Knoll Rise. As such, it is considered that the proposed three storey building would not appear to sit comfortably with the neighbouring properties and would present a poor spatial relationship with a cramped appearance.

The proposed four storey building would measure 27 metres in width along Knoll Rise and 30.8 metres in depth along Vinson Close. The scale of this proposal would remain significantly greater than the prevailing development in this suburban area. The proposed floor plans and elevation plans indicate that there is a stagger of building lines and different materials would be used aiming to break down the massing of the proposed building. However, the recessed walls would be limited in size. The visual impact of this proposal would remain significant at this prominent junction.

The corner setting of the existing site is open and spacious which is as a result of the undeveloped nature of the rear amenity space of number 14 Knoll Rise. The location of the amenity area with the mature planting along the boundary allows for a sense of relief within the built form and contributes positively to the residential layout of the area and vista when viewed from Vinson Close. The trees along this boundary delineate the clear change in character from Orpington Town Centre to the residential setting to the west and as such their removal would be conspicuous within the suburban setting. The encroachment of the building form along this elevation, despite conforming with the building lines of the existing dwellings and providing ample set-back from the highway, would erode the open nature of the plot and would provide a form of development that would appear unduly prominent. Further to this, the layout of the building wrapping around the plot creating a dual principle elevation of a height and massing out of scale and context with the surrounding suburban form which the site is considered to contribute to would not result in an appropriate transition between the site itself and the town centre to the east. However, the heights of the proposed buildings fail to fully take into account the topography of the site. The overall scale and massing of the development is further exacerbated by the proposed terraces at the roof level.

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 are used as a basis for assessment.

Access

The existing vehicles access to the houses would be removed. A new vehicle access via Vinson Close leading to the car parking area would be created. Two existing on-street parking spaces would be removed to facilitate this new access. The minimum headroom in an underground car park is 2.3m. A section confirming the head height of the basement car park is provided. The Council’s Highway officers have raised no objection to the proposed access as adequate sight lines and car park head room would be provided. The loss of parking revenue should be secured by a S106 Legal Agreement.

Parking provision

The application proposes 21 car parking spaces which would equate to a shortfall of 9 spaces as per the requirements within the Bromley Local Plan. Whilst this may be considered insufficient it compares with other nearby schemes including Brunswick Square 0.55 spaces per unit, Berwick Way 0.23 spaces per unit and the refused scheme at Homefield Rise, 0.72 spaces per unit and therefore given the proximity of the site to the High Street and the high PTAL rating, the parking is therefore acceptable.

A Transport Statement has been submitted with the application. Parking stress surveys have been carried out along the lines of the Lambeth methodology. There were 3 surveys carried out, 2 during the night and one between 6 -9pm on a weekday in September 2017. The evening survey showed the highest parking stress as shown in the table below. The survey showed that there are enough spaces to take up the shortfall in parking provision overnight but the surveys do not cover the daytime situation so that is indeterminable.

	Tuesday 01.15am	Tuesday 6pm – 9pm (max stress during period)	Wednesday 02.00am
CPZ (available spaces)	74% (12)	79% (10)	79% (10)
Restricted parking (pay & display bays) (available spaces)	24% (22)	97% (1)	14% (25)
Single yellow lines (available spaces)	11% (106)	19% (87)	9% (98)

It is considered unlikely that the number of trips will significantly impact on the road network. It should be noted that the number of proposed units has been reduced from 58 units to 41 units.

The proposed parking ratio is 0.5 spaces per dwelling which is identical to the last dismissed scheme. Officers note that the site is located on a residential road and the Borough has a high dependence on private motoring, it should be noted that the site is located near to the edge of Orpington Town Centre and has a relatively good accessibility by public transport when compared with other parts of the Borough. Given the proposed parking ratio is identical to the previous scheme and the finding concluded by the planning inspectorate (Paragraph 39 of the planning appeal statement), it is considered that the proposal would not result in an unacceptable impact on highway safety. The residual cumulative impacts on the road network would not be severe.

Within the transport assessment it states that residents are not to be eligible for parking permits and will be offered membership of a car club which may alleviate some of the shortfall in parking spaces. Should permission be forthcoming, this would be secured via the section 106 agreement. Cycle storage is considered to be adequate.

There is no indication how the spaces will be allocated, they should not be charged for and a Car Park Management condition is requested should permission be forthcoming which would cover this.

There is currently a low level wall on the corner of Knoll Rise and Vinson Close. Any new boundary treatment should not reduce the sightline below the 43m given in Manual for Streets. A sight line condition is requested by the Highways Officer and a further boundary condition would be added to ensure this is complied with should permission be forthcoming. It is noted that landscaping is a reserved matter and details as to the planting specifications for the boundary planting will be secured via a reserved matters application.

No objections are raised from Transport for London however further details relating to a construction management plan should be secured by a planning condition and in consultation with TfL.

Neighbouring amenity

Bromley Local Plan Policy 2 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.

Noise

The properties most impacted as a result of the proposed development are the dwellings at 22 Knoll Rise and Vinson Close, which are those which directly adjoin the site.

The proposed landscaped communal garden would be located immediately adjacent to the neighbouring properties. The communal garden would serve all 41 units and would result in more noise than a domestic garden, particularly during pleasant weather conditions. Due to its close proximity to the neighbouring properties, it is considered that the proposal would lead to undue noise and disturbance that would be harmful to the occupants' living conditions and their peaceful enjoyment of their gardens. This view was supported by the Planning Inspectorate and formed part of the reason to dismiss the last scheme (para 26 of the Inspectorate report).

Officers consider that the level of traffic and pedestrian activity would also have an adverse impact upon neighbouring residential amenity. Given that the proposed vehicle access would be sited further away from 1 Vinson Close and this view did not receive support from the planning inspectorate, officers considered the impact arising from the traffic and pedestrian movement would not warrant a reason to refuse this proposal.

Privacy and Outlook

There are no primary habitable room flank windows that would be facing the neighbouring properties at No.1 Vinson Close and 22 Knoll Rise. The rear balconies proposed in the previous scheme have been removed. As such, it is considered that the proposal would not have an adverse impact on residential amenities in terms of loss of privacy.

The proposed buildings would be 3 to 4 storeys in height with a maximum height measuring 12.8 metres. However, it should be noted that the proposed 4 storey building would measure 30.8 metres in length on Vinson Close and 27 metres on Knoll Rise. The height of the proposed three storey building adjacent to 1 Vinson Close would be increased from 8.8 metres to 9.4 metres in height. The height of the proposed three storey building adjacent to 22 Knoll Rise would be reduced from 8.8 metres to a maximum of 8.5 metres in height. Whilst the proposed accommodation would be provided within 3 buildings instead of a single block aiming to provide some visual relief and address its impact on residential amenities in terms of outlook, the overall development is of such a scale and massing that it would appear overbearing when compared with the existing conditions. The proposal would remain as an oppressive development when viewed from the adjoining neighbouring properties and the extent of the site coverage coupled with design and massing of the proposal would result in an oppressive and harmful impact upon neighbouring residential amenity.

Sunlight and daylight

A daylight/sunlight assessment has been submitted which concludes that the kitchen windows to 22 Knoll Rise and 1 Vinson Close would result in a reduction in daylight which will be noticeable to the occupants of the room. These rooms are considered not to be habitable for the purposes of assessing impact and as such Officers have no concern in this regard.

The development is sited between 18-21m from the two storey office block to the east of the site. Whilst there will be some visual impact as a result of the increase in massing from the development, this is not considered to be so detrimental to warrant a refusal of the application on these grounds. Berwick House also sits to the east of the site and has recently been converted to residential use. This building sits off-set to the proposed development, and whilst it would be perceivable from the west facing windows, Officers do not consider any harmful impacts arising in this regard.

Sustainability

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

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

The Applicant has provided an energy statement which is considered compliant with the London Plan Policy 5.2, 'Be Lean, Be Clean, Be Green'. On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) equates to 36,110 tCO₂ per annum. It is proposed to reduce on site carbon emissions from energy demand/CHP/renewables to 28,714 tCO₂ per annum leaving a shortfall of 23,466 tCO₂ per annum. A payment-in-lieu amount has been calculated as £42,239 which will be secured via a section 106 agreement should permission be forthcoming.

Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

It is stated within the submitted air quality assessment that in the opening year of the proposed development (2020), concentrations of all pollutants are below the Air Quality Objectives. Therefore, onsite pollutant concentration should not be a constraint upon the development of the site. The report goes on further to state that in line with the London Plan's Sustainable Design and Construction SPG, this development can be considered to be "*Air Quality Neutral*", in terms of both plant

and transport emissions. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will see the site designated a “*Medium Risk Site*”. However, with risk appropriate mitigation, residual effects will not be considered significant.

No objection is raised from Environmental Health provided that a construction management plan can be secured by a planning condition.

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 Applicant submitted a Surface Water Management report which concludes that the most viable solution to manage all of the surface water runoff discharged from the proposed development would provide sufficient on site storage to restrict the run-off rate to a maximum of 2l/s for all events including the 1 in 100 year plus climate change storm event and was found to be acceptable by the Drainage Officer.

Trees and Ecology

London Plan Policy 7.9 (Biodiversity and access to nature) states development proposal should wherever possible make a positively contribution to the protection, enhancement creation and management of biodiversity. When considering a proposal that would affect a site of recognised nature conservation interest, the proposal should avoid adverse impact to the biodiversity interest; minimised impact and seek mitigation; only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation. This is in line with Bromley Local Plan Policies 72 and 73 which seeks to ensure protected species are protected and new development to take particular account of existing trees and landscape features on the site and adjoining land.

A total of 19 individual trees and 6 tree groups are surveyed and 4 category B trees, 17 category C trees and 4 category U trees were identified. One category B tree, 10 category C trees, 3 category C tree groups, a part of 2 further category C groups and 4 category U trees will be required to be removed. The report states that the arboricultural impact from the street is moderate as a number of boundary trees are to be retained.

As previously mentioned, there are a number of trees along the boundary with Vinson Close which contribute positively to the overall residential, verdant character of the location; the removal of which would create an exposed, urbanising impact incongruent with the suburban location which the dwellings fit within. Whilst character

impacts are of concern to Officers, the Tree Officer raises no objections to the scheme and considers the indicative landscaping proposals suitable for the site. It is noted that landscaping is a reserved matter and further details of the planting will be conditioned to be submitted at a later date. Nevertheless, the extent to which the replacement planting would mitigate the impact of the size and scale of the development is considered negligible given the constraints of the development to the site boundaries, and the removal of the mature high level trees within this location is considered unacceptable when considered in conjunction with the replacement building.

With regard to ecological impacts, it was found within the submitted ecological assessment that No.14 has several potential roost features for bats, and based on the external inspection it was assessed as having 'moderate bat roost potential'. The property at No.20 had one potential roost feature and two enclosed loft spaces. Based on the external inspection, this building was assessed as having 'low bat roost potential'. In accordance with current best practice guidance, it is recommended that an internal inspection of enclosed loft spaces is undertaken where possible and safe (i.e. No. 20 and No. 16), together with emergence surveys for buildings at No. 14 and No. 20, to determine the use of these features by bats. Bat surveys were carried out which indicate that there are no bats emerging from the building. Foraging /community active was limited to one high passing of a Common Pipstrelle. As such, it is recommended that no further action would be required. Bat and bird boxes will be included within the new building design, and wild flower seed mix (suitably sourced for the area) and native trees and shrubs used to landscape areas surrounding the buildings will also be sought within the reserved matters stage.

The ecological assessment indicates that there is a small patch of suitable habitat for reptiles at the end of the rear gardens at No 14 and 16, reasonable avoidance measures are proposed to ensure that any reptiles identified are safeguarded and this can be conditioned should permission be forthcoming. A Reptile Method Statement which outlines adequate pre-construction mitigation measures would be used prior to the commencement of construction and these could be secured by a planning condition.

It should be noted that the ecological surveys and mitigation measures were considered acceptable at the previous appeal (para 40 to 42 of the Planning Inspectorate Report). The proposed mitigation measures are therefore supported by officers and would not warrant a reason to refuse this application.

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.

Bromley Local Plan Policy 125 (Delivery and Implementation of the Local Plan) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

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

- Health: £51,045.00;
- Education: £105,784.21;
- On-site Affordable Housing Provision(15 units);
- Carbon offsetting: £ 42,279.00
- Highways financial contributions and relevant works;
- 2 years free car club membership and 20 free driving hours per dwellings; and,
- Removal of residents parking permit right.

The scheme would also be subject to Mayoral CIL.

Conclusion

Officers consider that the re-development of this suburban site to provide a residential development of the massing proposed would be unacceptable in that it would appear out of size and scale with the surrounding low scale and density suburban residential area which the site is considered to be a part of. The application is considered an overdevelopment of the site and inappropriate in this revised format proposed.

The proposed accommodation would fail to demonstrate a good standard of living accommodation can be provided for the future occupiers with inadequate private outdoor space, privacy, outlook and access arrangement to the communal garden. Unit 1 and Unit 2 would be positioned in a close proximity to its opposite wall and would be located below the communal garden level for Unit 1 and Unit 2. No section drawing confirm has been provided to adequate floor to ceiling height can be achieved and this part of the proposal cannot be fully assessed. There is a lack of direct communal garden access provided for Unit A1, A2, A3, A4, A5 and A6 and is not considered ideal and acceptable.

