



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

TELEPHONE: 020 8464 3333

CONTACT: Rosalind Upperton
Rosalind.Upperton@bromley.gov.uk

DIRECT LINE: 020 8313 4745

FAX: 020 8290 0608

DATE: 29 October 2019

To: Members of the
PLANS SUB-COMMITTEE NO. 2

Councillor Peter Dean (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Mark Brock, Nicky Dykes, Simon Fawthrop, Colin Hitchins, Josh King,
Neil Reddin FCCA and Richard Scoates

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 7 NOVEMBER 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 12 SEPTEMBER 2019**
(Pages 1 - 4)
- 4 PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page No.	Application Number and Address
4.1	Darwin	5 - 16	(19/03637/FULL1) - Leaves Green Common, Leaves Green Road, Keston

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.2	West Wickham	17 - 34	(19/01466/FULL1) - 42 High Street, West Wickham, BR4 0NJ.
4.3	Bickley	35 - 60	(19/03683/OUT) - Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley, BR1 2AP

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.4	Farnborough and Crofton	61 - 74	(19/02699/FULL1) - 346 Crofton Road, Orpington BR6 8NN
4.5	Bickley	75 - 98	(19/02756/FULL1) - Brook House, Chislehurst Road, Bromley, BR1 2NJ
4.6	Bickley	99 - 110	(19/03085/FULL6) - Flat 4 Quennells, Vale Road, Bickley, BR1 2AL

4.7	Crystal Palace Conservation Area	111 - 136	(19/03203/FULL1) - 69-71 Church Road, Anerley, London SE19 2TA.
4.8	Bickley	137 - 156	(19/03652/FULL1) - Wootton, Bullers Wood Drive, Chislehurst, BR7 5LS

SECTION 4

(Applications recommended for refusal or disapproval of details)

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

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

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

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PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 12 September 2019

Present:

Councillor Peter Dean (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Mark Brock, Nicky Dykes, Simon Fawthrop,
Colin Hitchins, Josh King, Neil Reddin FCCA and
Richard Scoates

Also Present:

Councillor Tony Owen

9 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members were present.

10 DECLARATIONS OF INTEREST

No declarations of interest were reported.

11 CONFIRMATION OF MINUTES OF MEETING HELD ON 18 JULY 2019

RESOLVED that the Minutes of the meeting held on 18 July 2019 be confirmed and signed as a correct record.

12 PLANNING APPLICATIONS

SECTION 3

(Applications recommended for permission, approval or consent)

12.1 BROMLEY COMMON AND KESTON CONSERVATION AREA

(18/04914/FULL1) - 17 Longdon Wood, Keston, BR2 6EN

Description of application – Demolition of existing dwelling and garages (belonging to Nos. 17 and 19).
Erection of two storey dwelling and double garage block for Nos. 17 and 19, alterations to and re-surfacing of existing driveway/forecourt.

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by a plan received on

12 September 2019 and that application 19/02302/FULL6 referred to on page 10 of the Assistant Director, Planning's report had recently been permitted.

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 Assistant Director, Planning with an amendment to Condition 4 to read as follows:-

"4. A side space of not less than 1m at the front of the building and 0.9m at the rear of the building shall be provided between the two storey northern flank wall of the dwelling hereby permitted and the northern flank boundary of the site, and a side space of not less than 1.5m shall be provided between the two storey southern flank wall of the building and the southern boundary of the site.

REASON: In the interest of the visual amenities of the area and in order to comply with Policy 8 of the Bromley Local Plan 2019."

12.2 CHISLEHURST

(19/02394/FULL6) - 8 Gravelwood Close, Chislehurst, BR7 6JT

Description of application – Demolition of conservatory, single storey front extension, part one/two storey side and rear extension.

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

12.3 ORPINGTON

(19/02465/FULL1) - 264 High Street, Orpington, BR6 0NB.

Description of application – Part double and single storey rear extension for commercial storage use on ground floor shops and to provide 2 no. two bedroom live/work flats on first floor with roof terrace and undercroft parking at 264-266 High Street.

The Assistant Director, Planning's representative had circulated to Members an addendum that read as follows:-

"Neighbouring amenity

In terms of outlook to the rear of the site from the proposed living room and kitchen windows a distance

of approximately 21 metres will separate the rear elevation from the street facing elevation of the flats on the opposite side of Berwick Way. At this level of proximity, this is not considered to compromise the privacy currently enjoyed by existing residents given the town centre location.”

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

**12.4
PETTS WOOD AND KNOLL**

(19/02854/FULL6) - 9 Knoll Rise, Orpington BR6 0EJ

Description of application - Ground floor side infill and first floor rear extension and elevational alterations (RETROSPECTIVE).

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Tony Owen, in objection to the application were received at the meeting. At the request of Councillor Owen some photographs had been circulated to Members.

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

**12.5
HAYES AND CONEY HALL**

(19/02961/FULL6) - 45 Westland Drive, Hayes, Bromley, BR2 7HE.

Description of application – First floor front/side extension.

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

**12.6
BICKLEY**

(19/03011/FULL6) - 65 Bishops Avenue, Bromley, BR1 3ET

Description of application – Demolition of rear WC and construction of part one/two storey rear/side

extension with rooflights.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informative set out in the report of Assistant Director, Planning.

The Meeting ended at 7.35 pm

Chairman

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

Application No : 19/03637/FULL1

Ward:
Darwin

Address : Leaves Green Common Leaves Green Road Keston **Objections: Yes**

OS Grid Ref: E: 541481 N: 161864

Applicant : Mr Toby Smith

Description of Development:

Installation of earth mound 0.4m-0.5m high and 1.228km in length around the perimeter of Leaves Green Common

Key designations:

Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Former Landfill Site
Green Belt
London City Airport Safeguarding
London Distributor Roads
Smoke Control SCA 24
Technical Sites BH

Proposal

Planning permission is sought for the installation of an earth mound around the perimeter of the Leaves Green Common. The mound will have a height of 0.4-0.5m and a width of 1.0m. The overall length of the mound will be 1.228km and will be installed around the edge of the common on both sides of Leaves Green Road. The mound will be constructed with earth and will provide a grass surface

Location and Key Constraints

The sites is located on the western and eastern side of Leaves Green Road and comprises an area of commons land. The site is bound on the west and east by residential development with Leaves Green Road running through the centre. The site is located within 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:

Objections:

- Concern is about the meadow grass used to top the mounds. If it's going to look like the meadow areas in the middle of the Green it's scruffy and unattractive. Don't want it looking like a piece of waste land.
- Front windows are very close to the proposed mounds and view will definitely be spoilt if it grows too high

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

Comments from Consultees

Highways Officer: These proposed mounds should be no higher than specified especially at junctions as this could cause concerns over visibility and the grass mounds be maintained and kept below half a metre in height as again this could affect visibility. Taking into account the above no objections are from a highway perspective.

Drainage Officer: Please consult Thames Water as a public foul sewer is in close proximity.

Thames Water: No comments received.

Tree Officer: The excavation required is minimal. Whilst it cannot be certain that no trees are implicated due the lack of tree info it would appear that the proposal does not appear to threaten any trees of great significance. Therefore, no objection.

Policy Context

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

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

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

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

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

The London Plan (2016)

Policy 5.13 Sustainable Drainage
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.16 Green Belt

Bromley Local Plan

Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 49 Green Belt
Policy 73 Development and Trees
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

Other Guidance

SPG1 – General Design Principles

Planning History

None.

Considerations

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

- Design
- Green Belt
- Neighbouring amenity
- Highways
- Trees
- Sustainability

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 (2019) setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan sets out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy 38 provides guidance relating to Statutory Listed Buildings and states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. Where a proposal is judged to cause harm then it will be assessed against the relevant test in the National Planning Policy Framework (NPPF) depending on whether the harm caused is substantial or less than substantial. In the case of change of use, it is often preferable that a building is used for the purpose for which it was built, but where new uses are proposed the impact of these on the special interest of the heritage asset will be considered carefully.

The mound will have a low height of 0.4-0.5m and will not create a vertical barrier. The mound will be constructed with earth and will provide a grass surface. In

general design terms, the mound appearance will not be detrimental to the character of the area. The mound will retain a separation to the Statutory Listed Coal-Tax Post on the western side of the Common, which does not have a separate curtilage, and on balance it is considered that the setting and historic significance of the structure would not be impeded or impacted on detrimentally.

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 to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 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;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF, including Policy 49 of the Bromley Local Plan.

As set out in para 143 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Para 144 of the NPPF advises that LPAs should give substantial weight 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, is clearly outweighed by other considerations.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

The proposal does not constitute inappropriate development in the Green Belt as the provision of a perimeter earth mound would not be considered a new structure. Along with the consideration of appropriateness of the development in the Green Belt, the impact on openness must also be assessed. Regardless of the appropriateness of the development, the exceptions for new buildings or any development in the Green Belt must not have a greater impact on the openness of the Green Belt.

Openness can be defined as a lack of built form. Although the length of the mound's coverage around the common will be substantial at 1.2km, the mound will have a low height and a sloped side. In light of the design, height, and materials to be used, the mound would not be considered to have a detrimental impact on the openness and visual amenity of the site. The design will retain views around the common and will not conflict with the openness of the Green Belt and the purposes of retaining land within it.

On balance therefore the proposal would not constitute inappropriate development in the Green Belt and would not have a detrimental impact on the openness and visual amenity of the Green Belt.

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 mound would be sited with a generous separation to the neighbouring properties that surround the site. The mound will have a low bulk and height and would not impact detrimentally on the visual amenity of neighbouring properties. The proposal would therefore comply with Policy 37 of the Bromley Local Plan.

Highways

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

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

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

The proposal is unlikely to result in any significant impact on highway safety provided that the mounds are no higher than specified in the application. A condition can be imposed to secure compliance with the approved drawings in this regard.

Trees

Policy 73 relates to development and trees. This policy states that new development will need to take particular account existing trees on the site and on adjoining land, which in the interest of visual amenity and or wildlife habitable, are desirable of being retained.