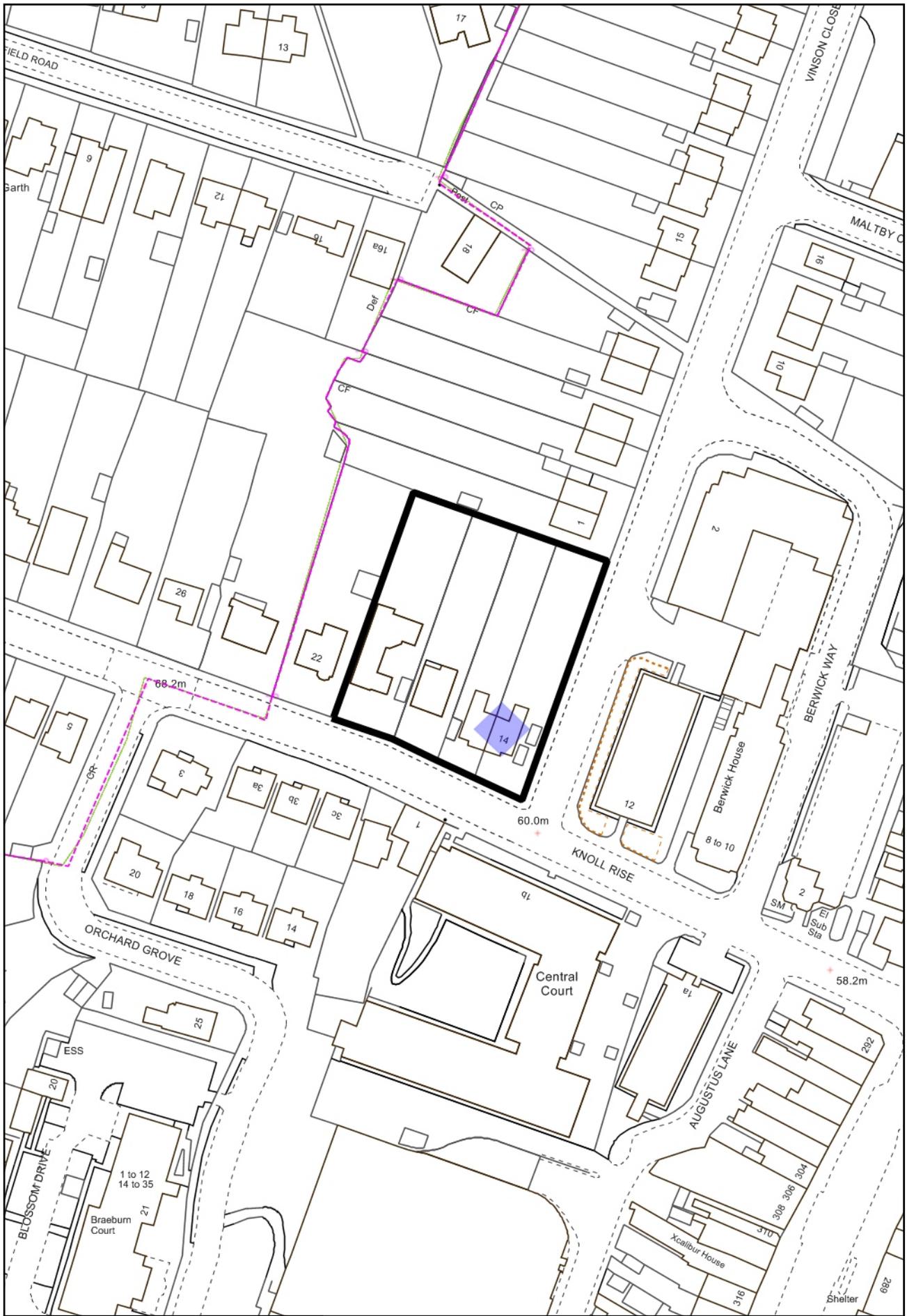
The proposed communal garden area would be located close to the neighbouring properties and would have an adverse impact on the neighbours' amenities in terms of noise, nuisance and loss of privacy. The proposed residential density would also be higher than the recommended level in the London Plan.

Whilst it is recognised that the proposed development would have the potential to contribute to the supply of housing in the Borough, the size and scale of the proposed built form is considered to be oppressive and when considered cumulatively with the concerns raised regarding the standard of living environment and relationship with the neighbouring properties which would be overbearing and harmful, the development would be unacceptable overall. Accordingly it is recommended that planning permission be refused for the grounds set out below.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The development, as proposed, would result in a cramped overdevelopment of the site, out of character with, overly prominent and harmful to the visual amenities of the area and suburban character of the wider locale which this site is considered to contribute positively to as a result of its size, scale and massing contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.4 and Table 3.2, 7.4 and 7.15 of the London Plan, Draft London Policies D2, D6 and the Mayor's Housing SPG.**
- 2. The proposed development fails to provide a satisfactory standard of living accommodation for future occupiers by virtue of the inadequate private outdoor spaces, communal garden access arrangement, lack of outlook, privacy contrary to Policy 4 of the Bromley Local Plan, Policies 4 and 37 of the Draft Local Plan and policies 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.**



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19/00620/OUT - 14 Knoll Rise,
Orpington



Friday, May 24, 2019

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SECTION '2' – Applications meriting special consideration

Application No : 19/00651/FULL1

Ward:
Crystal Palace

Address : Land Adjacent To Rochester House 2 -
10 Belvedere Road Anerley London

Objections: Yes

OS Grid Ref: E: 533574 N: 170393

Applicant : BG Funding Ltd

Description of Development:

Demolition of existing bin store fronting Belvedere Road and removal of 6 no. car parking spaces to the courtyard with erection of 4 bedroom three storey townhouse with associated car parking and replacement bin-store.

Key designations:

Conservation Area: Belvedere Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 6

Proposal

This application has been "called in" for determination at Committee by the local ward member.

The application relates to the erection of a detached three storey dwelling. The proposed dwelling and curtilage would be situated where at present there is a detached refuse store and 6 no. car parking spaces serving the flatted development adjacent.

The dwelling would have a rectangular footprint, measuring approx. 5.2m wide and 10.6m deep. It would be approx. 9.2m high and would have a flat roof with mounted photovoltaic cells set within a green roof. 1m side space would be retained between the south eastern flank elevation of the dwelling and the boundary of the site with Mason Court.

The dwelling would be constructed with facing brick with stone copings, with the flank elevation facing Rochester House featuring inset brick panels. Similarly, at the front and at the rear the elevations incorporate detailing around the windows, which stone-edged full-height windows with obscure panelling to the lower half.

The majority of the site would be paved, including the front garden which incorporates a refuse store and boundary wall separating the front garden from the existing electrical cabinet and BT installation. Cycle storage would be provided within this area.

The north western flank elevation would mainly be hard against the tarmacked access way and land associated with Rochester House, with a refuse collection area being shown adjacent to the flank elevation. To the rear of the dwelling a tapering strip of soft landscaping is proposed to be provided, linked to the remaining 20sqm amenity space for the proposed dwelling. To the rear of this amenity area it is proposed to provide a new bin store with trellis, serving the adjacent flats. The amenity area would be bounded by brick walls which would be approx. 1.8m high, with the boundary between the garden and the flats at Rochester House incorporating a fence above the 1.8m high wall to an overall height of approx. 2.35m.

2 designated car parking spaces are proposed to be provided at the rear of the communal refuse store, within the existing car park, utilising existing parking spaces associated with the neighbouring flats.

The application was supported by the following documents:

- Design and Access Statement (which includes transport statement/lifetime homes statement/energy and sustainability statement)

Location and Key Constraints

The application site lies on the southern side of Belvedere Road. The red line site connects with the blue line area of land owned by the applicant, encompassing the site of Rochester House and the parking and other servicing land associated with that building. The surrounding area is characterised by residential properties, although some commercial premises are located close to the site.

The buildings on either side of the area within which the dwelling would be constructed are 3/4 storeys in height, with Rochester House incorporating a mansard floor above the main three storey building. Opposite the site is a terrace of modest two storey dwellings which are Grade II statutorily listed and are former alms-houses.

The site lies within the Belvedere Road Conservation Area.

The site has a PTAL rating of 5 on a scale of 1 to 6 where 6 being the most accessible.

The site is currently occupied by the refuse store serving the adjacent flats as well as 6 car parking spaces.

Comments from Local Residents and Groups

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

Objections

- The side of the building will be directly outside the bedroom window of a neighbouring flat
- Proposal will block out natural light and may be unsightly
- Impact on property value
- Concern regarding the construction noise and disturbance including dust
- Rooms in neighbouring flat will overlook the area
- Loss of light to neighbouring habitable rooms
- Overlooking/loss of privacy associated with construction workers and occupants

Comments received from the Crystal Palace Triangle Planning Group raise objections to the proposal on the basis:

- The poor design detracts from the conservation area
- It is a generic modern block of flats with no attempt to match Rochester House
- Would result in visual clutter, taking into account also the set back from the road, the communal refuse store and the front wall
- Fenestration offers no relationship to Mason Court or Rochester House
- Powder coated frames unacceptable in a conservation area
- Yellow stock brick would stand out against the solid darker brick of Mason Court and the weathered stock brick of Rochester Court
- Proposed roof is flat and would not complement neighbouring buildings
- The building would appear alien and out of character, with its narrow proportions between 2 large blocks adding to visual mess
- The amenity space is poor, shoe-horned into a car park and resulting in poor quality of amenity for prospective residents
- Impact on neighbouring amenity
- Impact on highways - safety and traffic issues

Comments from Consultees

APCA:

No objection.

Conservation Officer:

No objections raised. The proposal site is within the Belvedere Road CA and therefore BLP Policy 41 applies. The site itself forms part of a circa 13m gap in the street frontage between the 1970s style Mason Court Flat block and the 19th Century Rochester House which is a former commercial building converted to residential use. The gap in itself does not make any particular contribution to the CA and is not an identifiable characteristic of the area. In that respect some well-designed infill would be appropriate.

The proposed building is contemporary in design and uses London stock brick which can be seen widely in this area. The bulk and scale is subservient to the neighbouring properties and on balance no demonstrable harm can be attributed. If minded to recommend permission I suggest a materials condition to ensure a high quality finish.

Drainage Engineer:

No objections raised. Pre-commencement condition recommended.

Highways:

The development will result in the loss of 6 car parking spaces as well as 2 additional spaces to the side where the proposed bin store would be provided. Two off-street parking spaces would be provided. Concern is raised regarding the existing charging regime where residents are charged up to £60 per month** to park on site, resulting in occupiers choosing to avoid the charges and park on street, creating more congestion to an area that is already very heavily parked up. Furthermore, an increase in parking demand in an area where few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience, and in some locations, risk to traffic and pedestrian safety.

(**NB - The submitted Design and Access Statement refers to a monthly charge of £100).

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Bromley Local Plan

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

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance
Belvedere Road Conservation Area SPG
Mayor's Housing Supplementary Planning Guidance 2016

Planning History

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

04/03635/FULL1-Elevational alterations, third floor extension and change of use of first and second floors to provide 6 one bedroom, 6 two bedroom, 5 three bedroom and 2 four bedroom flats, with continued use of ground floor for offices (Class B1); 33 car parking spaces and refuse and cycle storage, and new boundary wall and gates to Belvedere Road frontage (Rochester House)

Permitted- Date issued-27.05.2005. Subject to on-going conditions, including that the parking spaces and turning areas be provided in accordance with the approved details as retained as such (parking and manoeuvring space) thereafter.

07/00814/FULL1-Erection of satellite dish and aerial on roof

Permitted - Date issued-30.04.2007 (Rochester House)

08/00869/FULL1-Part one/two storey dwelling with integral garage adjacent to Rochester House

Refused- Date issued-02.05.2008

08/03886/FULL1-Detached two storey one bedroom dwelling with integral garage (located to rear/south part of car park).

Permitted- Date issued-09.01.2009

14/05049/RESPA-Change of use of units 1, 2, 6 and 7 from Class B1 (a) office to Class C3 dwellinghouses to form 6 one bedroom and 2 two bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Prior Approval Granted- Date issued-20.02.2015

15/01677/RESPA-Change of use of units 4 and 5 from Class B1 (a) office to Class C3 dwellinghouses to form 1 two bedroom and 1 one bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Prior Approval Granted- Date issued-01.06.2015

16/05152/FULL1-Construction of a 4 x bed detached house.

Refused- Date issued-10.02.2017

For the following reasons:

1. The proposed development, by reason of its design, siting and scale would result in a cramped, awkward and unattractive form of development, which would also fail to retain a minimum 1 metre side space to the flank boundary, harmful to the appearance of the street scene and the character of the Belvedere Road Conservation Area, contrary to Policies H9, BE1, BE11 of the Unitary Development Plan and the Belvedere Road Supplementary Planning Guidance.

2. The proposed dwelling, by reasons of its design, in particular, the proposed terrace area would appear incongruous and out of character with the surrounding area, detrimental to the visual amenities of neighbouring residents and the appearance of the Belvedere Road Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance, Belvedere Road Supplementary Planning Guidance and London Plan Policy 3.5 (2015).

3. The proposed development, by reason of its design, siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant loss of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

4. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan.

5. The proposal will result in a bin store being located over 40 metres from the highway, this is unacceptable in terms of refuse collection arrangements and therefore detrimental to the amenities of the proposal contrary to Policies H7 and BE1 of the Unitary Development Plan.

17/03411/FULL1 Construction of a 4 bedroom detached house

Refused. Date issued 15/9/17

Reasons for refusal:

1. The proposed dwelling, by reasons of its design, in particular, the proposed terrace area would appear incongruous and out of character with the surrounding area, detrimental to the visual amenities of neighbouring residents and the appearance of the Belvedere Road Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance, Belvedere Road Supplementary Planning Guidance and London Plan Policies 3.5, 7.6 and 7.8 and the NPPF (2012).

2. The proposed development, by reason of its design, siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant loss of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

3. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan.

Considerations

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

- Resubmission
- Principle
- Design and impact on the character and appearance of the conservation area
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Resubmission

The application has been submitted following the refusal of planning permission under reference 17/03411 for the construction of a 4 bedroom dwellinghouse. Permission was refused on grounds relating to:

- Design - in particular the terrace area - having a detrimental impact on the visual amenities of neighbouring residents, the area in general and the Belvedere Road Conservation Area
- Loss of outlook to occupiers of neighbouring properties and giving rise to loss of privacy (overlooking to the prospective occupants of the proposed dwelling)
- Potential increase in on-street parking.

The current application seeks to overcome the previous refusal by amending the scheme as summarised below:

- Height of building reduced from 11.8m to 9.2m. with deletion of third floor and roof terrace
- Increased separation to boundary with Mason Court (1m separation in total)
- Elevational/design alterations

- Provision of 2 car parking spaces within the rear land
- Transport Statement provided within the D&A statement and a parking study provided, showing excess spaces within the car park ranging from 19-25 unused spaces.

Principle

In the previous application it was stated within the delegated report that there is a presumption in favour of sustainable development and that housing is a priority use of all London Boroughs. The provision of small-scale infill development is welcomed provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential environments and there is adequate provision of garden and amenity space.

The site is located in a generally residential area where the Council will consider infill development provided that:

- It is designed to complement the character of surrounding development
- The design and layout provide suitable residential accommodation
- Adequate garden/amenity space is provided
- The proposal addresses any adverse impact on neighbouring amenity, heritage and conservation issues along with biodiversity or open space.

In terms of the principle of the development therefore, this needs to be assessed in relation to the impact of the development on the character and appearance of the surrounding area, the residential amenity of neighbouring properties and the proposed residential unit, conservation and heritage issues as well as the car parking and traffic implications of the development. Sustainable design, energy, community safety and refuse arrangements will also be considered.

Design

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

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

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the

arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policy 4 of the Bromley Local Plan relates to Housing Design and with regards to the design and layout of development, states that the site layout, buildings and space around buildings should be designed to a high quality, recognising and complimenting the qualities of surrounding areas. Minimum space standards set out in the London Plan and the London Plan Housing SPG should be adhered to. Sufficient external private amenity space that is accessible and practical should be provided. Off-street parking that is well integrated within the overall design of the development should be provided. The layout should be designed to give priority to pedestrians and cyclists over the movement and parking of vehicles. Safety and security measures should be integrated into the development.

Policy 37 of the BLP relates to the design of development in general. It requires that development proposals should be imaginative, attractive to look at, complementing the scale, form, proportion, materials and layout of adjacent areas and buildings. Development should contribute positively to the existing street scene, and space around the building(s) should provide opportunities to create attractive settings with hard or soft landscaping. The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate into and between buildings.

The proposed dwelling would not directly replicate existing buildings within the street scene and is not a pastiche design. Its narrow width in conjunction with its three storey height is unusual in the context of the street scene. However, appropriate materials are proposed to be used in the external elevations of the building and the design detailing to the front, west and rear elevations in particular is considered to introduce an appropriate level of visual interest. While the proposed building would not be a replication of existing buildings in the locality, which would be difficult in the context of the large flatted development to the east (Mason Court) and the significant massing of the flats/premises at Rochester House), it would in its detailing and materials complement the character and appearance of the area. In reducing the height of the development and altering the design and placement of window openings the incongruous "skinny" appearance of the building has been reduced and the structure more successfully complements the distinctive qualities of its surroundings.

It is noted that there is limited provision within the layout of the site to provide meaningful landscaping to soften the development, with this limited to a small planter box adjacent to the vehicular accessway/car park. The predominance of

hard surfacing within the site is not uncharacteristic of this side of the street and the generally urban setting of the development however.

Heritage Impact

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

Paragraphs 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.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. The site lies opposite and approx. 18m from a row of two storey stuccoed Grade II listed dwellings, on the other side of the road. In view of the separation to the Listed buildings it is considered that the proposal will not adversely impact on the setting or special interest of the Listed buildings.

The Belvedere Road Conservation Area SPG states that the character of the conservation area is one that "is derived from harmonious diversity: seldom are any neighbouring buildings identical." Unifying factors that are identified are:

- In general the original houses are large, of three or even four storeys

- The area is still mainly residential in character (although many of the large houses have been subdivided into flats)
- Original windows and doors remain and have been sensitively repaired

Para. 3.5 of the SPG states that the Council will expect all proposals for new development to conform with the character of that section of the CA surrounding the proposal site and with the general character of the area, in particular in regard to the scale and height of construction, location within a plot, design and materials used.

It is considered that while the proposed dwelling would not directly replicate existing built development within the immediate locality, its design detailing and appearance would contribute to the characteristic diverse harmony of the CA. The bulk and scale of the building would be subservient to neighbouring properties and while of a contemporary design it is not considered that the proposal would result in demonstrable harm to the Conservation Area.

It is acknowledged that objections have been received from the CPTPG and local residents regarding the proposal in terms of the impact upon the locality, including the CA, critiquing the design and materials used. The SPG refers to materials at paragraph 3.10 stating that where stucco is a common finish, elsewhere yellow stock bricks predominate. The SPG states at paragraph 3.12 that the diversity of exterior materials in the CA "allows considerable scope in selecting an exterior finish for a new building." As a new build development with brick buildings to either side and opposite stuccoed dwellings, it is not considered that the materials proposed to be used would be significantly jarring nor would they undermine the character and appearance of the conservation area. However, if permission is granted it would be appropriate to impose a pre-commencement condition requiring the submission and approval of materials, including windows, in order to safeguard the visual amenities of the conservation area.

Standard of residential accommodation

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

Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights,

outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

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

The minimum space standard for the proposed units is 130sqm based on the accommodation being set over three storeys, with 4 bedrooms and a potential occupancy of 8 persons. The proposed dwelling would have a GIA of 137sqm.

Amenity space is provided by way of a rear garden space which would be bounded by walls/fencing. The area is 20sqm which is considered adequate for the proposed dwelling. The space does lie immediately adjacent to the proposed trellis-topped replacement refuse store for the flats

It is considered that the internal floor space and external amenity space in tandem with the internal layout of the development would provide a residential dwelling of an adequate standard of amenity for prospective occupants.

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.

When planning permission was granted for the conversion of the upper storeys of Rochester House, it was subject to a condition requiring the provision and retention in perpetuity of the parking layout provided within the application (04/03635). It appears that the parking has been provided but is subject to a charging regime rather than those spaces being freely available, and the applicants have stated in their Design and Access statement that the charge levied is £100 per month which

equates to £1200 per annum. The proposal would utilise the land associated with some existing car parking spaces, and would provide within the remaining car park area two designated spaces for the proposed dwelling. It is not confirmed within the application whether these spaces would be subject to a charge for their use.

Application 17/03411 was refused on three grounds, including ground 3 which stated:

"3. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan."

Policy 30 of the Bromley Local Plan relates to parking and sets out residential parking standards per unit. It is noted in the supporting text that Bromley has one of the highest car ownership levels in London. Policy 4 of the BLP states that development should include off-street parking "that is well integrated within the overall design of the development." Policy 32 states that the potential impact of any development on road safety will be considered and the Council will ensure that it is not adversely affected by development proposals.

The application is accompanied by an Existing Parking Study which notes the availability within the site car park of spaces at different times/on different days. The Design and Access statement includes a Transport Statement section which states that many of the flat owners in Rochester House do not have parking as a consequence of the siting of the development, noting there being an on-site surplus according to the survey of car parking spaces within the car park associated with the flats. The statement refers to the charge levied for parking, stating that this is commensurate with "all private, secure parking."

From a technical highways perspective concerns are raised stating that the loss of 6 car parking spaces as well as the 2 spaces associated with the proposed bin store is regrettable. This is framed by the context of existing residents being charged to park within the site, with the resultant cost potentially leading to occupiers choosing to park outside of the site, in an area with high parking demand. This is allied to the increased pressure for on-street parking demand and attendant likelihood that this will result in risk to traffic and pedestrian safety associated with unsuitable or illegal parking and manoeuvring.

The submitted statement is limited to a traffic survey associated with the private car park serving the flats and does not comment on or assess the availability of on-street parking outside of the application site, in neighbouring streets. The introduction of parking charges within the private car park (which was not referred to in the application for permission for the residential conversion at Rochester House) is not identified by the applicant as a deterrent to the use of the car park.

The site parking survey indicates that 31 parking spaces exist within the application site. The number of spaces would be reduced to a total of 25 spaces. These

spaces would serve the flats at Rochester House as well as the dwelling proposed (which would have 2 designated spaces). The introduction of charging for parking serving the flats is considered to be a private matter between the landowner and the tenants/owners of the flats, over which the Local Planning Authority has no control. On the basis that there would be 253 retained spaces to serve the flats on site as well as 2 designated spaces to serve the dwelling it is not considered that the refusal of planning permission in this instance would be warranted on highways grounds alone, taking into account the high PTAL rating for the site.

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. It states that the amenity of neighbouring buildings should be respected, as well as those of future occupiers, ensuring inter alia that they are not harmed by noise and disturbance, inadequate daylight and sunlight, loss of privacy of lack of privacy and adverse overshadowing.

Concerns have been raised by local residents regarding the impact of the development on the residential amenities of neighbouring properties. Some comments relate to the impact in terms of noise and disturbance and loss of privacy associated with the construction period should permission be granted, including in relation to dust associated with the implementation of the development. These issues do not comprise material planning considerations. It is generally acknowledged that construction works can be noisy and cause disturbance, but these impacts are recognised to be finite, limited to the period of building works and not enduring beyond the completion of development. If permission is granted for the proposal it would be appropriate to impose a pre-commencement condition requiring the submission of a construction and environmental management plan to set in place appropriate measures to ensure that the construction period is well-managed with mitigated impact on residential amenities and traffic/parking. With regards to noise and pollution associated with construction, the applicant is advised of the need to comply with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

Concerns raised have not been limited however to the disruption associated with building works, but also to the proposed dwelling itself. It is noted that the proposed building would be substantially high, sited directly opposite the residential windows of the adjacent building at Rochester House. These windows provide outlook and daylight/sunlight to the east facing habitable rooms within the development at that site. The proposed building would be positioned approx. 6.1 - 7.15m from these windows which appear generally to serve bedrooms at Rochester House, some of which have a dual aspect to the east and north and some of which have their main aspect to the east with openings onto the enclosed terraces in the southern projection of the structure.

The proposed dwelling would not project beyond the position of the winter garden/terraces associated with the flats, although it would be visible from these areas. The structure would however be directly visible from the first and second floor flat windows which are east facing. In view of the proximity of the building to these windows which at present have a more open outlook with separation to Mason Court of approx. 13.5m, it is considered that the proposal would result some impact on outlook, which would be more marked at first and second floor level, since the attic rooms are positioned higher than the proposed development. It is acknowledged that the overall height of the structure has reduced in comparison with the previously refused proposal and that design detailing in the flank elevation would provide visual interest to the side of the development. On balance, it is considered that this reduction in height in tandem with the introduction of design detailing to the flank elevation would adequately mitigate the impact of the proposal on the neighbouring flats and that the impact of the proposal on outlook and light in relation to those flats would not be so significant as to warrant the refusal of planning permission..

With regards to privacy, concern was raised in the previously refused proposal regarding the mutual potential overlooking resulting from the proposal. It is noted that the current proposal includes a substantial screening wall/fence to the side of the proposed amenity area which would limit some views of the garden from the neighbouring winter garden/terraces and flank facing windows. On balance, taking into account the screening wall and the elevated position of the adjacent flats it is not considered that the proposal would result in a significantly increased sense of overlooking or loss of privacy, being mindful that the proposed dwelling would occupy a currently open parking/refuse storage area. Similarly, the boundary enclosures proposed to be provided are considered to result in an adequately private rear garden/amenity space for the proposed dwelling which would not be out of context with the urban setting of the development.

The proposed flank windows would be obscure glazed and would serve shower/bathrooms, as a consequence of which a condition requiring the installation and permanent retention of obscure glazing would appropriate.

Sustainability

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

With regards to the impact of the proposal on the visual amenities of the area in general and in particular the character and appearance of the conservation area, no objections have been raised by the Conservation Officer or by the Advisory Panel. It is considered that the scale, bulk and form of the dwelling would not have a detrimental impact on the visual amenity of the street scene. The SPG for the conservation area makes clear that there is no defined uniformity of buildings within the conservation area, with "harmonious diversity" recognised within the SPG. It is considered that the design detailing, bulk and appearance of the building would preserve the character and appearance of the area, subject to control regarding the materials used for the external surfaces of the building.

It is acknowledged that the proposal has elicited local representations expressing concern at the impact of the proposal on residential and visual amenity, as well as upon the character and appearance of the conservation area. Concerns relating to the impact of the construction phase and upon property values do not comprise material planning considerations and cannot therefore be taken into account in the determination of the application.

With regards to the impact on the residential amenities of neighbouring properties, while the structure would be visible from neighbouring properties, occupying the existing open space between the flats at Rochester House and the blank flank wall at Mason Court, the proposal would not have so significant an impact in terms of loss of outlook, daylight and sunlight as to warrant the refusal of planning permission on this basis. The proposal would provide a dwellinghouse of a reasonable standard of amenity for prospective occupiers.

The Highways Officer has expressed regret at the loss of existing on-site car parking spaces to serve the flatted blocks as well as with regards to the correlation between the levying of a parking charge with the uptake of on-site parking. However, the imposition of a parking charge is considered to fall outside planning control - the parking spaces remain available notwithstanding there being a charge for their use. The applicant's agent was asked to clarify the intention regarding the parking spaces (2no.) associated with the proposed dwelling and stated that the dwelling will probably be sold including parking spaces, rather than rented. This is a private legal matter however and cannot therefore be controlled by way of a condition.

The concerns expressed from a highways perspective regarding the loss of on-site parking are acknowledged. However, the applicant has submitted a parking survey which indicates that there are spaces available at most times within the car park and there is no evidence to counter this information. The flats formed within the conversion of Rochester House were generally 1/2 bedroom properties which are generally recognised as generating lower demand for parking than is the case in

dwellings with a higher potential occupancy. The site is located in an area with a high level of public transport accessibility. Taking this into account, it is considered that the refusal of planning permission on highways grounds would not be warranted in this instance.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

- 4 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.

- 5 (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

6 (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.

7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the 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.

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

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

9 The flat roof above the dwelling shall not be used as a balcony or sitting out area and there shall be no access to the roof area other than for maintenance.

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

10 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

You are further informed that :

- 1 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
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Application:19/00651/FULL1

Address: Land Adjacent To Rochester House 2 - 10 Belvedere Road
Anerley London

Proposal: Demolition of existing bin store fronting Belvedere Road and removal of 6 no. car parking spaces to the courtyard with erection of 4 bedroom three storey townhouse with associated car parking and replacement bin-store.



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

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

Application No : 19/00705/FULL1

Ward:
Chislehurst

Address : 1 Riverwood Lane Chislehurst BR7 5QN **Objections:** Yes

OS Grid Ref: E: 544736 N: 169457

Applicant : Mr Peverall

Description of Development:

Demolition of existing dwelling and erection of detached two storey 4 bedroom dwelling with integral garage, rear balcony and terracing.

Key designations:

Conservation Area: Chislehurst
Smoke Control SCA 16

Proposal

It is proposed to demolish the existing dwelling and construct a two storey 4 bedroom detached dwelling with integral garage on this site. The new dwelling would sit on a similar footprint to the existing dwelling, and would provide separations of between 2.9-3.3m from the side boundaries.

A rear terrace set on two levels would be provided along with a rear first floor balcony with glazed balustrade.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

This site measures approximately 0.16ha and is located on the southern side of Riverwood Lane within Chislehurst Conservation Area. It is currently occupied by a detached two storey dwelling with integral garage and was built as one of a group of three 1970s style dwellings (Nos.1-3 Riverwood Lane).

The site slopes down towards the rear, and No.1 Riverwood Lane is set at a slightly lower level than Nos.2 and 3 to the east. To the west of the site lie the rear gardens of properties fronting Manor Park.

Comments from Local Residents and Groups

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

Objections

- Ground floor flank window and rear balcony would overlook neighbouring properties and gardens
- Use of render is out of character with the Conservation Area
- Proposals do not have regard to the impact on nearby locally listed buildings
- Proposals should include replacement trees
- Loss of existing dwelling
- Proposals would exacerbate drainage problems
- Increased noise and disturbance from use of the terrace and spa pool.

Local Groups (The Chislehurst Society)

- Design would be out of character with the adjacent dwellings
- Increased glazing in the design would be visually imposing
- Overlooking from terrace and first floor balcony
- Removal of trees has increased the potential impact of the proposals.

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

The application has been called into committee by a Ward Councillor.

Comments from Consultees

APCA: The overall design is too bulky and overbearing to the adjacent property.