No trees are proposed to be felled as part of this application and none stand to be significantly impacted. The level of required excavation will be minimal and therefore the proposal would not impact on the future health of existing trees on the common.

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.

Conclusion

Having regard to the above it is considered that the proposal is acceptable in that it would not result in a harmful impact on the openness and visual amenity of the Green Belt. The development would not impact on highway safety, the amenities of neighbouring residential properties or trees on the common.

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:

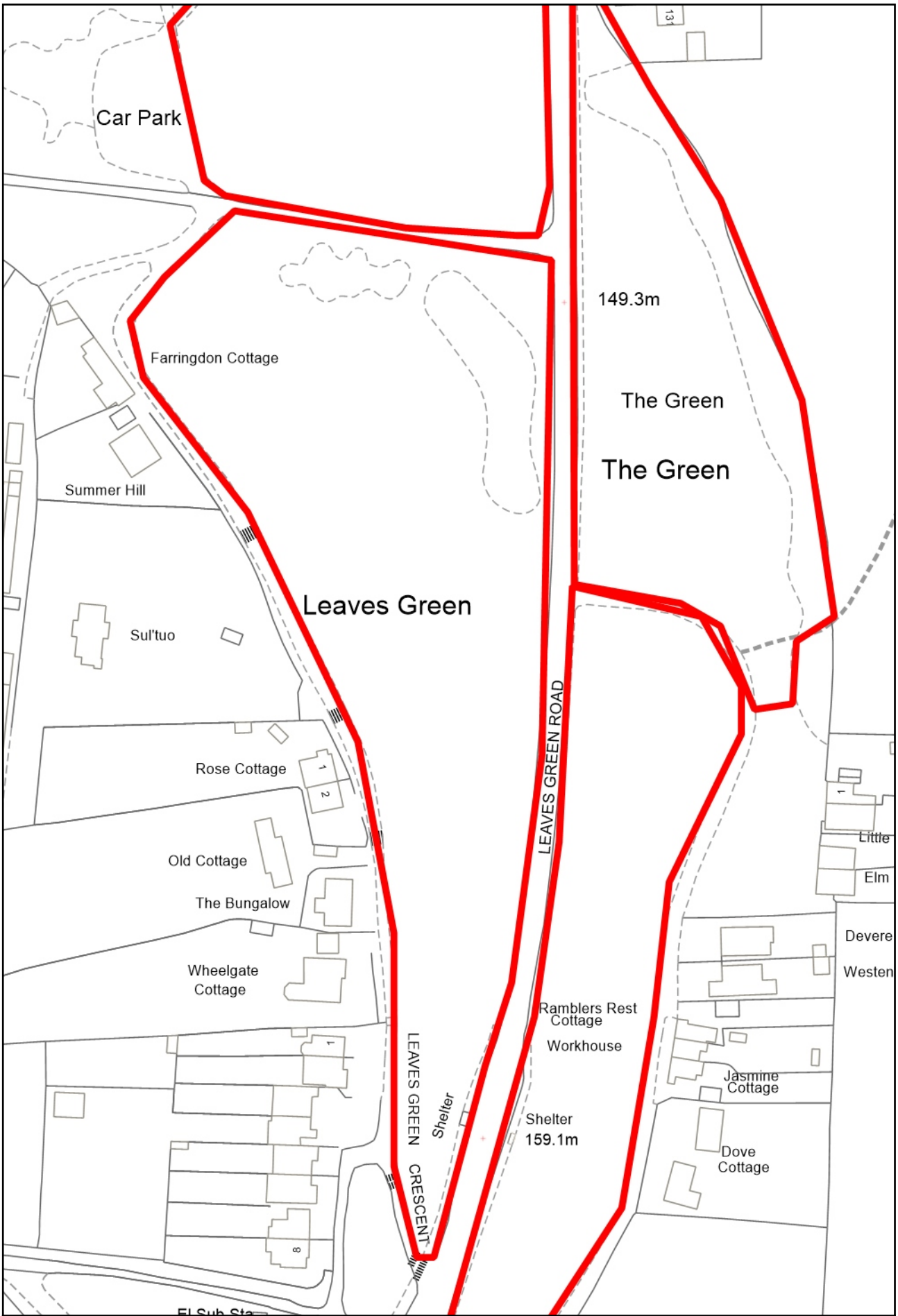
- 1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

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.

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 Ordnance Survey 100017661.

 19/03637/FULL1



28 October 2019

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SECTION '2' – Applications meriting special consideration

Application No : 19/01466/FULL1

Ward:
West Wickham

Address : 42 High Street West Wickham BR4 0NJ **Objections:** Yes

OS Grid Ref: E: 538142 N: 165991

Applicant : Forbes Dean et al

Description of Development:

Demolition of outbuildings at rear of 42-46 High Street and erection of part one/part three storey rear extension at 42-46 High Street incorporating single storey extension to existing ground floor unit at No. 46 with terrace above, formation/relocation of access to existing maisonettes and construction of 5 no. residential flats (2 x one bedroom and 3 x two bedroom) with associated cycle and refuse storage.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Primary Shopping Frontage
Smoke Control SCA 51

Proposal

Planning permission is sought for the construction of a three storey block comprising 5 no. residential flats with a linking single storey element between the residential block and the main host building at 42 - 46 High Street which would provide enlarge commercial space for No. 46 High Street.

The current proposal is substantially similar to the scheme granted planning permission at appeal under reference 14/00731/FULL1 and subsequently amended under reference 16/00508/RECON. A comparison between the schemes is detailed later in this report. The main difference between the schemes is that this current application includes an extension to the retail unit at No. 46 which extends to the rear boundary as a consequence of which the overall layout of development has been amended. The depth of the development in relation to that granted planning permission on appeal (and subsequently amended) has also increased.

The proposed residential block would be sited at the rear of the application site adjacent to the rear vehicular access track leading behind the commercial

premises fronting West Wickham High Street. The building would lie adjacent to the existing flatted development at the rear of 38/40 High Street.

The northern elevation of the three storey building would face a rear service/access road. This 'front' elevation would include a passage through the building leading to the rear and to the access to the existing maisonettes above the retail premises fronting the High Street. A separate front door leading into an inner hallway and the access to the flats within the proposed building would be provided within the front elevation.

At ground floor level the extension development incorporates an extension to the retail premises at No. 46 High Street which would lie adjacent to the boundary with No. 48 which lies to the west of the application site.

Ground floor:

1 no. two bedroom/3 person flat (Flat C). This ground floor flat would be accessed from a hallway between the retail unit extension and the flat, which would then provide access also to the upper flats.

First floor:

1 no. two bedroom/four person flat (Flat D)
Lower level of 2 no. 1 bedroom split level flats (Flats A and B)

Second floor

1 no. two bedroom/four person flat (Flat E)
Upper level of Flats A and B

A total of 5 flats would be provided within the development, comprising 2 no. 1 bed/2 person flats, 1 no. 2 bed/3 person flats and 2 no. 2 bed/4 person flats. The original permission related to the provision of 4 no. one bedroom flats and 2 no. two bedroom flats.

The flatted building would have a three storey appearance from the rear service road. The elevation facing the rear of the existing High Street units would include an open area at ground floor positioned between the flatted block at 38/40 and the flat roofed single storey retail extension adjacent to the western boundary of the site and the elevation would have a two/three storey appearance resulting from the incorporation of the single storey retail extension within the development proposals.

The flats would be oriented so as to have a front elevation facing the rear service road and an enclosed 'rear' elevation facing the rear of the frontage units, with the windows serving bedrooms to the ground, first and second floor flats facing towards the rear windows and raised terrace areas associated with the frontage commercial/residential units.

The development incorporates the provision/retention of access stairs from ground floor level to the maisonettes above the existing High Street retail premises, with these stairs approached from the open area to the rear of the flatted block.

Refuse storage is shown to be provided within the enclosed passageway adjacent to the eastern boundary and beneath an overhang at the rear of the retail extension, adjacent to the rear service road. A cycle storage area is shown to be provided within the open area between the bulk of the flatted block and the rear of the frontage retail units.

3 car parking spaces are shown to be provided on the rear access road.

The application was supported by:

- Planning, Design and Access Statement
- Accessible/Adaptable Home Statement
- Waste Minimisation and Management Statement
- Parking Assessment (Paul Mew Associates, February 2014)

Location and Key Constraints

The site is located to the rear of shops and flats fronting 42-46 High Street, West Wickham. This site is adjacent to a former office building to the rear of 38-40 High Street which was granted planning permission for conversion to residential use and subsequent alterations (Global House). The site is accessed via a rear service road which adjoins a Local Authority/Sainsbury's Car Park to the north.

The site does not lie within a Conservation Area.

Comments from Local Residents and Groups

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

Objections

- The plans do not appear to have considered the land owned by Nationwide Building Society at the rear of 48 High Street which is allocated for employee parking and emergency fire exit
- Concerns regarding the adequacy of parking/loading and turning while employee's vehicles will be parked during contractual hours of 8am-8pm Mon to Sat and the increased traffic generation that these residential properties potentially may generate.
- The access from Ravenswood Avenue is already heavily congested causing highway safety concerns and with regards to access for emergency vehicles
- Overdevelopment considering recent premises built in the location that already have insufficient garden or amenity land
- Insufficient car parking spaces for occupants

- Parking assessment is out of date - since the assessment there has been more residential and retail development
- The application form statement regarding the number of spaces is incorrect as there is more generous parking provision at present
- Proposed flats would block daylight from the existing flats above 42-46 High Street and would result in a loss of light or overshadowing and also a loss of privacy
- Height and depth of the development would not allow for adequate daylight and sunlight to penetrate in and between adjacent buildings
- Public sewers may be inadequate to cope with the increased usage
- Impact on drainage
- Insufficient refuse storage
- Certificate A incorrectly completed - leaseholders at No. 42A not notified of the application
- The Planning, Design and Access statement includes pictures that are out of date and do not represent the impact of the plans on the property at No. 38/40 (Global House)
- The plans extend the development deeper and will cast a material shadow over the windows at the side of Global House
- Proposal would directly overlook the flats above the High Street units and would be adjacent to the rear of Global House - would result in a loss of light contrary to Policy 37(d)
- The communal garden would be immediately next to the existing flats and its use would lower existing privacy
- Lack of consideration for existing residents, who will also have to go through the new build property to get to their properties - impacting on their access
- Should permission be granted a condition requiring a detailed pre-commencement Construction Traffic Management Plan should be imposed

Comments from Consultees

Secure by Design (summarised): Encourages as a minimum the use of measures to reduce the risk of crime.