Conservation Officer: Riverwood Lane is a very secluded road off Manor Park and the location is pleasant but of low architectural and historic interest. The house proposed for demolition forms one of a group of three 1970s style houses of little architectural merit, so no objections are raised to its loss in principle. The group value of the three dwellings would be diminished, but this is not considered to be particularly important in terms of the overall Conservation Area.

The proposed house is contemporary in design using a mixture of materials including render and slate which would create a contrast with the neighbours but not necessarily dominate or jar. The scale of the proposal respects the neighbouring development, and, on balance, it is considered to comply with Policy 41 of the Bromley Local Plan.

Drainage Engineer: There is no public surface water sewer near the site, so the applicant would need to make their own arrangements as how to dispose of surface water run-off. Standard conditions are suggested.

Highways: The proposed dwelling would have a good sized single garage and other parking would be available on the frontage, therefore no highways objections are raised.

Trees: No trees are required to be removed to facilitate development since the rear garden was mostly cleared under a section 211 notice in 2018, however, existing boundary trees/hedges, and those near the access should be protected during demolition and construction. A tree protection condition is recommended.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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
- 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 Environments
- 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
- 7.14 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
- 8.3 Community Infrastructure Levy

Bromley Local Plan

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

Supplementary Planning Guidance

NPPF

Housing: Supplementary Planning Guidance. (March 2016)

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

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:

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

- CIL

Principle

This site is located in a wholly residential area where the Council would consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provides suitable residential accommodation, and the proposals provide adequate amenity space for the occupants.

As the proposal is for a replacement dwelling only, it would not result in an increase in density on the site.

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

The proposed dwelling would be set in a similar position on the plot as the existing dwelling, but would project up to 4.8m further to the rear at ground floor level only. It would maintain good separations to the flank boundaries (between 2.9-3.3m), and the height of the roof ridge would not exceed the roof of the adjacent dwelling at No.2. Although it would be of a different design to the existing dwelling, the

neighbouring dwellings at Nos.2 and 3 have been altered and extended over the years, and the proposed dwelling would not appear overly bulky within its context nor detract from the character and spatial standards of the area.

Heritage Impact

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

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

Within or adjacent to a Conservation Area:

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

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

Policy 41 of the BLP states that a proposal for the demolition of an unlisted dwelling within a conservation area may be considered acceptable where the dwelling is considered to make only a neutral or negative contribution to the conservation area. In this case, the existing dwelling is not considered to be of any particular architectural merit, and its demolition is therefore considered acceptable in principle subject to an acceptable scheme for its replacement.

In respect of the replacement scheme, Policy 41 requires proposals for new development in conservation areas to preserve or enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces.

The proposed house is contemporary in design using a mixture of materials including render and slate which would create a contrast with the neighbouring properties but would not necessarily dominate or detract from them. The scale of the proposal respects the neighbouring development, and is therefore considered

acceptable in terms of its design, bulk and scale, thereby preserving the character and appearance of this part of Chislehurst Conservation Area.

Standard of residential accommodation

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

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

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

The minimum space standard for the proposed two storey 4 bedroom 8 person dwelling is 124sq.m., and the dwelling would provide 339sq.m. floorspace, thereby meeting the required space standard.

Amenity space is provided by way of the retention of the existing 47m deep rear garden, which is considered acceptable.

Highways

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

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

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

No highways objections are raised to the proposals.

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.

The proposed dwelling would not extend significantly further to the rear of No.2 Riverwood Lane, and a good separation would be retained between the dwellings. The new dwelling would be set at a lower level than No.2, and it would not result in undue loss of light, privacy or outlook to the adjacent property.

Concerns have been raised by neighbouring dwellings in Manor Park which back onto the site regarding overlooking from the proposed rear terrace, balcony and the clear glazed ground floor flank window, which has been exacerbated by the loss of boundary trees/hedges. With regard to the terraces, these would be at a similar level to the existing garden levels at the site, whilst the higher terrace and balcony would have 1.8m high obscure glazed screens to the western side to protect neighbours' privacy.

The proposed ground floor flank window would be set at a higher level than the boundary fencing and may cause some overlooking of the rear gardens of Manor Park properties. As this is a secondary window to the main living area, it may be considered appropriate to require obscure glazing to prevent any overlooking of the neighbouring properties.

Sustainability

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

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

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

Trees

No tree objections are raised to the proposals subject to standard conditions.

CIL

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

Conclusion

The proposals are not considered to have a significant detrimental impact on the character and appearance of this part of Chislehurst Conservation Area, and would adequately protect the amenities of neighbouring residential properties.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground,

watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

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

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

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

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

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

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policies 30 and 32 of the Bromley Local Plan

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

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

6 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a Tree Protection Plan shall be submitted for approval to the Local Planning Authority. Once approved and prior to the commencement of the development hereby approved (including demolition and all preparatory work) tree protection measures shall be installed in accordance with the approved Tree

Protection Plan. 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 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 Policies 37, 73 and 74 of the Bromley Local Plan.

7 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.

8 (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

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

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.

- 10 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.

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

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

- 12 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.

13 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the flank elevations of the dwelling hereby permitted.

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

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

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

You are further informed that :

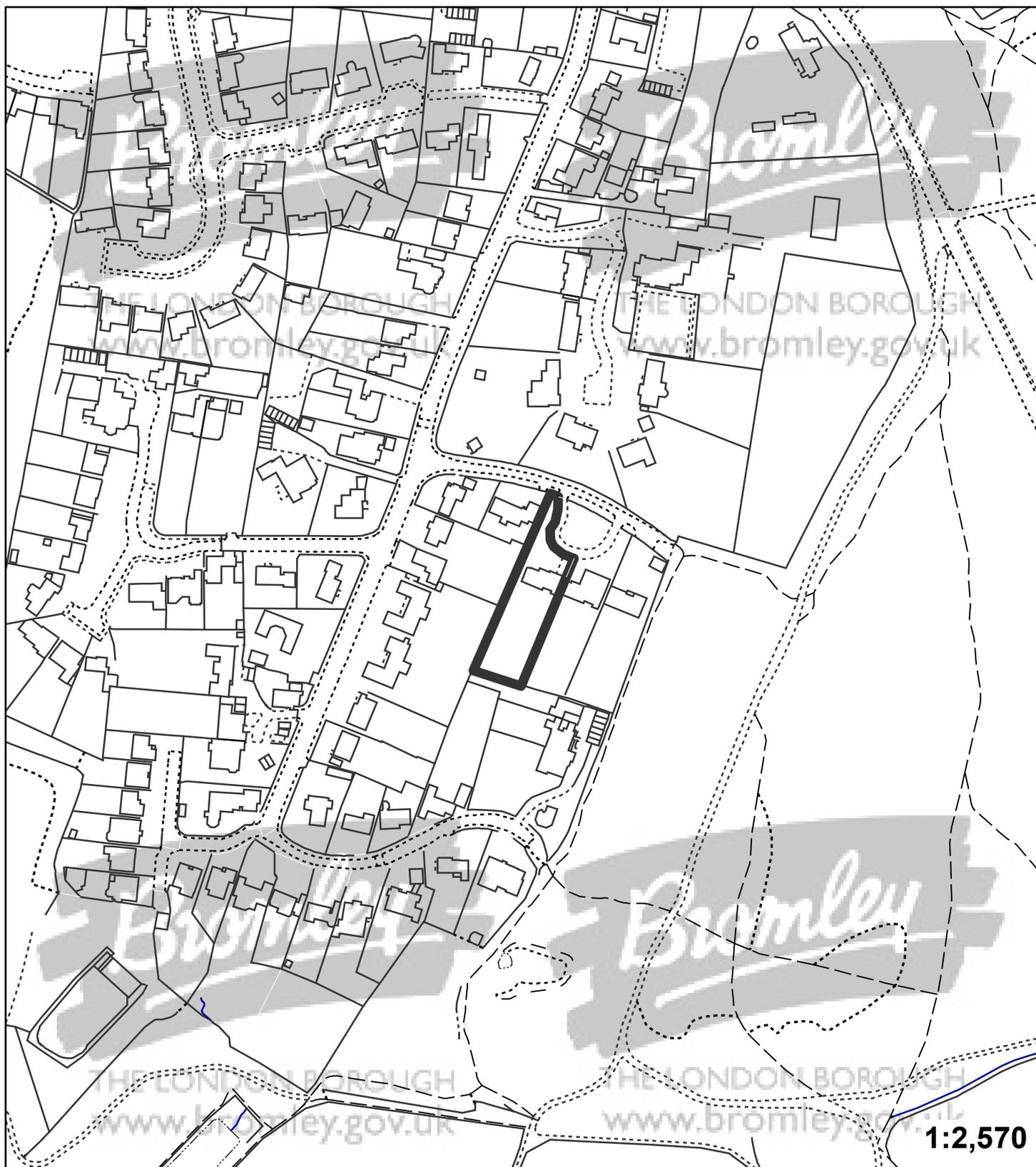
1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Application:19/00705/FULL1

Address: 1 Riverwood Lane Chislehurst BR7 5QN

Proposal: Demolition of existing dwelling and erection of detached two storey 4 bedroom dwelling with integral garage, rear balcony and terracing.



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

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

Application No : 19/00782/FULL1

Ward:
Darwin

Address : 7 Moselle Road Biggin Hill TN16 3HS

Objections: No

OS Grid Ref: E: 542533 N: 158340

Applicant : Mrs Julie Spiteri

Description of Development:

Demolition of existing bungalow and detached garage and construction of 2 detached three bedroom bungalows with additional vehicular access, associated parking, and cycle and refuse stores

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 24

Proposal

It is proposed to replace this detached two bedroom bungalow with 2 detached three bedroom bungalows. The new dwellings would be situated slightly further forward in their plots, and would maintain 1m separations to the side boundaries on each side. They would project a maximum 6.4m further to the rear than the existing bungalow, but this would reduce to 2.8m to the rear adjacent to the existing dwellings at Nos.5 and 9.

Two car parking spaces are proposed for each dwelling. Plot 1 would use the existing vehicular access, whilst Plot 2 would be served by a new vehicular access.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

This site is located on the northern side of Moselle Road and is occupied by a detached bungalow. It measures 0.11ha, and has a plot width of 18m.

To the west of the site lies a detached two storey dwelling at No.5 which was built in 2006, and to the east is a pair of two storey semi-detached dwellings (Nos.9 and 9A) which were built in 2011.

The surrounding area contains a mix of detached and semi-detached dwellings and bungalows, with a number of nearby sites having been recently redeveloped.

Comments from Local Residents and Groups

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

Support

- No objections are raised to the proposals from the occupier of No.5 Moselle Road so long as the porch projection is amended so that it is set back 1m from the side boundary with No.5, a 1.8m high close-boarded fence is erected adjacent to the dwelling at No.5, the boundary hedge is retained, and provisions are made to safeguard the badger sett
- The proposals include the retention of as much hedging and greenery as possible
- A good amount of parking will be provided.

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

The application has been called into committee by a Ward Councillor.

Comments from Consultees

Drainage Engineer: The proposed use of permeable block, aco channel and soakaway to attenuate for surface water run-off is considered acceptable.

Highways: Each property would have parking on the frontage for at least two cars, and the proposal includes the provision of a second access. No highways objections are therefore raised to the proposals.

West Kent Badgers: The application states 'no protected species on site' in section 12 but this is incorrect. There does appear to be a sett in the rear garden but it is possibly an outlier. There are many tracks across the garden including one that runs along the side of the garage out to the road. The sett is in the hedge between Nos 5 and 7 and the entrance appears to be in the hedge of No 5. It is possible that this is an old compost heap and the badgers have taken up residence and maybe also used it as a foraging area. Safeguarding conditions are suggested if permission is granted.

Policy Context

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

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

(c) any other material considerations.

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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
- 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
- 7.14 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
- 8.3 Community Infrastructure Levy

Bromley Local Plan

4	Housing Design
30	Parking
32	Road Safety
37	General Design of Development

Supplementary Planning Guidance

NPPF

Housing: Supplementary Planning Guidance. (March 2016)

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

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:

- Principle
- Density
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Impact on protected species
- Sustainability
- CIL

Principle

This site is located in a wholly residential area where the Council would consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provides suitable residential accommodation, and the proposals provide adequate amenity space for the occupants.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 17 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Design

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

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

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

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

The proposed bungalows would replace an existing bungalow on the site, and the proposed width and depth of each plot would be similar to recent developments in the road, for example at Nos.9/9A and 12A/B. The new bungalows would retain good separations to the side boundaries, and would accord with the general front building line in Moselle Road. The bungalows would not appear overly bulky, and would not be out of character with the street scene.

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

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

The minimum space standard for the proposed single storey 3 bedroom 4 person dwellings is 74sq.m., and the bungalows would each provide 101sq.m. floorspace, thereby meeting the required space standard.

Amenity space is provided by way of a 33m deep rear garden for each bungalow, which is considered acceptable in this location.

Highways

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

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

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

No highways objections are raised to the proposals.

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.

The proposed bungalow on Plot 1 would project a maximum 6.4m further to the rear of the two storey dwelling at No.5 Moselle Road, but this would reduce to 2.8m further to the rear immediately adjacent to No.5, and would not therefore result in a significant loss of light to or outlook from this dwelling. Although the proposed bungalow on Plot 1 would be 3m closer to No.5 than the existing bungalow, there would still be a separation of 2m between the dwellings, and outlook from the ground floor flank window at No.5 would not therefore be unduly affected.

With regard to the impact on No.9 to the east, this two storey dwelling already projects 4.3m further to the rear of the existing bungalow at No.7, and the proposed bungalow on Plot 2 would project only 2m beyond this, whilst it would be set back 2.5m from the side boundary. It is not therefore considered to adversely affect the amenities of the occupiers of No.9.

Impact on Protected Species

The proposals are not considered to adversely impact on badgers, subject to the imposition of protective measures.

Sustainability

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

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

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

CIL

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

Conclusion

The proposals are not considered to have a significant detrimental impact on the character and spatial standards of the surrounding area, and would adequately protect the amenities of neighbouring residential properties. Safeguarding measures would ensure the protection of the badger sett.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the 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.

6 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.

7 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.

- 8 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

- 9 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

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.

- 10 Prior to any works commencing on site, an exclusion zone shall be fenced off using chestnut paling around the badger sett in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This paling shall have 1m gaps at regular intervals and shall remain in place and be maintained in good condition for the duration of the construction works in accordance with the approved details. No vehicles, plant, equipment, goods, materials or any other articles or parts thereof shall be stored, displayed, repaired, serviced or assembled on the excluded area to be fenced in accordance with the approved details. No bonfires shall take place within the exclusion zone identified in the approved details.

Reason: In order to comply with Policies 70 and 72 of the Bromley Local Plan and in order to safeguard the interests and well-being of badgers and their setts.

- 11 Trench work and footings should have a thirty-degree slope or board as an escape route should any animal fall in. Soakaways should ideally be dug out and rings inserted, backfilled and capped in one day. If not, the top should be secured to stop animals from falling in. No wet concrete overnight.

Reason: In order to comply with Policies 70 and 72 of the Bromley Local Plan and in order to safeguard the interests and well-being of badgers and their setts.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to

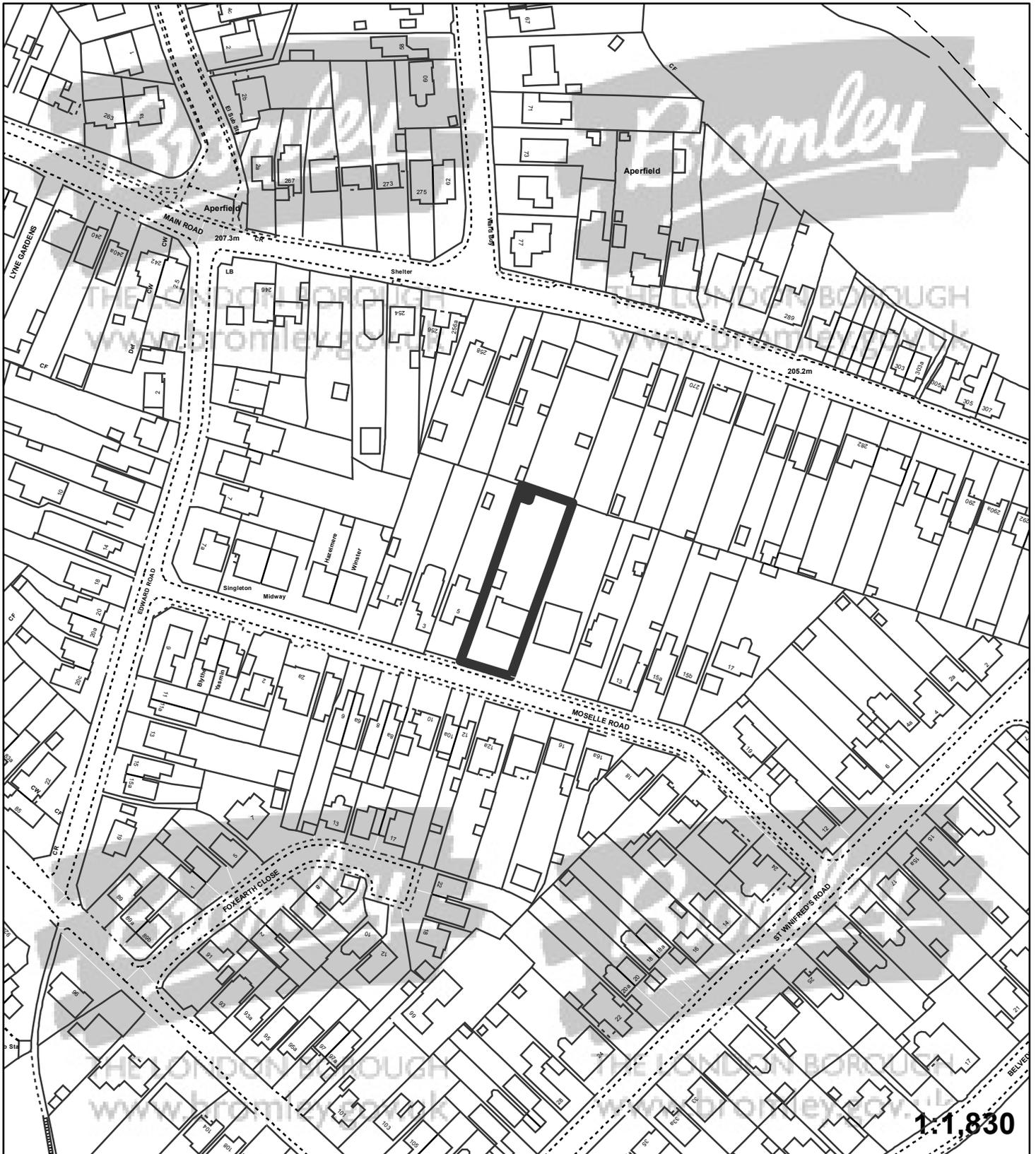
prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Application:19/00782/FULL1

Address: 7 Moselle Road Biggin Hill TN16 3HS

Proposal: Demolition of existing bungalow and detached garage and construction of 2 detached three bedroom bungalows with additional vehicular access, associated parking, and cycle and refuse stores



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

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

Application No : 19/00796/FULL6

Ward:
Petts Wood And Knoll

Address : 53 St John's Road Petts Wood BR5 1HT **Objections:** Yes

OS Grid Ref: E: 544893 N: 167202

Applicant : Mr Gary Stewart

Description of Development:

(Demolition of garage and rear dormer window. Erection of single storey rear extension and two storey side extension incorporating porch, dormer windows and integral garage, and replacement hard surfacing to front. (Amended plans and description).

Key designations:

Adj Area of Special Res. Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

The proposal is for demolition of the existing detached garage and erection of part two storey side and single storey rear extensions incorporating dormer windows and replacement hard surfacing.

The proposal has been amended since its initial submission; amending the front roof profile and introducing front dormer windows and retaining the front gable end feature, and the glazing to the side and rear windows.

Location and Key Constraints

The site is No. 53 St John's Road, Petts Wood, Orpington, a semidetached mid-20th century dwelling located on the southern side of the highway close to the junction with St George's Road. The land is predominantly level throughout with boundaries marked by approximately 1.8m high close boarded fencing. The site abuts a pedestrian footpath to the rear leading to Eastbury Road. There is an existing detached double garage to the side of the dwelling and forecourt parking in front. The area is residential in nature characterised by a mixture of detached and semidetached two storey dwellings of varying designs; most with relatively regular sized and shaped plots with the exception of those at corner plots. The site does not lie within a Conservation Area. The site lies opposite but not within the Petts Wood Area of Special Residential Character.

Comments from Local Residents and Groups

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

Objections

- The proposed dormer window (bedroom) would overlook the neighbouring property; dwelling and private amenity space,
- Obscure glazing would not appear to be appropriate or practical for a bedroom. Therefore the proposed window/bedroom should be re-positioned,
- Obscure glazing may also be changed to clear glazing in the future.

Comments from Consultees

Highways: The proposal would provide a replacement garage measuring approximately 5m x 3.6m and the frontage would provide 2 parking spaces, this would be in accordance with the Council's adopted car parking standards and therefore there would be no objection subject to relevant conditions requiring parking to be provided in accordance with the approved details and requiring appropriate surface water drainage details to avoid surface water run-off and flooding of the highway.

Planning History

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

55 St John's Road (adjoining neighbouring property)

19/00910/FULL6 - Demolition of detached garage and erection of single storey side and rear extension was approved on 17 April 2019. This has not been implemented however it remains an extant permission which could be implemented and appropriate weight will be attributed to this.

Policy Context

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

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

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

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

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

Considerations

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

- Principle and location of development
- Design and landscaping
- Standard of residential accommodation and neighbouring amenity
- Highways
- CIL

Principle and location of development

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

Design 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.

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

The proposed extension(s) would be cumulatively substantial in size; however they would remain subservient in footprint, height and overall size and scale to the existing dwelling. Indeed much of the proposed extension would replace/replicate the form of the existing detached double garage and as such the majority of the proposed development would comprise the first floor element. Furthermore, the proposed (amended) design would effectively elongate the existing shape, form and mass of the building sideways towards the south eastern boundary of the site, replicating both the "cat-slide" roof at the front and the two storey design at the rear. It would also retain the existing central gable ended feature of the building and would introduce proportionately sized gable ended dormer windows into the existing and proposed front and rear roof slopes. For these reasons the size and scale and the design of the proposed addition would not overpower the existing building or dominate the site. It would not lead to an overdevelopment of the plot and it would retain sufficient space to the site boundaries that it would not lead to a cramped appearance. It is also note that the site abuts the electricity substation which is only single storey in height and surrounded by close boarded fencing however even without this neighbouring feature the proposed extension(s) would be sufficiently well separated from the neighbouring properties and buildings that it would not lead to terracing effect that would otherwise be harmful within the street scene. The proposed single storey extension would also be sufficiently subservient in size and scale individually and cumulatively that it would not overdevelop the site or overpower the dwelling.

As mentioned, the design and the external materials, particularly of the proposed side extension, would also be in keeping with the existing building. The proposed single storey extension would be less prominent within the public realm, although it would be visible from the public footpath along the rear (southern) boundary; however it would not detract from the character and appearance of the dwelling and its setting.

The adjoining neighbouring dwelling No. 55 has less space to its opposite side and it is unlikely to be extended in a similar manner to No. 53 (although it has recently been granted permission for a single storey side and rear extension) and therefore the currently proposed side extension at No. 53 would technically reduce the symmetry seen in the existing pair of dwellings together. Nonetheless, the proposal would strongly reflect and respect the host dwelling and the marginal lack of resulting symmetry would not be so significantly harmful to the appearance of the pair of dwellings within the street scene that this would warrant refusal of planning permission in design and character terms.

The proposal would not appear to directly impact trees or landscaping within the site or in the wider locality. Given the scale of the development it is not considered

to have an adverse effect on the wider locality and street scene it would not be necessary in this instance to require additional new planting specifically to enhance this particular development.

For these reasons; having regard to the form, scale, siting and proposed materials it is considered that the proposed extension and outbuilding would complement the host property and would not appear out of character with surrounding development or the area generally.

Standard of residential accommodation and Neighbouring amenity

Policies 6 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed side extension would be visible from neighbouring properties however it would be sufficiently well separated from them, coupled with its size and scale, that it would not have a significantly harmful impact on the amenities of the neighbouring properties by reason of overshadowing or overbearing effect. The proposed single storey rear extension would be relatively modest in size; rearward projection, height and mass. It would also be read in context to the recently approved single storey rear extension at No. 55 (19/00910/FULL6). However even in isolation, for instance if the neighbouring extension is not constructed, the currently proposed single storey extension at No. 55 would not have a significant additional impact on the neighbouring amenities by reason of overshadowing or overbearing effect.

The main outlook from the proposed extension(s) would continue to be to the front and rear. Any overlooking from the ground floor elements would not be significantly more harmful than any existing ground floor overlooking. The upper floor front facing dormer windows would broadly replicate the existing arrangement and furthermore they would mainly overlook the street and the public realm which would not be significantly more harmful than existing. The upper floor rear dormer windows would serve bedrooms and the family bathroom. The dormer serving the bedroom adjacent to the boundary with No. 55 would effectively replicate the existing rear dormer window serving the same function in a broadly similar position on the roof slope. The other rear facing dormer windows would serve the main/family bathroom and a secondary window to the other rear bedroom. These dormer windows could therefore be fitted with obscure glazing and restricted opening in order to preserve the privacy amenities of the immediately neighbouring property(ies), without having an unacceptable impact on the living conditions of the occupants of those proposed rooms. The east facing side flank bedroom window would form the primary window to that room and would provide an appropriate level of outlook in context to the obscure glazed dormer window. It would effectively replicate the east facing side flank window in the existing dwelling and although it would be positioned slightly closer to the east boundary and the neighbouring property No. 51 it would not be in direct alignment with that property and it would continue to be sufficiently well separated from it. For these reasons

and subject to appropriate conditions to manage the glazing in the extension there would be no significantly more harmful additional overlooking.

Highways

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

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

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

The demolition of the existing detached double garage and the replacement with a single integral garage would remove one existing on-site parking space however according to site observations there would appear to remain sufficient space on the forecourt for vehicle parking without necessarily directly leading to additional harmful on-street parking. There is no objection subject to appropriate conditions to ensure the approved parking is implemented and retained and to manage any surface run-off on to the highway.

CIL

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

Conclusion

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

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

REASON: In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policies 6 and 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 Policies 6 and 37 of the Bromley Local Plan.

4 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the upper floor south west side flank and south west rear elevations and/or roof slopes of the 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.

5 Before the development hereby permitted is first occupied the proposed dormer window(s) in the south west rear roof slope serving the main bathroom and the bedroom over the utility room and the shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

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

6 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.

7 Surface water from private land shall not discharge on to the highway.

(a) 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.

(b) 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

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**

Application:19/00796/FULL6

Address: 53 St John's Road Petts Wood Orpington BR5 1HT

Proposal: (Demolition of garage and rear dormer window. Erection of single storey rear extension and two storey side extension incorporating porch, dormer windows and integral garage, and replacement hard surfacing to front. (Amended plans and description).



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

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

Application No : 19/00890/FULL6

Ward:
Chislehurst

Address : Bywood Manor Park Chislehurst BR7
5QD

Objections: Yes

OS Grid Ref: E: 544771 N: 169649

Applicant : Mrs Lyn Matthews

Description of Development:

Demolition of existing detached garage and chimney stack and erection of single storey front, side and rear extensions, and elevational alterations

Key designations:

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

Proposal

It is proposed to demolish the existing detached garage and chimney stack and construct single storey front, side and rear extensions to this bungalow. The proposals comprise:

- a single storey side/rear extension which would extend up to the eastern flank boundary with Nos.1 and 2 Laverock, and would project between 4-6.8m to the rear
- a 3.6m wide front extension which would project 0.9m forward of the main front elevation
- a front bay window
- a new side entrance door with glazed screen and obscure glazed bathroom window in the western flank elevation of the bungalow.

Location and Key Constraints

This two bedroom detached bungalow is located within a small cul-de-sac off Manor Park which also serves Nos.1 and 2 Laverock to the east. The site is bounded to the west by detached properties known as Bedans and Shenandoah, and to the north by the rear garden of Beechwood.

The site lies within Chislehurst Conservation Area, and the nearby properties Cookham Dene and The Lodge are statutorily listed.

Comments from Local Residents and Groups

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

Objections

- Overdevelopment of the site
- Loss of light and outlook to neighbouring properties
- Adequate screening should be provided adjacent to Laverock
- Tree 2 is inside not outside the site boundary
- There should be no living space within the roof to prevent overlooking
- Difficulties of access for construction traffic

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

The application was called into committee by a Ward Councillor.

Comments from Consultees

APCA: No objections are raised.

Conservation Officer: Given the secluded location of the site and the low profile of the proposed extensions, the impact on the Conservation Area would be negligible.

Highways: The proposals would result in the loss of a parking space due to the demolition of the existing garage, but there would still be room for 2 car parking spaces on the frontage, therefore, no highways objections are raised.

Tree Officer: The large off-site tree to the rear, labelled T1 on the proposed site block plan, appears to be in good health and have at least moderate landscape value. This tree does not appear to conflict with the proposed development in the long term, nor would there be an undue risk of harm during construction. The remaining vegetation appears to be of lower value.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies

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

Bromley Local Plan

- 6 Residential Extensions
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 43 Trees in Conservation Areas

Supplementary Planning Guidance

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

Planning History

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

Permission was refused in 1988 (ref.88/00154) and dismissed on appeal for a replacement dwelling on grounds relating to overdevelopment and the detrimental impact on the amenities of neighbouring properties.