Thames Water (summarised): The proposed development would be located within 15m of underground waste water assets. Informative recommended should permission be granted.

Drainage Engineer (summarised): Thames Water should be consulted as a public foul sewer crosses the site. Pre-commencement drainage condition recommended should permission be granted.

Highways (summarised): On balance no objections are raised, although the spaces proposed do not meet standards and the parking assessment provided is dated 2014.

TfL (summarised): Subject to conditions relating to the construction phase of development, CIL payment and the provision of sufficient cycle parking spaces (11 in total) there are no objections to the proposals.

Waste Services: Did not respond to consultation.

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

- 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
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Bromley Local Plan

- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety
- Policy 4 Housing Design
- Policy 1 Housing Supply
- Policy 8 Side Space

Supplementary Planning Guidance

Planning History

Planning permission was granted in February 2014 for the change of use from class B1A (office) to use class C3 (residential) to create a 2 one bedroom flats and 3 one bedroom flats at Global House, the adjacent three storey block to the rear of 38-40 High Street (ref. 13/04032). This development has been constructed and is occupied.

Under reference 14/00731 planning permission was refused for development comprising single storey rear extension to Nos 44 and 46 High Street and adjoining 3 storey block to rear comprising 4 one bedroom and 2 two bedroom flats. Permission was refused on the grounds:

- 1. The proposal would result in an unsatisfactory form of unrelated terracing injurious to the appearance and spatial standards of the area and contrary to Policies BE1 and H9 of the Unitary Development Plan.*
- 2. The proposal would be seriously detrimental to the prospect and amenities enjoyed by the occupiers of neighbouring residential properties by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.*
- 3. The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.*

A subsequent appeal against the refusal of planning permission was allowed. The Inspector noted that the access to the existing flats would have been through the new building and via an elevated bridge link to a formed communal amenity space at first floor level. It was considered that the scale and bulk of the new building would have been viewed against the backdrop of the existing three storey shopping parade fronting the High Street and next to an existing three storey building (Global House, then in the process of conversion to residential use). It was noted that the proposed development would have been lower than that at Global House. Overall it was considered that the scale, height and mass of the proposed building would have been in keeping with the buildings surrounding the eastern and southern boundaries of the car park and would not have appeared out of character.

It was considered that the development fell within the exception to the 1m side space requirement since it was related to the frontage terraced development and would have been seen against that backdrop.

With regards to living conditions, the Inspector considered that the building would intrude into views currently enjoyed by the existing frontage flats but emphasised that views as such are unprotected within the planning system.

It was considered that the existing outlook from the rear of the maisonettes was via north facing windows which already had restricted outlook to the east by existing development. It was considered that the proposal would introduce a building that would reduce outlook to the north but not to the north west, as a result of its height, width and position. The Inspector stated that the separation between the proposed buildings and the maisonette windows would have been such that there would be a reasonable degree of space between the built forms and that this space was going to be improved in its layout and treatment.

He noted that the existing external spaces to the rear of the flats were of little usable amenity benefit to occupants, and was unsightly, and that the proposed scheme would have improved this situation. With regards to daylight and sunlight the Inspector noted that the orientation of the buildings would ensure that the proposed building would have a limited impact on daylight and sunlight reaching existing properties.

The Inspector did consider the impact of the development on the Global House flatted conversion and stated that since the proposed building terminated at the edge of rather than overlapping the side windows the impact would not be unacceptable, taking into account also that in most cases the rooms served by these windows had access to another window and the impact on outlook would have been limited. The bevelled design of the rear windows within the application proposal was considered acceptable to prevent direct overlooking.

The parking provision (commensurate with that currently proposed) was considered acceptable in the context of the district centre location of the development. The Inspector had no other highways concerns and the appeal was allowed, subject to conditions.

Under reference 16/00508/RECON minor material amendments to the originally approved scheme were granted.

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL
- Other matters

Resubmission

Planning permission was allowed on appeal under reference 14/00731/FULL1 for the erection of a block of residential flats upon the application site with the description of development being single storey, rear extension to Nos 44 and 46 High Street and adjoining 3 storey block to rear comprising 4 one bedroom and 2 two bedroom flats.

Subsequently, under reference 16/00508/RECON the amendment of the application in relation to access arrangements, relocation of bin stores, amendment of cycle stores, provision of courtyard and increased depth to rear extension was allowed.

It is appropriate therefore to compare the scope of the current proposals with the development approved under reference 16/00508/RECON.

The main differences between the two schemes can be summarised:

- Approved development comprised 4 no one bedroom and 1 no. 2 bedroom flats. Proposed development comprises 2 no. one bedroom and 3 no. two bedroom flats.
- Increased depth of first/second floor rear projection
- Current proposal incorporates a full depth extension at ground floor level to retail premises
- Decrease in/amended communal amenity space and reduction in first floor raised amenity between development and existing maisonettes
- Amended design, including in elevation facing rear access way, with approved mansard style roof replaced by sheer three storey elevation.

Principle

It is noted that the principle of residential development at the rear of the frontage buildings has been found to be acceptable in the granting of planning permission at appeal, and the subsequent amendment to the permitted scheme in the approval of the amendments proposed under reference 16/00508/RECON. This current application includes the extension of the ground floor retail property at No. 46 High Street into the existing rear yard. This is not considered unacceptable in principle subject to considerations of scale, design, highways impacts and on the basis that it would provide enlargement to the existing retail space.

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

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

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of 5 dwellings (the same number of dwellings allowed on appeal) which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

Policy 4 of the Bromley Local Plan requires with regards to residential development that:

- The development is designed to a high standard and recognises and compliments the qualities of the surrounding areas
- The development meets minimum space standards
- There is sufficient external, private amenity space that is practical and accessible
- Appropriate play space is provided

- Off street parking is well integrated within the overall design of the development
- Density has regard to the London Plan density matrix while respecting local character
- The layout gives priority to pedestrians and cyclists
- Safety and security measures are included in the design and layout of buildings/public areas
- 10% of new housing meets Building Regulation M4

Design

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

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

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

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

Policy 37 of the Bromley Local Plan states that all development proposals will be expected to be of a high standard of design and layout.

In terms of the overall height of the development and the general bulk of the building and taking into account the relationship between the development and the eastern residential block at No. 38/40 it is considered that the design of the development would not be out of character with or detrimental to the visual amenities of the area in general. The building would be sited at the rear of and at a generally commensurate height to the frontage three storey building.

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 Government's National Technical Housing Standards.

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

The proposed flats would in each case slightly exceed the minimum space standard for flats of the relevant size including the 2 split level one bedroom flats. Internally, the residential units would have a reasonable layout with the space/rooms not being inappropriately contrived or restricted in their layout. It is noted that the residential flats would at the rear look out onto the open space retained between the frontage building and the development block, with in the case of the bedroom windows serving the ground floor flat, windows immediately adjacent to the open communal space.

The increased depth of the western projection of the development at first/second floor would bring the rear facing windows of the development closer to the rear of the frontage units, and the lounge/dining room of Flat A would look out onto the tiled flat roof communal area which could potentially result in a lack of privacy to the room in question. It is noted that in the approved scheme the communal amenity area previously proposed was separated from the first floor rear windows by an open area, with there being physical separation between users of the tiled area and the rear windows of the first floor flat. In contrast, the area of amenity space in this current application has decreased in size while the separation between the amenity space and the residential flat (Flat B) has reduced. This

would tend to result in an increased potential loss of privacy to the occupants of the development.

As previously stated amenity space is reduced in this current application, with the partial removal of the previously proposed large podium first floor amenity area. To serve the proposed flats the area of amenity space currently proposed would comprise the ground floor mixed use space at the rear of the ground floor flat which would also serve as an access to the stairs to the existing maisonettes as well as providing space for a cycle store. This space is not specifically referred to as amenity space and would only be accessible from the side passageway. A further area measuring 8.5m x 5.5m would be provided at first floor level above the flat roofed single storey shop extension, accessed from the inner hallway of the flatted block. This amenity space would serve the 5 residential flats, 3 of which would be 2 bedroom flats potentially capable of family accommodation where the previous proposal provided only 1 two bedroom flat with the remaining flats being 1 bedroom units.

The amenity space, like the previous application, would not be private and would not be directly accessible from the residential flats. In numerical terms the space would meet the total space for all flats combined. However, the quality and accessibility of the space is quite poor and would conflict to an extent with the privacy associated with the adjacent flat(s).

The determination of the original permission in 2014 (14/00731) predated the publication of the London Plan Housing SPG (March 2016) and the determination of the subsequent amendment application (which sought modest amendments to the appeal approved scheme) broadly coincided with the SPG publication. On balance it is considered that the amenity space for the proposed development would be somewhat poor in the context of the enlargement of some of the individual units from 1 bedroom to 2 bedroom flats and the changed planning policy and guidance framework since the previous decision.

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.

It is noted that objections have been raised regarding the proposal with regards to the impact on parking, servicing and other highways matters including pedestrian and road safety.

While the technical Highways Officer referred in their comments to the relevance of the parking survey submitted given the date it was undertaken and also the size of the parking bays, taking into account the previous permission for residential development at the application site and the scope of the proposals no technical highways objections are raised to the scheme.

On the basis of there being no technical highways objections to the proposal and taking into account the previous granting of planning permission for a development with similar parking provisions on appeal it is not considered that the refusal of planning permission on highways grounds would be appropriate in this instance.

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 development while similar in siting and height to that granted planning permission on appeal would include an increased depth to the first/second floor of the block where it lies close to the maisonette above the unit at No. 46 High Street.

This increased depth brings the bulk of the development closer to the existing residential property above the ground floor commercial units. This increased depth is considered to tip the balance in the assessment of the impact of the proposal on neighbouring amenity and where the Inspector in the original permission considered that the impact of the proposal on residential amenity was acceptable it is considered that the relationship between the proposed and existing residential units would be appreciably worsened in this current application. The principal additional impact associated with this current proposal relates to the impact on outlook and the concentration of amenity and circulation areas in a more condensed area of the site. The activities associated with the flatted block would be sited in closer proximity to the existing units and the bulk of the building would similarly be located nearer to the frontage units.

With regards to the impact on Global House, it is considered that the proposal would enclose the outlook from and act as a dominant feature viewed from the flank facing windows of that residential block which serve single aspect rooms within that property (combined kitchen/living dining rooms at first and second floor level). This was not the case in the previous application which was allowed on appeal, where the rear elevations of the development broadly aligned with the

outside edge of the window area (which contains floor to ceiling windows at first and second floor level). It falls to consider whether the increased depth of the 'wing' of the development furthest from Global House would have a significant impact on the amenities of that property. On balance, taking into account the physical separation between the windows at Global House and the increased depth part of the development (approx. 8.5m - 9m) and the enclosure/tunnelling associated with the frontage building and the main bulk of the proposed flats in addition to the increased depth three storey rear projection it is considered that the proposal would have an unacceptable impact on the amenities of the flats at first and second floor level in particular at Global House.

Concerns have been raised regarding the impact of the proposal on daylight and sunlight to neighbouring properties. Taking into account the orientation of the building in relation to the existing residential flats and the planning history of the site, while the building will be a visible and dominant presence in the outlook from the neighbouring flats, the impact on daylight and sunlight would not be so significant as to warrant the refusal of planning permission.

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.

Other matters

Concern has been expressed regarding the impact of the proposal on the local drainage infrastructure. No technical objections are raised by the Council's Drainage Engineer or Thames Water, subject to appropriately worded condition/informative and as such it is not considered that this would be material to the determination of the application.

Concern is also expressed regarding the completion of Certificate A in the submission of the application, with regards to the need to complete Certificate B if other persons are landowners/leaseholders with an unexpired leasehold interest of

7 years or more. Certificate A has been signed and dated by the agent on behalf of the applicant and the Council does not hold records of land ownership.

Conclusion

The proposed and existing residential units would be lacking in amenity space of a practical utility and the layout of the development would result in accommodation of a poor standard of amenity in terms of privacy. While it is acknowledged that planning permission has been granted for a residential development at the rear of the High Street units, the current proposal is of a poorer standard of amenity for prospective and existing residents as a consequence of the increased depth of the first/second floor development as well as the revised layout of amenity space with lack of regard for how the space might reasonably be used by existing/proposed residents and the impact of its use on the immediately adjacent flats.

The increased depth of the development would bring the rear elevation of the development closer to the rear elevation of the existing High Street fronting flats and taking into account the limited separation between the elevations and the relationship with the windows in the flank elevation of Global House it is considered that the impact on the outlook and the visual impact when viewed from the neighbouring flats would be unacceptable.

The planning history of the site is a material planning consideration and it is noted that the appeal Inspector in granting planning permission under reference 14/00731/FULL1 made a full assessment of the impacts of the proposal on neighbouring amenity, coming to the conclusion that that scheme would not have resulted in material harm to the living conditions (particularly outlook) of the occupiers of the surrounding properties. This is a finely balanced case, in view of the planning history and the extent of the differences between the allowed scheme and that currently proposed.

The proposal would provide 5 residential flats which would make a minor contribution to the Borough's housing supply. Planning permission was granted in 2014 (19th December 2014) and amended in 2016 for the provision of 5 flats, albeit with a different mix of flat sizes.

On balance, however, it is not considered in view of the layout of the development with regards to the provision of amenity space and the impact of the increase scale/depth of the development at the rear of No. 46 that the contribution that the development would make in terms of additional housing would outweigh the impact of the development in terms of the quality of the residential accommodation and the impact on quality of the residential environment associated with the existing surrounding residential properties with particular regard to the impact on outlook.

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 17.07.2019 02.08.2019


RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposal by reason of its layout, depth and siting would be detrimental to the residential amenities of the existing residential flats adjacent to the flatted building and the proposal would result in accommodation lacking in adequate amenity space, resulting in a loss of outlook, an increased sense of enclosure, visual impact and lack of privacy, thereby contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.5 and 7.6 of the London Plan and the London Housing SPG.



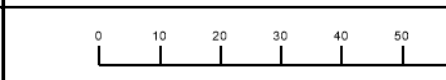
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28 October 2019

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SECTION '2' – Applications meriting special consideration

Application No : 19/03683/OUT

Ward:
Bickley

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

Objections: Yes

OS Grid Ref: E: 543126 N: 169382

Applicant : Mr Martyn Avery

Description of Development:

Demolition of existing dwelling and erection of a three storey building comprising 1 one bedroom and 11 two bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping OUTLINE APPLICATION

Key designations:

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

Proposal

Outline planning permission is sought to demolish the existing two storey detached dwelling at Phoenix Lodge and erect a three storey structure comprising 1 one bedroom and 11 two bedroom flats. 4 flats will be provided on the ground floor, 5 flats on the first floor and 3 flats within the roof space. The proposed building will have a width of 34m and a length of 22m. The overall height will be 10.9m. The existing house has a height of 9.6m.

Access will be provided utilising the existing vehicle access to the site, and provision for 15 car parking spaces to the front and rear of the building. A cycle store building will also be provided to the rear of the building and a refuse store to the front. The ground floor flats will be provided with a private amenity area, with a communal amenity area at the rear of the site and roof terraces serving the second floor units.

The application is accompanied by the following documents:

- Flood Risk Assessment Report
- Preliminary Ecological Appraisal
- Bat Building Assessment and Emergence Survey
- Arboricultural Report
- Energy Statement
- Financial Viability Statement
- Highways Statement
- Design and Access Statement
- Planning statement

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

Location and Key Constraints

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

Comments from Local Residents and Groups

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

Objections:

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

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

Comments from Consultees

Drainage Officer: Reviewing the submitted FRA carried out by Forge Engineering Design Solutions Ltd with Ref No. FEDS-218171 Rev D. I note the applicant's attention is to use permeable paving at the front and back of the development to mitigate the 100 year storm including a 40% allowance for climate change with zero outflow. This is acceptable subject to a condition.

Environmental Health (Pollution) Officer: A planning condition requiring compliance with the recommendations set out within the Noise Impact Assessment, along with a standard informative, were previously recommended and it is considered that these conditions can be repeated.

Environment Agency: The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect and enhance the 8 metre wide buffer zone around the Kyd Brook by the restoration of a natural bank to the eastern bank where it is currently a vertical wall, and suitable native planting.

Highways Officer: The site has a low (2) PTAL assessment. The application is outline for access, appearance, layout and scale. Woodlands Road is recorded as an unadopted highway and the application indicates there is no change to the access arrangements. There are 1 x 1 bed and 11 x 2 bed flats proposed together with 15 parking spaces, one for each flat and 3 visitor spaces. The property access is from a 90° bend and parking around the bend should not be encouraged. Examining the 2011 census data, the car ownership in the area was 1.5 vehicles per household. The parking standards contained within the Local Plan shown a minimum of 1 space per 1 or 2 bed unit. The Inspector did not uphold the highway ground of refusal regarding the parking provision for the 2017 application and the parking meets the Local Plan standards. The cycle parking is too far from the main building and is not overlooked. It needs to be relocated and should accommodate 23 bikes and be enclosed, lit and secure. The refuse storage shown is more than 18m from the highway, which is the maximum collection distance for flats. It also should be confirmed it is large enough for the Eurobins required.

Arboricultural Officer – The outline of the proposed replacement building is sited in the most appropriate location. This follows a similar footprint to the existing building and will have the least disruptive impact on tree constraints. The layout of the parking area may require some tweaking, however, it is believed this is a matter that could be dealt with under determination of details. It is therefore recommended that planning permission may be granted subject to consideration of conditions.

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

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

West Kent Badger Group – no comments received.

Waste Services – no comments received.

Policy Context

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

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

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

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

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

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

London Plan (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Self-Sufficiency
- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Bromley Local Plan:

Policy 1 - Housing Supply
Policy 2 – Provision of Affordable Housing
Policy 4 - Housing Design
Policy 30 - Parking
Policy 31 - Relieving Congestion
Policy 32 - Road Safety
Policy 33 - Access for All
Policy 37 - General Design of Development
Policy 44 - Areas of Special Residential Character
Policy 72 - Protected Species
Policy 73 - Development and Trees
Policy 74 – Conservation and Management of Trees and Woodlands
Policy 77 - Landscape Quality and Character
Policy 79 – Biodiversity and Access to Nature
Policy 113 - Waste Management in New Development
Policy 115 – Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Policy 117- Water and Wastewater Infrastructure Capacity
Policy 119 - Noise Pollution
Policy 120 - Air Quality
Policy 122 - Light Pollution
Policy 123 - Sustainable Design and Construction
Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy
Policy 125: Delivery and Implementation of the Local Plan

Additional Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical Housing Standards - Nationally Described Space Standard (March 2015)
Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance
Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)
Accessible London: Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Control of Dust and Emissions During Construction and Demolition (2014)
Providing for Children and Young People's Play and Informal Recreation (2012)

Planning History

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

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

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

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

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

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

18/04199/OUT - Demolition of existing dwelling and erection of a three storey building comprising 8 two bedroom and 1 three bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping OUTLINE APPLICATION – Permitted

18/05565/OUT - Demolition of existing dwelling and erection of a three storey building comprising 2 one bedroom and 11 two bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping OUTLINE APPLICATION – REFUSED

Grounds of refusal:

'The proposed development results in an increase in the number of units which would reduce the quality of the accommodation and intensify the activities associated with the development and would result in a cramped, overdevelopment of the site that would impact detrimentally on the special character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies 4, 37 and 44 of the Local Plan, Policy 3.5 of the London Plan and paragraph 127 of the National Planning Policy Framework.'