Permission was refused in 1990 (ref.90/00355) for a two storey side and first floor rear extension, and raising of the roof to provide 3 front dormers on grounds relating to a cramped form of development which would be out of character with the Conservation Area.

Permission was refused in 2006 (ref.06/03386) for a single storey side/rear and first floor extension including front, side and rear dormers on the following grounds:

- 1 The proposal would be an overdevelopment of the site, out of character with the locality, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and detrimental to the character and appearance of this part of the Chislehurst Conservation Area, contrary to Policies BE1, H8 and BE11 of the Unitary Development Plan.

- 2 The proposed development would be detrimental to the amenities now enjoyed by the residents of properties adjoining the site, by reason of loss of prospect, privacy and visual impact, contrary to Policies BE1 and H8 of the Unitary Development Plan.

Considerations

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

- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- Trees
- 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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed single storey side/rear extension would extend up to the eastern flank boundary with Nos.1 and 2 Laverock (a width of about 2.7m), and would continue the existing roofline of the bungalow. There would still be a gap of approximately 4.5-5.5m between the extension and the building at Laverock, and the proposals are not considered to have a detrimental impact on the character and spatial standards of the area.

The front bay windows are not considered to detract from the appearance of the existing dwelling.

The proposals would still retain a 12-14m deep rear garden, and are not considered to result in an overdevelopment of the site.

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

Heritage Impact

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The

test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

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

Within or adjacent to a Conservation Area:

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

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

The proposed extensions would be single storey only (as opposed to previous schemes for the site which were for two storey development), and they would not exceed the height of the main roof. Given the secluded location of the site and the modest size of the extensions, the proposals are not considered to have a detrimental impact on the Conservation Area.

It is considered that the proposed development would preserve the character and appearance of the conservation area

Highways

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

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

London Plan and BLP 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

No highways objections are raised to the proposals.

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.

The proposed extension would project 4m to the rear across the back of the bungalow which would increase to 5.8m to the rear where the detached garage is currently located. The closest part of Laverock contains two garages on the ground floor and a living area on the upper floor, and is set back 4.5-5.5m from the proposed extension. Given the single storey nature of the development, the proposals are not considered to adversely affect outlook or light to the adjacent flats at Laverock.

With regard to the impact on Bedans to the west of the site, this single storey property has a very short rear garden (approximately 4.5-9m in depth), and the proposed rear extension would be visible from the rear elevation and garden of this property. However, the extension would be only 4m in depth adjacent to Bedans, and the roof over it would be hipped away from the side boundary. The proposals are not therefore considered to result in significant loss of light to or outlook from this property.

Having regard to the scale, siting, separation distance, 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.

Trees

The proposals are not considered to have a detrimental impact on important trees on or adjacent to the site.

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of

amenity to local residents nor impact detrimentally on the character and appearance of the Conservation Area.

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

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 No additional floorspace shall be provided within the extensions hereby permitted in the form of first floor accommodation without the prior written approval of the Local Planning Authority.**

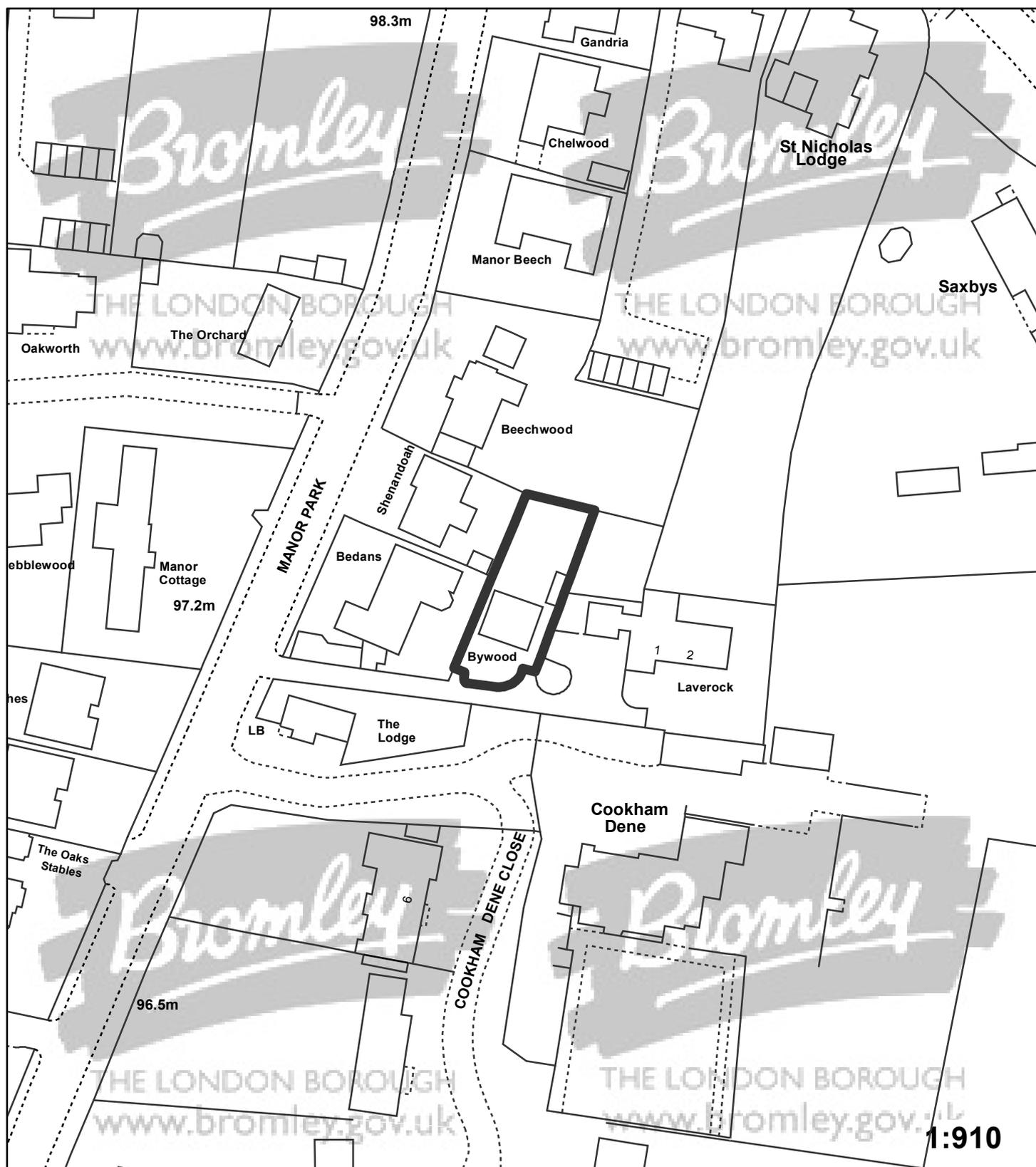
Reason: In order to comply with Policy 119 of the Bromley Local Plan to accord with the terms of the application and prevent overdevelopment of the site.

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Application:19/00890/FULL6

Address: Bywood Manor Park Chislehurst BR7 5QD

Proposal: Demolition of existing detached garage and chimney stack and erection of single storey front, side and rear extensions, and elevational alterations



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

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

Application No : 19/00978/FULL6

Ward: Bromley Common
And Keston

Address : 51 Lower Gravel Road Bromley BR2 8LP **Objections:** NO

OS Grid Ref: E: 542606 N: 166238

Applicant : Mr Foster

Description of Development:

First floor side extension

Key designations:

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

Proposal

Planning permission is sought for the construction of a first floor side extension. The extension would be 3m wide, 7.5m deep and 4.7m in height (7.7m from ground level).

The extension would be finished in matching facing brickwork to blend in with the host dwelling.

Location and Key Constraints

The application site is a semi-detached two-storey house located on the northern side of Lower Grave Road.

The property is not in a Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which are set out below:

- Have no objection to the planning application.
- However, as my garden is adjacent to the property I would ask that it is not used for regular access to the build as I have recently landscaped it at cost.

- I'm obviously aware that scaffolding will need to be erected but once this is done access to it from my garden would not be permitted. Access would need to be from the house in question once scaffolding is erected.

Please note that the issues raised regarding access and scaffolding are private legal matters and not material planning considerations.

Comments from Consultees

None were requested.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

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

London Plan Policies (2016)

7.4 Local character
7.6 Architecture

Bromley Local Plan (2019)

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

Supplementary Planning Guidance

SPG1 – General Design Principles
SPG2 – Residential Design Guidance

Planning History

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

96/01408/FUL - Demolition of existing house and rebuild with attached - 03.06.1997

02/00891/FULL1 - First floor side extension – Approved - 25.04.2002

Considerations

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

- Design
- Side space
- 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 BLP 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 BLP states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

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

The extension is considered to be sympathetically designed to complement the host building, whilst the first floor is set flush with the front elevation and provides a continuous ridge, given the overall size of the proposed extension it is considered that the development would not appear overly bulky or dominant within the street scene, and would not detract from the character and appearance of area generally.

The plans show the extension will be finished in matching facing brickwork to blend with the existing house. The plans include a front and rear gutter which will prevent run-off going towards No. 2 Princes Plain, it is considered that this design approach would not be unacceptable or impact detrimentally on the character of the host building or street scene generally.

The extension would be visible from Lower Gravel Road and it is considered that the development would complement the character and appearance of the host dwelling and similar to the other extended properties within the area and for these reasons, it is considered that the proposed development is acceptable and complies with policy on design.

Side Space:

Policy 8 of the Bromley Local Plan states that when considering applications for new residential development, including extensions, the Council will normally require the following:

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

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

The proposed first floor side extension would be located above the existing garage which is adjacent to the western boundary with the garden of No. 2 Princes Plain. Whilst the proposal would not provide a "minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building" the proposal would not result in a terracing effect between the extension and any neighbouring property, the proposed extension would also not cause a cramped appearance within the wider streetscene given that the extension is adjacent to the garden of No. 2 Princes Plain. It is considered the separation distance retained allows for high spatial standards and a high level of visual quality to be maintained. Therefore does not conflict with the reason for the side space policy.

Neighbouring amenity:

Policy 37 of the 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 London Plan Policy 7.6.

With regards to the impact to No. 2, the extension is located approximately 9m to the east and, whilst a full topographical survey has not been provided it can be seen that the extension will be visible. Nevertheless, taking into account the orientation together with the separation distance it is considered that the development would not have any significant impact on the neighbouring amenities to warrant refusal on this basis.

In terms of loss of privacy, there are no windows proposed in the flank elevation, whilst this does result in a blank façade it does alleviate any potential issues that may arise from overlooking or perceived loss of privacy.

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

CIL:

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has 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 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the first floor western elevation(s) of the first floor side extension hereby permitted.**

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

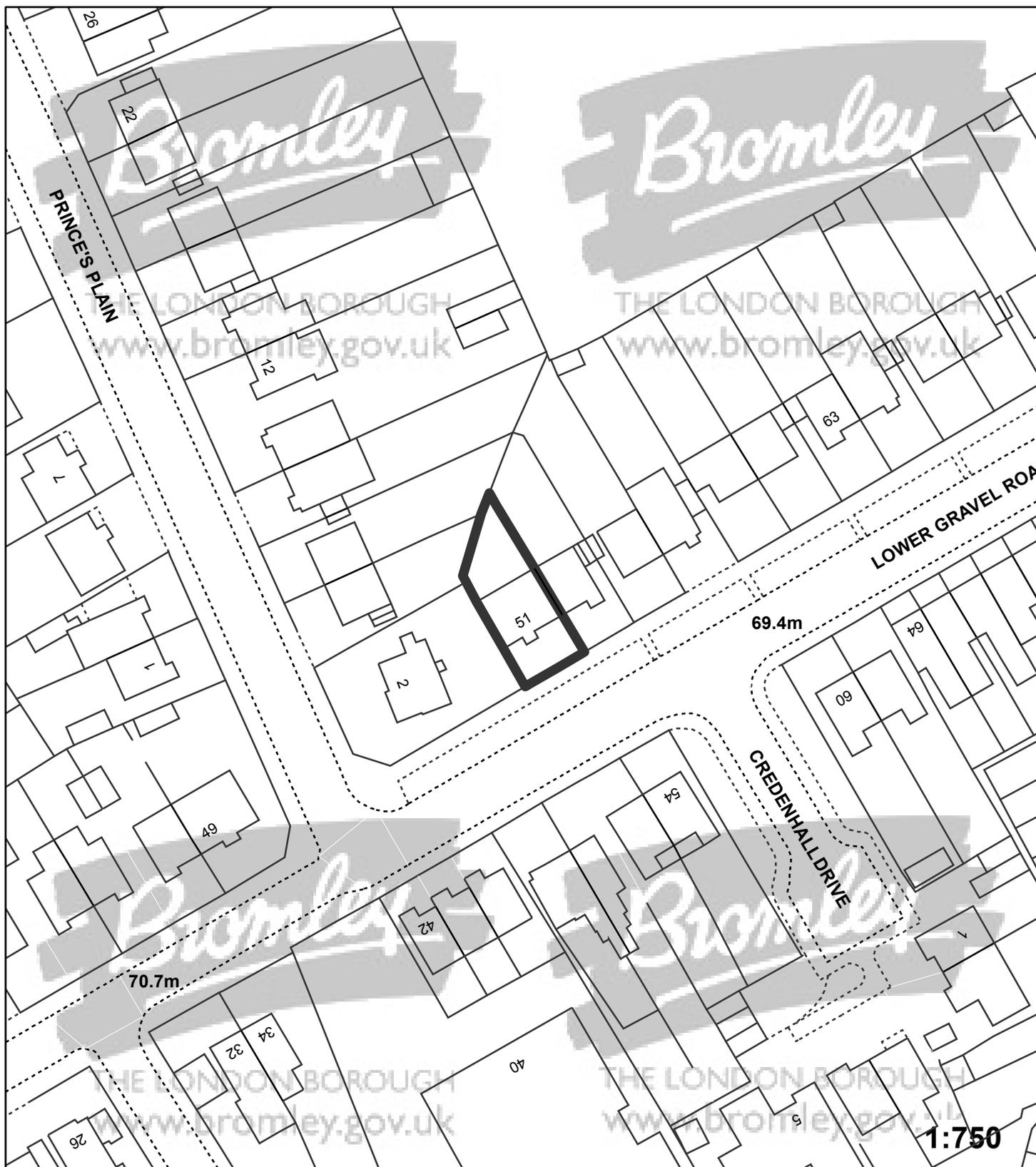
- 4 The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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:19/00978/FULL6

Address: 51 Lower Gravel Road Bromley BR2 8LP

Proposal: First floor side extension



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

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

Application No : 19/01202/FULL6

Ward:
Bromley Town

Address : 49 Forde Avenue Bromley BR1 3EU

Objections: No

OS Grid Ref: E: 541064 N: 169008

Applicant : Mr Michael Rutherford

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 13
Smoke Control SCA 12

Proposal

The application seeks planning permission for a single storey rear extension. The extension measures 3.8m in depth along the boundary with No.51 and 2.8m along the boundary with No.47 at a width of 6.0m. The extension measures 3.7m in height at its maximum with four rooflights that project 0.2m. A small raised patio and steps to the rear garden are also shown on the submitted plans. The patio measures 1.8m in depth and 0.6m in height.

Location and Key Constraints

The application relates to a three storey mid-terrace dwellinghouse located on the western side of Forde Avenue, 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 no representations have been 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 (2019). 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
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

12/03902/PLUD - Loft conversion with rear dormer window and front rooflights (Certificate of Lawfulness for a Proposed Development) - Proposed use/development is lawful

Considerations

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

- Design
- Neighbouring amenity
- CIL

Design

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

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposed rear extensions size, scale and bulk would not significantly alter the appearance of the host dwelling. The proposed depth and height of the extension would be subservient to the main dwelling and would not overdevelop the site as a whole. While the proposed materials will not completely match those of the host dwelling it is considered that they are complementary and compatible with the application site and developments in the surrounding area. The extension would not be visible from the street and so will not harm the character of the area or the streetscene in general.

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

The proposed rear extension will project along the boundary with No.47 for a depth of 2.8m. While the development will have a visual impact on this neighbouring property it is considered that the rear extension will not result in overshadowing,

loss of light or an overbearing impact when the height and depth of the proposed and the orientation of the site is taken into account.

The rear extension would project 3.8m in depth along the boundary with No.51 which sits to the north of the host dwelling. No.51 has not been extended at the rear and is stepped with the recessed element sitting adjacent to the application site. There is an existing boundary wall between the two properties and as a result the proposed will project a further 2.8m in depth past this neighbour's rear wall. As a result of its positioning and the orientation of the site the proposed would have a visual impact on this neighbour and would result, to a degree, in a loss of direct sunlight. Taking into account the extensions height and depth, along with the generous garden sizes of the properties it is considered that the proposed extension would not have an adverse impact on the amenity of this neighbouring property. The proposed door and rooflights, because of their location and size, would not result in an increased chance of overlooking out of character in terms of that expected within a typical residential layout.

The host dwelling currently benefits from a small raised area and steps at the rear. The proposed would have a greater depth of 0.2m and greater height of 0.2m. Taking this additional height and depth into account it is considered that the raised patio and steps would not result in an increased chance of overlooking or loss of privacy over and above that which currently exists.

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

CIL

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

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 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.

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Application:19/01202/FULL6

Address: 49 Forde Avenue Bromley BR1 3EU

Proposal: Single storey rear extension



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

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

Application No : 19/01280/FULL1

Ward:
Bickley

Address : 187 Southborough Lane Bromley BR2
8AR

Objections: Yes

OS Grid Ref: E: 542683 N: 167636

Applicant : Shaun Goodger

Description of Development:

Change of Use from Class A1 Use (shop) to Class A4 Use (micro pub).

Key designations:

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

Proposal

Planning permission is sought for a change of use from a vacant shop unit (Use Class A1) to a micro pub (Use Class A4). The premises were formerly occupied by a builders/construction business. . The premises will open between the hours of 12:00 - 22.45 (Monday - Friday) and 12:00 - 23:00 (Saturdays) & 12:00-22:45 (Sunday and Bank Holidays).

The application is accompanied by a covering letter, noise management report and a Sound Insulation Test Report.

The application is a resubmission of a previous application (Application Reference: 18/05028/FULL1) that was refused planning permission on 31.01.2019.

Location

The application site is a two storey mid terrace property located on the northern side of Southborough Lane, Bromley. The property occupies a vacant retail unit on the ground floor with residential accommodation above (1 x 2 bedroom & 1 x 3 bedroom flat) 187 & 187c. The red line plan shows the property benefits from a large rear garden. The shop is local towards the end of a parade of shops located on Southborough Lane with a slip road of Southborough Lane. Parking is unrestricted.

Consultations

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

- There are already two local public houses namely the Crooked Billet & The Chequers of which are already noisy and have created anti-social behaviour on many occasions.
- We do not need another establishment serving alcohol especially in an area full of families with children. This will encourage late night visitors to the area whereas at present most of the shops along this stretch are closed which means the area remains peaceful in the evenings.
- The siting of the proposed micropub. This is a small secondary parade with a selection of shops that service a close residential community during mainly daytime hours. None provide any place for people to gather and be able to be seated late in the evening, such as any restaurants. We feel this should continue to be the case, leaving close residents that live above the shops undisturbed evenings. There are many schools close by therefore the parade attracts a large number of young children in the mornings, lunchtimes and after school along with young parents and elderly, we feel that this premises may cause unrest due to drinkers possibly spilling onto the street.
- There are no facilities for the drinkers to smoke other than stepping onto the highway servicing the shops.
- We feel the safety of property and vehicles belonging to the residents may be damaged. Residents doorways open directly onto the footpath that services the shops and this might intimidated some of the residents when entering or exiting their flats with people possibly gathering outside. We feel it would be difficult to keep patrons inside the premises so as not to cause any disturbance.
- If the Micropub is granted we would like the same restrictions placed upon it as 189 & 197 Southborough lane. Being no Sunday trading or Bank Holidays including Good Friday. No extensions of hours for any later functions or private parties so as not to disturb neighbours and or tenants.
- The change of use to a micropub will lead to noise and disturbance.
- The change of use will lead to increased demand for parking and loading of deliveries. The road already has inadequate parking provision.
- We feel the disturbance not only to the shop keepers but also residents out front there, will be little room to chat , drink or smoke as there is not enough room for tables and chairs on the path there is only a wall of the local resident for sitting on, also if they open up the garden at the back this will disturb people in the houses backing onto the garden.

Consultee comments

Highways - This is the same application as previously so the comments are the same. The property fronts the slip road off Southborough Lane. This is relatively narrow and often heavily parked. I would ask what size delivery vehicles will be used to service the property and how they will access the site.

The existing use of the building seems to be offices so I would think deliveries would be minimal compared to retail. However I accept there are other retail units in the parade who must get deliveries. If deliveries can be kept to transit sized vehicles then they would have the best chance of getting into the service road. I see they suggest a Service Management Plan which may be a way forward - condition OC10.

Environmental Health (Pollution) - An acoustic report (Noise Management Report, N Johnson, ref 551819) has been provided which states that the sound insulation between the premises and the residential property above is sufficient for a micro pub. In addition controls are proposed to manage other noise sources. I have no objection to this application on the basis that the recommendations of the noise report are fully implemented and maintained.

Drainage - no comment.

Designing out crime - I have reviewed the application and due to the small size of the development, (65 sq m.) and the relatively moderate crime level in this area in comparison to other areas on the borough I will not be seeking any conditions on this application and not be offering further comment.

Licensing - The Licensing Sub- Committee decided to Grant the premises licence subject to the agreed conditions at the Hearing on the 7th November 2018.

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 Bromley Local Plan (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:

Bromley Local Plan

Policy 30	Parking
Policy 37	General Design of Development
Policy 96	Neighbourhood Local Centres, Local Parades and Individual Shops
Policy 98	Restaurants, Pubs and Hot Food Takeaways

Policy 101 Shopfronts and Security Shutters

London Plan

- 4.7 Retail and town centre development
- 7.4 Local Character
- 7.5 Public Realm
- 7.15 Noise
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services

National Planning Policy Framework

The NPPF is a material consideration in the determination of this application. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. Of particular relevance are the following chapters:

Chapter 2 relates to ensuring the vitality of town centres.

Chapter 7 relates to requiring good design.

Planning History

Under planning application reference: 19/02002/FULL1 planning permission is currently pending consideration for 'erection of 2 x residential units to rear of property, extensions to existing building at first floor and second floor levels. Car Parking, refuse and cycle storage.'

Under planning application reference: 18/05028/FULL1 planning permission was refused on 31.01.2018 for 'change of use from retail shop (use class A1) to micropub (use class A4).

Under planning application reference: 05/04019/FULL1 planning permission was granted for single storey rear extension for offices.

Under planning application reference: 03/02155/FULL2 planning permission was granted for change of use of garage to office and shopfront.

Under planning application reference: 02/00952/FULL1 planning permission was refused for security shutter to shopfront.

Under planning application reference: 01/00976/FULL1 planning permission was granted for two storey side extension to form garage and ancillary retail accommodation on ground floor with self-contained two bedroom flat over and rear dormer, new shopfront (part retrospective).

Under planning application reference: 96/01208/FULL1 planning permission was granted for two storey side extension to form garage and ancillary retail accommodation on ground floor with self-contained one bedroom flat over and new shopfront.

Considerations

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

- Resubmission
- Background
- Impact of the change of use
- Neighbouring amenity
- Highways
- Refuse
- CIL

Resubmission

Under planning application reference: 18/05028/FULL1 planning permission was refused on 31.01.2018 for 'change of use from retail shop (use class A1) to micropub (use class A4). The application was refused for the following reason:

"The proposed change of use to a micropub has the potential to result in noise and disturbance to local residents and in the absence of a satisfactory acoustic assessment the proposal is contrary to Policy 98 of the Bromley Local Plan.

Following the refusal of the last planning application the applicant has commissioned an acoustic assessment. This has been assessed by the Council's Environmental Health Department and their comments are set out below under the neighbouring impact section.

Background

The accompanying Planning Statement states that the proposed landlord of the micropub is looking to open a premises to offer local residents and the community a small, niche establishment to which they can enjoy locally sourced, batch drinks and refreshments.

The submitted drawings show internal alterations to the layout of the premises with approximately eleven tables and a bar area. Towards the rear lies a kitchen/snack preparation area, beer fridge and toilets. A large rear garden area is also to be utilised at the rear.

The existing premises are currently empty (having previously operated as a builders/construction company). The premises lay in-between an estate agents (No.187c) and a takeaway/restaurant (No.189). The wider local parade consists of a mixture of premises comprises of cafes, shops, mini supermarket, and dentist.

The business will sell craft beer and wine. No television or music is proposed. A limited cold food menu is proposed with a food preparation area shown towards the rear of the premises.

Impact of the Change of Use

Policy 96 (Neighbourhood Centres, Local parades and Individual Shops) states that a change of use to non-A1 will only be considered if the use proposed contributes to the range of local services and the provision of local community facilities.

Policy 98 (Restaurants, Pubs and Hot Food Takeaways) states that the Council will permit proposals for new drinking establishments where all of the following criteria are met:

- a) the proposal would not detract from the vitality and viability of the Town or Shopping Centre
- b) the proposal would not result in an over concentration of food and drink establishments
- c) there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter and unneighbourly opening hours and
- d) the proposal would not create traffic congestion as a result of the change of use.

The local parade is located on a slip road which is accessed from Southborough Lane, Bromley. No.187 is currently vacant but lies in amongst other commercial premises including a cafe, dentist, retail premises and hot food takeaways. The surrounding commercial units appear to be well used and include a range of local services including A1,A2, A3, A5 & D1 uses. There is a low vacancy rate and at the time of the site visit there was a medium level of footfall within the area and to neighbouring units.

The proposed use would operate between the hours of 12pm-10.45pm Sunday to Thursday and 12pm to 11pm Friday and Saturdays. A percentage of the opening hours would be outside of core shopping hours. The use is expected to draw custom from the local area much like the micro pubs nearby; The Bitter End (Mason's Hill, Bromley) & One in the Wood (Petts Wood).

The proposed used change of use away from A1 may add to the vitality of this local parade by providing a small drinking establishment for local people who prefer to drink in such premises as opposed to a larger pub.

Whilst it is considered that the proposal could contribute to the range of local services and provide a facility which could be used to support the local community careful consideration needs to be given to the evening hours and the close proximity to local residents that could result. Issues regarding neighbouring amenity, noise and refuse and recycling are discussed in detail below.

Neighbouring amenity

Immediately above the site are two flats (No.187a & 187b) which are in the same ownership as the ground floor unit. The flats above and the two commercial premises located either side have the potential to be significantly impacted by the

proposal. Residential accommodation also exists above other commercial premises within the parade.

Whilst the site is located close to a main road, where a low background ambient noise level is generated from the passing vehicular traffic, pedestrians and buses the use has the potential to cause harm and a loss of amenity to residents living above and in the surrounding vicinity.

During the course of the previously refused application the Environmental Health Officer raised concerns about noise and the fact that no acoustic assessment had been undertaken. As part of the current application the applicant commissioned two reports; the first being a Sound Insulation Test and the second being a Noise Management Plan.

The Sound Insulation Test demonstrated that the wall and floor samples meet the requirement of Building Regulations in terms of noise.

The Noise Management Test set out how the proposed change of use of the premises will be managed in terms of opening hours, customer activities and general customer management. The following measures have been put forward:-

- The rear of the premises will not be used for smoking/drinking
- Opening hours and delivery hours and refuse management will be controlled to within daytime hours
- Staff will manage activity to front the premises during opening hours to ensure limited people to congregate to smoke.
- No drinking will occur outside the building.
- Specified number of staff will be on the site during opening hours
- No music will be played in the premises.

The change from A1 to A4 is expected to generate increased levels of footfall & therefore noise and disturbance compared to the former A1 use which opened six days a week during normal office hours. The premises were formerly occupied by a builders/construction business. The proposed use is to open 7 days a week between the hours of 12:00 - 22.45 (Monday - Friday) and 12:00 - 23:00 (Saturdays) & 12:00-22:45 (Sunday and Bank Holidays). The Noise Management Plan sets out that the garden will not be used for smoking or drinking and that no drinking will occur outside of the building.

The Environmental Health Officer has assessed the application and concludes that an acoustic report (has been provided which states that the sound insulation between the premises and the residential property above is sufficient for a micro pub. In addition controls are proposed to manage other noise sources. I have no objection to this application on the basis that the recommendations of the noise report are fully implemented and maintained.

Given that no objections have been raised by the Environmental Health Officer, subject to a condition to ensure the recommendations of the Noise Management Plan are adhered to Members may consider the use to be appropriate.

Highways

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

No parking is proposed as part of the proposal and some parking does exist directly outside of the premises in the slip-road that serves all the commercial premises in this local parade. It is not considered that the proposed micro pub use will generate more traffic and parking than a shop would in this location, given its limited size. It is possible that it actually reduces parking demand compared to the current lawful use of the unit as people are more likely to walk to a small local public house so they can have an alcoholic drink.