An appeal has been lodged against the Council's refusal and this is currently under consideration by the Planning Inspectorate.

Considerations

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

- Resubmission
- Design
- Density
- Housing Issues
- Impact on Neighbouring Amenities

- Flood Risk and Drainage
- Highways and Traffic Issues
- Ecology and Trees
- Sustainability
- Planning Obligations
- CIL

Resubmission

Following the outline permission granted under ref. 18/04199 and the subsequent refusal of application ref. 18/05565, the current proposal seeks amendments to the internal configuration of the building to provide a reduction from 13 flats to 12, with a mix of one and two bedroom units. External alterations proposed to the previously refused proposal include formalised new accesses to the roof level terraces for the upper floor flats with entrance door within the dormers, an oriel bay to the rear of the building at first floor level and minor alterations to the sizes of some of the roof level dormers. The overall height, scale, footprint and external appearance all remain as previously permitted. 15 car parking spaces are proposed, as was the case under the previous application.

Design

Policy 1 (Housing) aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites. The suitability of windfall sites for housing purposes will be assessed against criteria: whether the site comprises previously developed land; the location of the site; the capacity of existing and potential infrastructure; physical and environmental constraints on the development site and the need to retain the existing land use on the site.

The NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

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

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work

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

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

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

Policy 4 of the Local Plan sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

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

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

Density

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

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

amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

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

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 40 dwellings per hectare with the table giving a suggested level of between 35-65 dwellings per hectare in suburban areas with a PTAL rating of 2. The proposals would therefore result in a density that would be within the recommended density for the site and would be acceptable in regards to density.

Housing Issues

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified.

Unit type/size:

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 site's size and location in a suburban setting with good access to open space make it suitable for the provision of family housing. The applicant is proposing a mix of 1 and 2 bedroom flats. While some 3 bedroom units would be desirable, a number of the 2 bedroom units are large enough to accommodate 4 people and include a ground floor wheelchair unit. On balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

The London Plan paragraph 3.5, details outlined in Table 3.3 and the Mayor's Housing Supplementary Planning Guidance outline the minimum requirements for new dwellings. The London Plan suggests that the minimum size of a one bedroom two person flat should be 50 sq.m and a two bedroom four person flat should be 70 sq.m. The submitted plans indicate a floor area of between 51 sq.m and 111sq.m for each flat and therefore the units are considered to comply with the requirements of the Technical Space Standards.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more, a site area of 0.4ha or on sites providing over 1000 square metres of residential floorspace. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. 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.

The development is considered liable for the provision of affordable housing on site and contributions by way of planning obligations. Policy 2 of the Local Plan requires 35% affordable housing (on a habitable room basis) to be provided with policy 3.11 of the London Plan requiring 60% affordable rented and 40% intermediate provision. A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision.

Under the previous application the applicant submitted a Financial Viability Assessment that outlined that the development would be financially unviable and that affordable housing could not be provided. The Council undertook an independent review of this assessment and this position had been corroborated by the appointed consultant. The viability assessment concluded that the development can support a £65,527 sum as a commuted payment in lieu of affordable housing to be contributed for off-site provision. This was not sufficient to enable the provision of affordable housing on site.

Under the current application, the applicant has provided a viability update that outlines that the reduced number of units at the site makes the proposal less financially viable and therefore the previously agreed figure can no longer be offered. This position has been confirmed by the appointed consultant.

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

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

The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

With regards to Part M4(2) (accessible and adaptable dwellings), for blocks of four storeys or less, the London Plan advises that Boroughs should seek to ensure that dwellings accessed above or below the entrance storey have step-free access. The plans indicate that a lift will be provided at all levels. The relevant category of Building Regulation will therefore need to be secured through a planning condition for the remaining units, which the applicant has confirmed will meet Part M4(2).

The London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. The proposal will provide suitable bedroom sizes, living areas and natural light, with only 2 of the 13 flats provided with single aspect. These two flats will have a south facing outlook and therefore will receive acceptable levels of sunlight and will have an outlook onto the front private garden areas.

The proposed development will be sited in close proximity to the railway track to the north of the site. This will impact on the amenities of the future occupants. The previous application was submitted accompanied by a Sound Insulation Testing Report. No objections were raised subject to a condition that the recommendations of the Acoustic Assessment prepared by Falcon Energy Ltd (Report Ref 13896) are implemented. A similar condition is therefore recommended under the current proposal.

Amenity Space:

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme.

The 4 ground floor flats will all be provided with private garden areas, with the upper floor flats provided with small balconies and larger roof terraces at second floor level. All flats would also have access to the communal amenity area at the rear of the site. Whilst some of the first floor balconies would be small, these have previously been considered acceptable by the Inspector in light of the communal amenity area provision. The quality and amount of amenity space which would be provided as part of the development is therefore considered acceptable and, overall, it is considered that the

development would provide a satisfactory form of living accommodation for future occupants.

Impact on Neighbouring Amenities

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 site is located to the north of the nearest residential house at Rosemullion. Due to the siting and orientation of Rosemullion, it is not considered that there would be a harmful impact on the amenities of this property. Rosemullion is sited on higher ground than Phoenix Lodge and the proposed balconies are not considered to result in a loss of privacy. A landscaping condition could be imposed to ensure adequate additional boundary vegetation where necessary. To the west of the site, Skogly is separated from the site of the proposed block by a considerable distance. The provision of 12 flats, utilising the existing vehicle access to the site, would introduce additional noise and disturbance as a result of vehicle traffic, however this is not considered to be significantly harmful.

Regarding the planning merits of the external alterations following the granting of application ref. 18/04199, the dormers and rooflights will reflect the design of those on the previously permitted building and would complement the design and appearance of the building. The dormers will face towards the front of the site and the Kyd Brook to the side of the building and will therefore introduce no additional opportunities for the overlooking of neighbouring residential properties. The proposed side rooflight adjacent to Rosemullion will serve a living/dining area, however this may be conditioned to be obscurely glazed. The proposed roof level terraces, particularly that on the western elevation, will be sited over 60m from the nearest properties on Vale Road and this separation is considered to be sufficient to prevent significant loss of privacy.

Flood Risk and Drainage

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

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

The Environment Agency has commented that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect and enhance the 8 metre wide buffer zone around the Kyd Brook by the restoration of a natural bank to the eastern bank where it is currently a vertical wall, and suitable native planting. A condition is recommended for ecological enhancements along the buffer zone.

Impact on Highway Safety

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

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

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

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

Ecology and Trees

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

Following the Inspector's decision, a re-entry survey was carried out prior to dawn on the 28th August 2018 in fair weather by two qualified surveyors on opposite sides of the building. Pipistelle bats were recorded foraging and commuting in the area, however no re-entry into Phoenix Lodge was recorded. Whilst ideally the site would be surveyed at dawn and dusk on several consecutive days, when adding this evidence to the previously recorded lack of evidence of bats using the building and the lack of evidence recorded internally or externally, it may be reasonably concluded that the building is not being used by bats for roosting in the summer months. It is therefore considered that the demolition of the building would not impact on protected species habitat.

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

Energy and 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. For major development proposals there are a

number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

In accordance with the energy hierarchy in policy 5.2 of the London Plan, updated following the implementation of the 2013 Building Regulations (see the Mayor's guidance: Energy Planning (guidance on preparing energy assessments (2015)), developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 35% above that required by the 2013 Building Regulations. The development should also achieve a reduction in carbon dioxide emissions of at least 20% from on-site renewable energy generation.

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 submitted Energy Statement provides the following break-down in regards to a payment-in-lieu figure for Carbon Offsetting.

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 14.19 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 4.99 tCO₂ per annum
- On site shortfall = 9.2 tCO₂ per annum
- **Payment-in-lieu** amount calculated as 9.2 (tCO₂) x £60 (per tCO₂) x 30 (years) = **£16,562**

This figure is agreed by the Council and will form part of the legal agreement should permission be granted.

Planning obligations

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

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and

- (c) Fairly and reasonably related in scale and kind to the development.

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

Policy 125 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.

The application has been submitted making no provision for affordable housing. Following an independent review of the Financial Viability Assessment provided by the applicant, no commuted sum is offered in lieu of the provision of on-site affordable housing. Whilst Policy 2 requires affordable housing to be provided on site unless exceptional circumstances can be demonstrated, in this case the provision of even a single affordable unit on site would compromise the financial viability of the proposal and therefore it may be considered that a commuted sum is acceptable in this instance.

In addition, the development as proposed would give rise to the following contributions which the applicant has agreed, as principle Heads of Terms, to pay should the application be considered acceptable overall:

Health: £10,452.00

Education: £34,157.71

Carbon Off-Setting: £16,562.00

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character and appearance of this part of the Bickley Area of Special Residential Character in light of the Inspector's decision. The proposal would provide a suitable number of car parking spaces to serve the development, would not impact detrimentally on the amenities of neighbouring properties and would not impact detrimentally on trees or ecology subject to appropriate conditions. The lack of affordable housing has also been found to be acceptable in light of the independent assessment of the submitted Financial Viability Assessment.

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 PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

1 (i) Details relating to the

(a) Landscaping

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

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

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

3 i) Prior to 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.

- 4 The development permitted by this planning permission shall not commence until the detailed design of the measures in the submitted "Flood Risk Assessment Drainage" Report carried out by Forge Engineering Design Solutions Ltd with Ref No. FEDS-218171 Rev D have been submitted to, and approved by, the Local Planning Authority.**

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

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

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

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

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

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

Reason: In order to comply with Policy 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.

- 8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved**

in writing by the Local Planning Authority prior to construction of any above ground works

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

Reason: In order to comply with Policy 33 of the Bromley Local Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

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

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

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

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

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 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 30 of the Bromley Local Plan.

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

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate protection of the road can be secured in the interest of pedestrian and vehicular safety and to comply with Policy 30 of the Bromley Local Plan.

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

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy 30 of the Bromley Local Plan.

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

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

- a) Location and installation of services/ utilities/ drainage.**
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.**
- c) Details of construction within the RPA or that may impact on the retained trees.**
- d) A full specification for the installation of boundary treatment works.**
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.**
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.**
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.**
- h) A specification for scaffolding and ground protection within tree protection zones.**

- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies 37, 73 and 74 of the Bromley Local Plan.

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

Reason: In order to comply with Policies 72 and 73 of the Bromley Local Plan and in order to preserve and enhance the biodiversity value of the site.

- 16 The development hereby permitted shall be carried out in complete accordance with the Energy Statement by BRV Energy (Sept 2019) including the provision of Photovoltaic panels on the roof of the building in accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and shall be retained thereafter in operational working order.

Reason: In the interest of the visual amenities of the area and in order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with Policy 37 of the Bromley Local Plan and Policies 5.2, 5.3 and 5.7 of the London Plan.

- 17 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(3) 'wheelchair user dwellings' for the units identified in the application as non-wheelchair units 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.

- 18 Before any part of the development hereby permitted is first occupied electric car charging points shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.**

Reason: In order to minimise the effect of the development on local air quality in line with Policies 6.13 and 7.14 of the London Plan.

- 19 The recommendations of the Sound Insulation Report, report reference 13896, prepared by Falcon Energy Ltd shall be implemented before the first occupation of the development and permanently retained at the site thereafter.**

Reason: In order to comply with Policy 119 of the Bromley Local Plan and in the interest of the amenities of future occupiers.

- 20 (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 and landscape features 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) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving**
- b) tree pit design**
- c) underground modular systems**
- d) Sustainable urban drainage integration**
- e) use within tree Root Protection Areas (RPAs)**

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

4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice and

5) Full details of retained and proposed boundary treatments

(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) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.

(iiii) 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.

- 21 An 8m buffer to the eastern side of the Kyd Brook river shall be provided on completion of the development hereby and permanently retained as such thereafter.

Reason: In order to comply with Policy 115 of the Bromley Local Plan and in the interest of flood risk reduction at the site.

- 22 No development shall take place until a scheme for the ecological enhancement of the 8 metre wide buffer zone alongside the Kyd Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development (aside from the proposed access road and parking). The schemes shall include:

- plans showing the extent and layout of the buffer zone in line with the submitted plan pl 19-495-05 dated 05.09.2019
- Restoration of the eastern bank of the Kyd Brook to natural bank where feasible to restore, where it is currently a vertical wall.
- details of any proposed planting scheme within the 8 metre buffer zone, which should include native species of trees, shrubs or wild flowers to enhance the corridor for wildlife and provide protection to the banks from erosion or damage.
- details demonstrating how the buffer zone will be protected during development.
- details of any proposed lighting within the 8 metre buffer, which should be minimum required for safety reasons, as far from the watercourse as possible, and directed away from the stream.

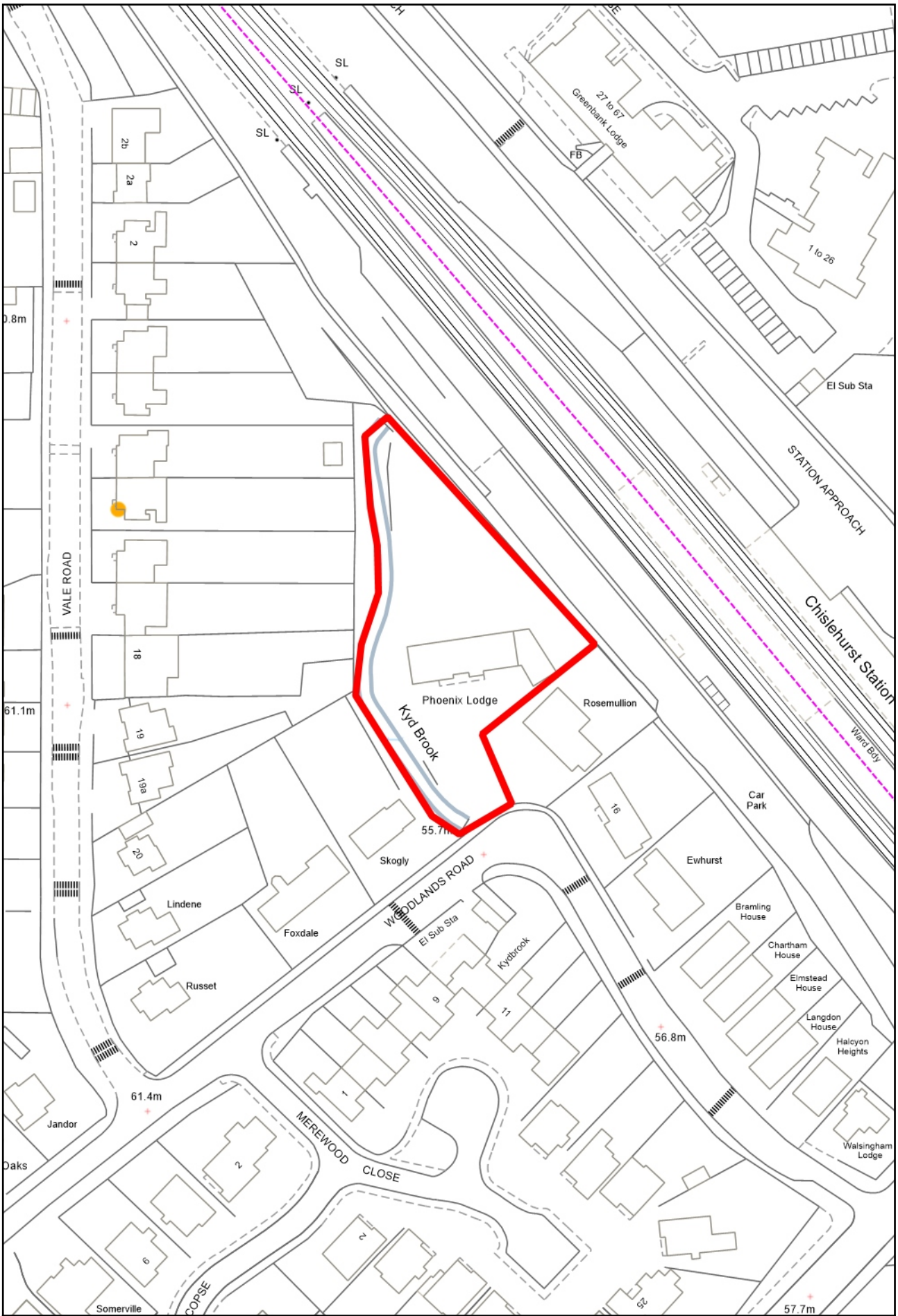
Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected and enhanced where possible to do so. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

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


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

- 2** Please note that any development that is likely to cause an increase in flood risk to other areas will need to consider the use of floodplain compensation to mitigate for this. From the current details it would indicate the area of the new building will be larger than the previous existing building, however the footprint is not encroaching within flood zone 3 supported by site specific topographic levels. As the proposed building is not impacted within the modelled 1in100year plus climate change extent it should not result in an increased impact. We are pleased that flood resilient measures have been considered for the development. Flood resilient design techniques can help minimise the impact of flooding to the development. Further information on flood resilience can be found on the following link http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. We would strongly recommend that occupants register with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. This can be done by calling 0345 988 1188 to register. Please be aware that the Kyd Brook is a designated 'main river' and under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>). To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environment-agency.gov.uk.

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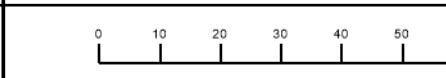
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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 19/02699/FULL1

Ward:
Farnborough And Crofton

Address : 346 Crofton Road Orpington BR6 8NN

Objections: Yes

OS Grid Ref: E: 543179 N: 165184

Applicant : Mr Stuart Davis

Description of Development:

Demolition of rear office building and construction of three storey rear extension comprising extension to commercial unit and undercroft parking at ground floor level with 2 two bedroom flats above, and conversion of first and second floor of front building into 1 two bedroom flat

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Retail Shopping Frontage Locksbottom
Smoke Control SCA 11

Proposal

It is proposed to demolish the rear office building and construct a three storey rear extension comprising an extension to the commercial unit and undercroft parking at ground floor level with 2 two bedroom flats provided on the floors above. It is also proposed to convert the first and second floors of the existing frontage building into a two bedroom flat.

The first and second floor flats within the proposed rear extension would have rear-facing balconies with obscure glazed screens, and the converted flat in the frontage building would have a small first floor terrace between the building and the extension.

Three car parking spaces would be provided in the undercroft parking area to serve the 3 flats, and a bin and cycle store would be provided within the extension close to the staircase to the upper flats.

The application was supported by the following documents:

- Design and Access Statement
- Transport Assessment for 346 Crofton Road
- Parking Stress Survey carried out for 348 Crofton Road dated March 2018

An amended parking layout was submitted on 16th August 2019 which shows 3 undercroft parking spaces instead of 2.

Location and Key Constraints

This end-of-terrace building is located on the north-western side of Crofton Road within the local shopping centre of Locksbottom, and currently comprises a Class A2 commercial unit at ground floor level with offices above and to the rear.

The site backs onto a rear access road which serves the properties within this shopping parade, and the site currently contains 5 car parking spaces to the rear of the site. The access road lies adjacent to Farnborough Park Conservation Area, and dwellings within Meadow Way back onto it.

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

- Proposed extension would be higher than the existing extension and closer to the rear boundary
- Inappropriate mass and bulk adjacent to Farnborough Park Conservation Area and residential properties
- Loss of outlook and privacy to residential properties at the rear
- Lack of room for any landscaping to help mitigate the impact
- Overlooking from rear balconies
- Inadequate on-site car parking for the proposed uses
- Undercroft parking would be unneighbourly for future occupiers
- Overdevelopment of the site.

Local Groups (Farnborough Park Residents' Association)

- Overlooking of residential properties to the rear in Farnborough Park from rear balconies and full-height windows/doors
- Three storey extension would be too close to neighbouring gardens
- Rear windows at the recently permitted development at No.348 adjacent are high-level, non-opening and obscure glazed to protect residential amenity - Cannot require rear windows to flats to be obscure glazed and fixed shut as they are the only windows to main living areas.