The property fronts the slip road off Southborough Lane which is relatively narrow and often heavily parked. The Highways Officer has asked what size delivery vehicles will be used to service the property and how they will access the site. The applicant has provided information that states that a vehicle similar to the size of a supermarket delivery van will be used and that deliveries will be made during the day. The Highways Officer has found this to be acceptable and asked for the relevant condition to be attached to any permission.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The submitted drawings show adequate recycling and refuse facility to the rear garden.

A condition will be attached to ensure that adequate refuse and recycling facilities are provided.

CIL

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

Summary

Having had regard to the above it is considered that the proposed change of use may be considered appropriate in this location, subject to conditions, to ensure that the use does not have a detrimental impact on residential amenity in terms of noise and disturbance.

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 use shall only operate between 12:00 - 22.45 (Monday - Friday), 12:00 - 23:00 (Saturdays) & 12:00-22:45 (Sunday and Bank Holidays).**

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

- 4 (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

- 5 A Service and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the development, and the Plan shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied and permanently retained thereafter.**

Reason: In order to comply with Policies 31, 37 and 119 of the Bromley Local Plan and in the interest of the amenities of the future occupants of the development and the adjacent properties

- 6 The rear garden area shall contain no outdoor seating or be used by customers associated with the use.**

Reason: In order to protect the health and quality of life of neighbours from noise and disturbance in accordance with Policy 119 of the Bromley Local Plan and Policy 7.15 of the London Plan.

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Application:19/01280/FULL1

Address: 187 Southborough Lane Bromley BR2 8AR

Proposal: Change of Use from Class A1 Use (shop) to Class A4 Use (micro pub).



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

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

Application No : 19/00953/FULL1

Ward:
Petts Wood And Knoll

Address : 75 Queensway Petts Wood BR5 1DQ

Objections: Yes

OS Grid Ref: E: 544338 N: 167513

Applicant : The News and Book Supply (East) Ltd

Description of Development:

Detached two storey building with accommodation in roof space comprising 2 two bedroom maisonnettes, with 2 car parking spaces on land to the rear of 75 Queensway

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 8

Proposal

It is proposed to construct a part two/three storey building comprising 2 two bedroom maisonnettes which would front onto Nightingale Road. Although described as maisonnettes on the application form, the proposals are effectively for 2 semi-detached dwellings as they are separated vertically, apart from a corridor from maisonette 2 which runs along the rear of maisonette 1 in order to access its private garden. One parking space per dwelling is located off the rear service road behind the shops.

It is proposed to retain the existing oak tree located towards the western end of the site which is covered by a Tree Preservation Order issued in December 2017 (TPO 2637).

The application was supported by the following documents:

- Arboricultural Impact Assessment
- Design and Access Statement
- Planning Statement

Location and Key Constraints

This site is located on land to the rear of No.75 Queensway which is an end-of-terrace shop with residential accommodation above that lies within Petts Wood

District Shopping Centre. The site is currently a disused garden and measures 0.02 ha in area.

The site backs onto the rear service road for the parade of shops, and beyond this are residential semi-detached dwellings in Nightingale Road.

Comments from Local Residents and Groups

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

Objections

- Loss of light and privacy to neighbouring residential properties
- Overdevelopment of the site
- Building would be out of character with the area
- The proposals are three bedroom properties not two bedroom (study could be used as a bedroom)
- Detrimental impact on parking in the area
- Detrimental impact on protected tree - is unlikely to survive the development
- Would contravene the general building line in Nightingale Road
- Sub-standard accommodation for future occupiers of the development
- Northern parking space could not be used due to the position of the retained tree
- Hazardous access for cars.

Local Groups (Petts Wood & District Residents' Association)

- Overdevelopment of the site
- Maisonettes would be three bedroom rather than two bedroom as the study could be used as a bedroom
- Limited amenity space provided
- Detrimental impact on the protected oak tree
- Overlooking of neighbouring properties
- Inadequate parking provision
- Front elevation of proposed building would lie immediately adjacent to the footway - detrimental impact on privacy to future occupiers
- Out of character with the surrounding area
- Lack of side space.

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

This application was called in to committee by a Ward Councillor.

Comments from Consultees

Drainage Engineer: No objections are raised

Highways: The site is within a moderate (4) PTAL area. There is one parking space shown for each unit which is in line with the Local Plan standards. There is less than 6m shown behind the parking spaces for manoeuvring but the spaces are wider than normal so that may not be an issue. The block plan supplied indicates that cycle parking and bin storage will take place within this area as well. There is also a large tree in this area which, if the rear boundary to the development is in the same place as the existing fence, doesn't appear to be shown in the correct position on the block plan. The width of the tree trunk also seems small, and hardstanding and parking so close to the tree may not be considered acceptable.

There should be no rear boundary enclosure in order to allow manoeuvring. The side boundary fence abutting the access needs to be lower to provide better pedestrian sightlines, therefore a boundary enclosure condition would be suggested. Additionally, no structures such as the porches should overhang the highway.

Trees: The TPO Oak (identified as T1) is a high quality category A tree and appears to be the only tree constraint on this site. The footprint of the proposed building would encroach on a very small section of the RPA of T1, from which no undue impact is predicted. The potential impact of the proposed parking spaces under the canopy is proposed to be controlled by the use of a cellular confinement surface to minimise any digging. Whilst this is a recommended technique to reduce such an impact where new surfacing at the edges of an RPA is unavoidable, this proposal covers a significant area of the centre of the RPA and is likely to result in some degree of impact on long term soils conditions for the Oak, due to the inevitable extra obstruction to the movement of water and gases.

There is significant cause for concern over the extent to which the crown of T1 dominates the site and the pressure that would be generated to prune/remove as a result of both the parking area and the small amenity spaces being wholly under the canopy as well as the built structure being in such close proximity. This is highly likely to cause such concern for new residents that they request harsh pruning or felling in the very near future. In addition, the cars in the parking areas, people using the amenity space and the building would all represent the introduction of targets that would inevitably change the nature of any risk assessment, such that future applications to the Council to fell/prune T1 could not be easily dismissed. Ultimately, works that would negatively impact the amenity provided by the tree would become significantly more likely in the event that the proposal is granted permission.

In light of the above, it is considered that the proposal would have an unacceptable arboricultural impact on the TPO tree through the long term impact on soil conditions in the RPA and the future pressure to prune/remove the tree that would inevitably reduce its longevity. The proposal would therefore be contrary to Policy 73 of the Bromley 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 24 July 2018 and updated on 19 February 2019.

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

London Plan Policies

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 8.2 Planning obligations

8.3 Community infrastructure levy

Bromley Local Plan

4	Housing Design
30	Parking
32	Road Safety
37	General Design of Development
73	Development and Trees

Supplementary Planning Guidance

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

Planning History

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

Permission was refused in October 2018 (ref.18/02541) for a detached two storey building with accommodation in the roofspace comprising 1 three bedroom, 4 two bedroom and 1 one bedroom flats with undercroft parking on land to the rear of 75 Queensway.

Considerations

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

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

Resubmission

The current proposals are for a smaller development of 2 maisonettes rather than 6 flats, and the building would cover only half of the site rather than the whole site as in the previous scheme. Two surface car parking spaces would be provided rather than four undercroft spaces.

Principle

The site is located adjacent to mixed commercial/residential properties to the north and residential properties to the south and west, and the Council would consider residential infill development to be acceptable in principle in this location, but only where it is designed to complement the character of surrounding developments, the design and layout would provide suitable residential accommodation, no important trees would be lost, and it would provide adequate parking and amenity space.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 100 dwellings per hectare with the table giving a suggested level of between 45-130 dwellings per hectare in suburban areas with a 4 PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan. The proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Design

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

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

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

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

The revised proposals consist of a part two/three storey building that would cover only half of the site rather than the whole site as in the previous scheme, but it would still project 3m forward of the side wall of No.75 Queensway, and approximately 6.5m forward of the general building line in Nightingale Road. This would still therefore result in a bulky overprominent form of development within the street scene that would be out of character with the surrounding form of development.

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

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

The minimum space standards for the proposed units are 108sq.m. for a three bedroom flat for 6 persons over three floors and 79sq.m. for a two bedroom flat for 4 persons over three floors. The proposed 2/3 bedroom maisonettes would provide 109sq.m. floorspace each which would comply with the required standards.

With regard to the layout of the maisonettes, the proposed first floor study/bedroom to Unit 2 would have only an obscure glazed window located in the north-eastern

flank elevation and would not therefore have adequate light to or outlook from a habitable room.

The proposals now include a private amenity area for each unit, however, they would be only 7m in depth and would be covered by the branches of the protected oak tree, thereby limiting their usability.

Highways

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

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

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

No highways objections are raised in principle to the provision of 2 car parking spaces for the development, but the usability of the spaces is questioned due to the close proximity of the large protected tree.

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.

The revised building would now be set 12m further away from the residential properties in Nightingale Road, but it would still be very close to the rear of the flats above the shops in Queensway, and would result in loss of light to and outlook from these properties. The revised proposals are therefore considered to have a detrimental impact on 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.

Trees

Although it is intended to retain the protected oak tree on the site, the proposals would instead have an unacceptable arboricultural impact on the TPO tree through the long term impact on soil conditions in the Root Protection Area, and the future pressure to prune/remove the tree that would inevitably reduce its longevity. The proposals are therefore likely to result in the loss of the protected oak tree which is considered to contribute greatly to the visual amenities of the area, and would therefore be contrary to Policy 73 of the Bromley 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 proposals would result in an unacceptable impact on the protected oak tree, and would have a detrimental impact on the amenities of nearby flats above the shops in Queensway. The building would appear unduly prominent within the street scene due to its size, height and projection forward of the general building line in Nightingale Road, and there would be an unsatisfactory standard of accommodation provided for future occupiers of the flats.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed building, by reason of its size, height and projection forward of the general building line in Nightingale Road, would result in a bulky and prominent form of development within the street scene that would be out of character with the surrounding form of development, thereby contrary to Policies 4 and 37 of the Bromley Local Plan.**
- 2 The proposals are likely to result in an unacceptable impact on the protected oak tree through long term impact on soil conditions and future**

pressure to prune or remove the tree which makes a significant contribution to the visual amenities of the area, and would thereby be contrary to Policy 73 of the Bromley Local Plan.

- 3 The proposed building, by reason of its size, height and close proximity to residential flats above the shops in Queensway, would result in loss of light and outlook from adjacent properties, thereby contrary to Policy 37 of the Bromley Local Plan.
- 4 The development would result in an unacceptable standard of accommodation for future occupiers by reason of the limited usability of the amenity space, and lack of adequate outlook from the study/bedroom to Unit 2 which would be seriously detrimental to the amenities of those occupiers and contrary to Policy 37 of the Bromley Local Plan.

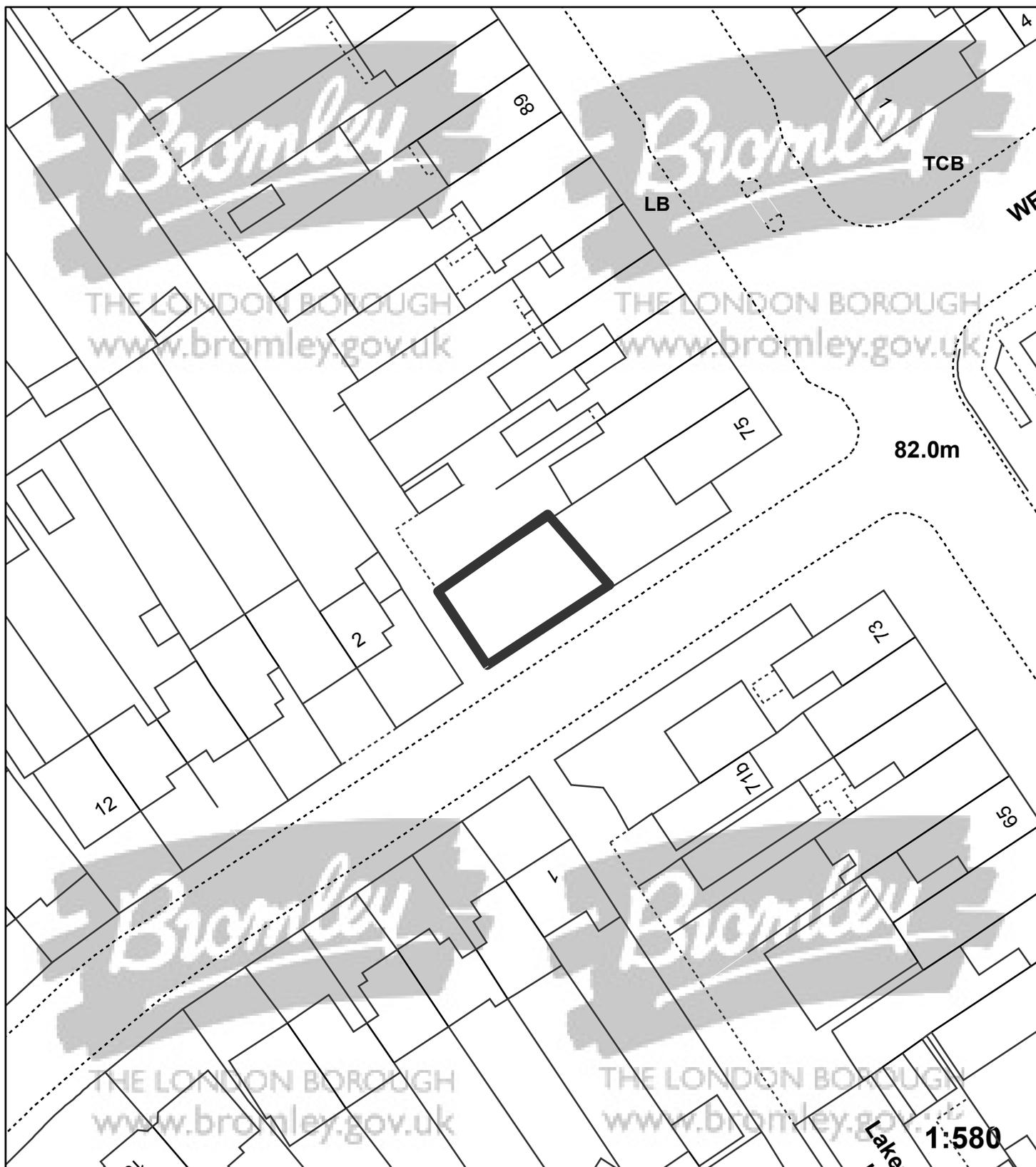
You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:19/00953/FULL1

Address: 75 Queensway Petts Wood Orpington BR5 1DQ

Proposal: Detached two storey building with accommodation in roof space comprising 2 two bedroom maisonnettes, with 2 car parking spaces on land to the rear of 75 Queensway



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

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