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

Comments from Consultees

Drainage Engineer: No objections are raised to the proposals.

Highways: The parking stress survey carried out for application ref.18/01247 - 348 Crofton Road, Orpington is acceptable for application number 19/02699 - 346 Crofton Road, Orpington.

The revised ground floor plan 1901_P-P_(02)00(A) dated 14 March 2019 now shows 3 parking spaces instead of 2 as shown in the previous drawing. No highways objections are raised to the proposals.

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
37 General Design of Development
42 Development Adjacent to a Conservation Area

Supplementary Planning Guidance

Housing Supplementary Planning Guidance (2016)
The National Planning Policy Framework (NPPF)

Planning History

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

Permission was granted in 1990 for the change of use of the ground floor shop from Class A1 retail to Class A2 estate agents office (ref.90/01457), and for a part one/two storey rear extension for offices (ref.90/01477).

Considerations

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

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

Principle

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that

the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of 3 dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

With regard to the current proposals, a number of properties along this shopping parade have extended to the rear at two storey level or have permission to extend, including at the adjacent property at No.348 where 3 first floor flats were granted on appeal (ref.18/01247). A recent extension to the rear of No.356 for commercial space on the ground floor and a two bedroom flat above was granted permission under ref.17/01926, and includes a rear balcony with 1.7m high obscure glazed screen.

The provision of residential accommodation at first and second floor level to the rear of the frontage shops within this shopping centre location (as currently proposed) is considered acceptable in principle, subject to an adequate standard of accommodation and parking being provided, and the amenities of adjoining residents being adequately protected.

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 134 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 3 PTAL location. The proposals would therefore result in an intensity of use of the site that would be over 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 proposed extension would not be very visible from the street scene in Crofton Road, but it would be visible from a number of residential properties that back onto the site from Meadow Way which lies within Farnborough Park Conservation Area, and from the rear of the flats above the neighbouring shops. The extension would project approximately 2.9m higher and 5.2m further to the rear than the existing two storey extension, but the ground floor would be for undercroft parking, and the upper floors would be staggered back which would reduce its overall bulk.

The proposed extension would be only 1m above the extension recently permitted at the neighbouring property, No.348, and given the set-back design of the proposed extension, it is not considered to appear incongruous nor out of character with the surrounding pattern of development. Furthermore, it is not considered to detract from the character and appearance of the adjacent 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 bedroom 4 person flats is 70sq.m. for a flat on one floor, and 79sq.m. for a flat over two floors. The two bedroom 4 person flats within the extension would provide 70-82sq.m. floorspace, which would comply with the space standards, whilst the converted flat on the upper floors of the frontage building would provide 78sq.m. floorspace, which is marginally below the required standard of 79sq.m.

Amenity space is provided by way of rear balconies measuring between 7.8-14.5sq.m. which is considered acceptable within this local shopping centre 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.

A number of residential properties in Meadow Way which back onto the site have raised concerns about overlooking of their properties from rear windows and balconies, and the visual impact of the development from their rear gardens. The proposed flats would be located some 44m from these dwellings, and 9m away from the rear boundaries of their gardens, beyond the service road.

Glazed doors are proposed in the rear elevations of the first and second floor flats which serve the main living-room/kitchen/dining areas of the rear flats and lead out onto balcony areas. However, the rear balconies would have 1.7m obscure glazed privacy screens surrounding them, and would not therefore result in undue overlooking of the Meadow Way properties. There is also some limited tree screening along the boundaries and the service road, which would further reduce the impact on these properties.

The proposals are not therefore considered to unduly affect privacy to or outlook from the properties to the rear in Meadow Way. Similar rear extensions to properties in Crofton Road have been permitted which would have a similar relationship with houses in Meadow Way.

With regard to the impact on flats above the shops in Crofton Road, no windows are proposed in the flank elevations of the extension, and the proposed bedroom windows in the south-eastern elevation of the extension would face the rear of the frontage building at No.346. A balcony to the converted flat is proposed at first floor level facing these windows, but an obscure glazed privacy screen would protect the amenities of future occupiers.

The proposals are not therefore considered to have a significant detrimental impact on the amenities of adjoining occupiers.

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

Although the proposal results in a density of development that would be above the London Plan standards, it would provide for 3 new dwelling units, which would represent a minor contribution to the supply of housing within the Borough, and adequate parking would be provided for the development.

The proposals are not considered to have a detrimental impact on the character and appearance of the surrounding area nor detract from the adjacent Conservation Area, and would not have a significant detrimental impact on the amenities of nearby 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 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 Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.

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

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

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

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

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

- 8 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.**

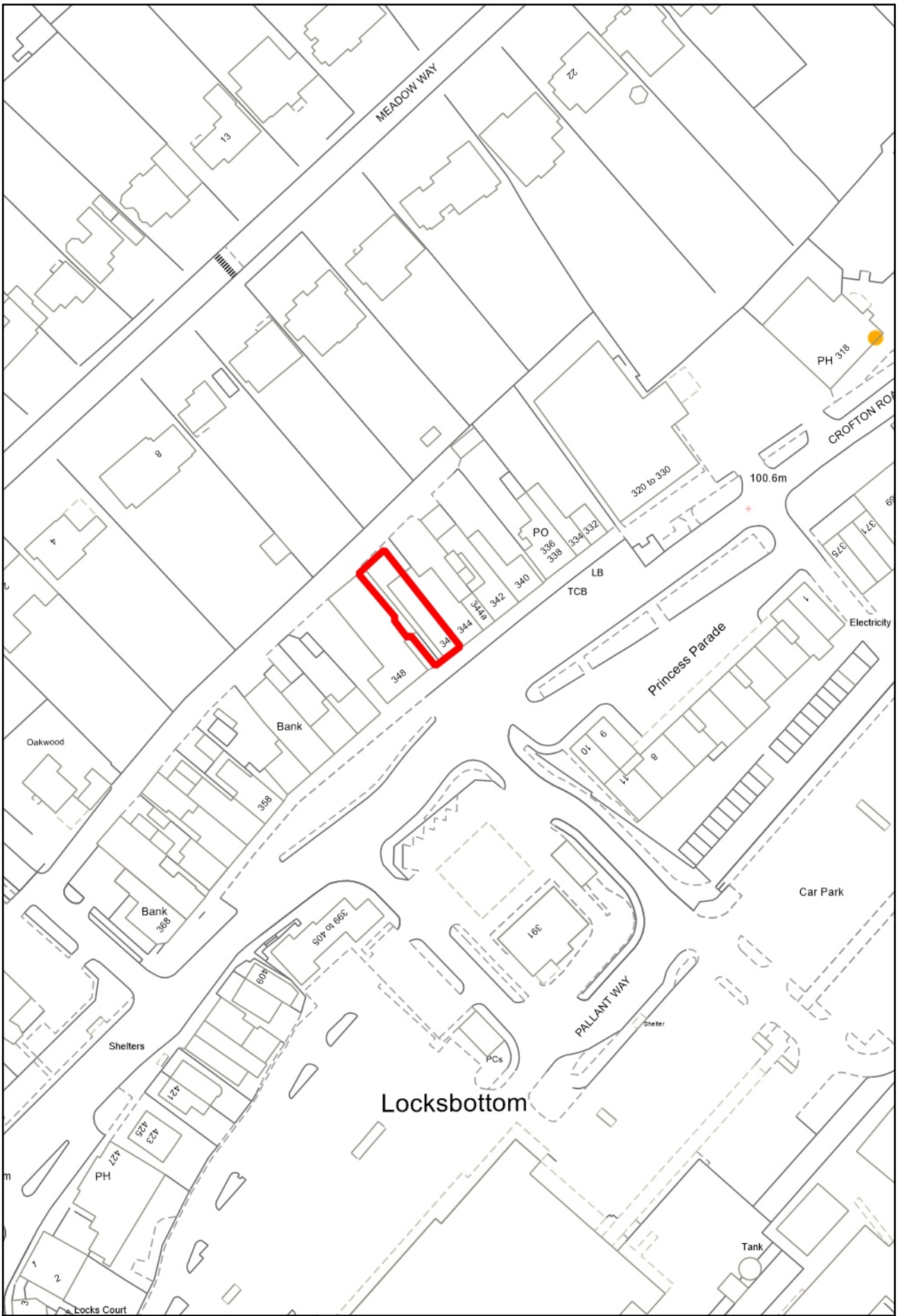
Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 9 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved 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 in respect of residential and visual amenity impact.

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**



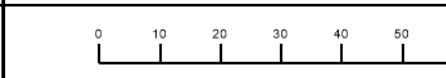
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 19/02699/FULL1



28 October 2019

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

Application No : 19/02756/FULL1

Ward:
Bickley

Address : Brook House Chislehurst Road Bromley BR1 2NJ **Objections:** Yes

OS Grid Ref: E: 542158 N: 169446

Applicant : Mr H Yazdani

Description of Development:

Demolition of dwellinghouse. Erection of building containing 9 flats, together with access, underground and surface level car parking, cycle parking, bin store, hard and soft landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Planning permission is sought for demolition of existing dwelling and erection of building containing 9 flats, together with highway access, underground and surface level parking bin store, cycle store, hard and soft landscaping. The building would measure approximately 18.4m x 34.9m (642.2sqm) and 5.7m to the eaves and 9.4m to the maximum height of the pitched roof.

The proposal differs from the previous proposal 18/01940/FULL1 in the following ways:

- Site layout: repositioned ramp to underground parking and surface level parking bays, slightly repositioned refuse store and amended landscaping,
- Basement parking floor plan: repositioned ramp to underground parking, removal of one parking bay and repositioned parking bays and cycle storage,
- Ground floor plan: internal living room/bedroom layout changes,
- First floor plan: internal living room/bedroom layout changes,
- Second floor plan: internal bedroom/en-suite changes,
- Roof plan: alterations to roof light windows/roof lanterns and installation of solar roof panels,
- Front elevation: insertion of an additional dormer window to the right hand side of the front roof slope,
- Rear elevation: the larger dormer window would be repositioned towards the centre of the rear roof slope,
- North-east side elevation: removal of 3x ground floor windows, removal of 4x first floor windows and installation of obscure glazed privacy screens to the balconies, removal of all second floor dormer windows and roof light windows,
- South-west side elevation: replacement of 2x high level and obscured ground floor windows with a single standard glazed window, replacement of 2x high level and

obscured windows with a single standard glazed window, installation of obscure glazed privacy screen to the rear balcony,

The application is supported by the following documents:

- Application form,
- Application drawings,
- Planning Statement,
- Design and Access Statement
- Arboricultural Impact Assessment and Tree Protection Plan
- Bat Survey,
- Sustainability appraisal,

Location and Key Constraints

The site is Brook House, Chislehurst Road, Bickley, a detached two storey dwelling located on the northern side of the highway adjoining the junction with Berryfield Close to the east. The land slopes down gradually towards the highway and the boundaries are marked by approximately 1.8m high close boarded fencing and trees and vegetation. The area is residential in nature and there is a variety of dwelling types, styles and designs. As noted by the Council and by the previous planning appeal Inspector the residential properties are mainly large individual detached dwellings set in spacious grounds and therefore the building density is relatively low. There is little or no flatted development in the area although of the limited examples of flatted development they are formed of some of the larger dwellings and appear to remain as single dwellings. Dwellings are mainly positioned fronting on to the highway in a conventional way however there are some examples of tandem development, with accesses leading to dwellings at the rear; and it is noted that in some of those cases the 'rear' dwelling may have been the original dwelling and newer dwellings may have been constructed in front. Many of the dwellings have been extended and altered in various ways; including the application site which has a large two storey rear outrigger; developed in various stages. The site does not lie within a Conservation Area or an Area of Special Residential Character.

Planning History

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

90/02696/FUL – Erection of single storey rear extension comprising swimming pool was granted on 17 December 1990 and this appears to have been implemented.

03/01336/FULL1 – Erection of single storey front extensions, increase roof height and erection of first floor extension over games room and swimming pool was approved on 22 May 2003 and this appears to have been implemented.

18/01940/FULL1 – Demolition of existing dwelling and erection of building containing 9 flats, together with highway access, underground and surface level parking bin store, cycle store, hard and soft landscaping was refused on 10 August 2018 for the following reasons:

1. The proposed intensification of the residential use would fail to complement the low density qualities of residential development in the local area contrary to Policies H7, H11 and BE1 of the UDP 2006.
2. The proximity of the development to existing neighbouring properties, together with its height and the quantity of additional windows and the general intensification of the residential use would be significantly harmful to the privacy amenities of neighbouring properties by reason of overlooking contrary to Policies H7, H11 and BE1 of the UDP 2006.

3. The application does not demonstrate that it would achieve high sustainable design standards to improve the environmental performance of the new development and reduce the effects of climate change; including through the use of on-site renewable energy technology contrary to Policy BE1 of the UDP 2006 and Policies 5.2 and 5.3 of the London Plan 2016.
4. The proposal has not demonstrated that it would not have an adverse impact on protected or important species and/or their habitat contrary to Policy NE5 of the UDP 2006.

In determining the corresponding planning appeal the Planning Inspector did not decide to uphold the Council's refusal reason(s) 1 *density of development, character and appearance* and 4 *impact on protected and important species* and it was dismissed for the following reasons:

- Harm to the privacy amenities of neighbouring properties by reason of overlooking,
- Lack of information to demonstrate that it would achieve high sustainable design standards to improve the environmental performance,

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 19th February 2019. The Development Plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). Since the previous decision 18/01940/FULL1 the Bromley Unitary Development Plan (2006) has been replaced by the Bromley Local Plan (2019). Notwithstanding this the previous scheme was determined in relation to both the former UDP Policies and the now formally adopted Bromley Local Plan Policies and therefore the Development Plan Policies remain consistent. The NPPF does not change the legal status of the Development Plan.

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

London Plan Policies

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals

5.7 Renewable energy
5.13 Sustainable drainage
6.9 Cycling
6.10 Walking
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An Inclusive Environment
7.3 Designing out Crime
7.4 Local Character
7.5 Public Realm
7.6 Architecture
7.8 Heritage Assets and Archaeology
7.19 Biodiversity and access to nature
7.21 Trees and Woodlands

Bromley Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side space
Policy 9 Residential Conversions
Policy 20 Community Facilities
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General design of development
Policy 38 Statutory Listed Buildings
Policy 72 Protected species
Policy 73 Development and trees

Supplementary Planning Guidance

Bromley's SPG No.1 – General Design Principles
Bromley's SPG No.2 – Residential Design Guidance
Mayor of London SPG – Homes for Londoners Affordable Housing and Viability 2017

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 proposal is almost identical to the previous application and appeal and does not overcome the reasons for refusal and dismissal,
- the current proposal causes greater harm than the previous scheme,
- other examples cited by the Applicant are not relevant; particularly as Berryfield Close is characterised by detached houses not flats,
- the application drawings are incorrect: the boundary and relationship with 2 Asprey Place; which directly abuts the application site and would therefore be more affected than shown, existing vegetation is shown to be higher/thicker however much of this would be removed, the drawings do not account for the change in ground level with 2 Asprey Place,
- the proposal would overly intensify the residential use and would overdevelop the site,

- the proposal would be out of keeping with the low density single dwellings spacious plots in the prevailing area and Bickley Conservation Area,
- the proposed access; serving 19 cars, would be out of keeping with the character of existing residential drives and/or low density cul-de-sacs,
- although the proposal does not increase the footprint of the existing building it would over intensify the residential use. Features such as the basement parking seek to disguise the multiple occupancy and imitate a single residential and should be retained,
- the removal of any features; such as the basement parking, would cause the development to have the appearance of multiple occupancy which would be out of keeping with the character and appearance of the area,
- the removal of trees would detract from the appearance of the area,
- neighbouring properties were restricted from inserting dormer windows due to privacy issues,
- the proposal; including the roof terraces, would overlook neighbouring properties; including Berryfield Close in very close proximity contrary to the Appeal Inspector's decision,
- any damage to boundary vegetation would further reduce existing privacy screening,
- the proposal would cause light pollution to neighbouring properties,
- the proposal has adequate ground level amenity space and the roof terraces would be unnecessary,
- the proposed bin store; close to neighbouring properties, would detract from neighbouring amenities,
- the removal of trees would detract from wildlife habitat,
- the Council has a 5 year housing land supply and therefore the site is not required to meet the Local Plan's housing need,
- the proposal would increase traffic and noise disturbance,
- the location of the access road would impact upon neighbouring amenities on either side; depending on its location,
- the visibility splays would be inadequate,
- the underground car park would damage neighbouring properties and their trees,
- the construction process and removal of earth material would be disruptive,
- the proposal should demonstrate that it complies with the relevant sustainable construction requirements,

Comments from Consultees

LBB Conservation Officer: (Comments on 18/01940/FULL1). The proposal would not adversely affect the setting of the nearby listed building(s).

LBB Drainage Engineer: Surface water run-off generated from the site should not be discharged un-attenuated to public surface water run-off sewer. Therefore the Applicant should design and implement a surface water drainage system maximise the use of SuDS; to restrict the discharge from the developed site to the rate of run-off rate for an undeveloped green field. No objection in principle subject to the submission of a SuDS scheme.

LBB Environmental Health Pollution Officer: No objection subject to recommended informatives advising the developer to comply with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and the Council's Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 and to contact the Environmental Health Department if any contamination is encountered on site.

LBB Highway Department: According to TfL's WebCAT planning tool the site is located in an area with PTAL rate of 2 (on a scale where 0 has the worst/least access to public transport services and 6b has the best/most access to public transport services). Chislehurst Road is a classified road, a local distributor, and part of the B264. The proposal is for 9 flats; 8x 2-bedroom and 1x 3-bedroom. Due to the number of vehicles proposed to be entering/exiting the site the access on to Chislehurst Road should be widened to allow 2 vehicles to pass. The detailed visibility splays should be shown. The proposal would provide 19 parking spaces; 14 of which in the basement. The gradient of the access into the basement would be 1 in 10 which would be acceptable. Space No. 12 would impede the access/circulation and could be omitted. The stairwell door should open inwards to avoid obstruction/hazard to vehicles/pedestrians. Cycle parking should be provided in accordance with the London Plan. The refuse storage area appears to be positioned within 18m of the carriageway in accordance with the Council's adopted standard however the Waste Services Department should be consulted. There would be no objection in principle subject to: details of access layout, visibility splays, parking provided as shown, adequate cycle parking, access lighting, satisfactory highway drainage, construction management plan and provision of a vehicle wash-down facility during construction, which could be managed by planning condition.

LBB Trees: (Comments on 18/01940/FULL1). The application site is subject to Tree Preservation Order (TPO) 328 that protects several individual trees at the front of the property. Evidently some of the original trees have been removed in the past; however, some remain in place and are visible from the public domain.

The application is supported with the submission of tree survey plans and indications of tree removals. In terms of the scale of the proposal, tree removals are minimal and the majority of trees have been proposed for retention. Driveway surfaces are to be retained where protected tree root protection areas (RPA) are in the vicinity. The impact on trees is therefore tolerable with precautionary measures applied and subject to the recommended conditions and informatives; including tree protection during construction via an Arboricultural Method Statement (AMS); adhering to the following British Standards:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

Metropolitan Police Secure by Design: The proposal is for less than 10 units and "Secure by Design" would not be required. However notwithstanding this the proposal could nonetheless achieve the physical security requirements of "Secure by Design"; incorporating accredited fittings, features and products such as doors and windows, audio/visual entry system, appropriate cycle parking racks, underground parking areas with shutters and entry/exit fobs to prevent unauthorised access. As such if a "Secure by Design" requirement is made or if the Applicant is interested in accreditation then they should contact the Metropolitan Police Designing Out Crime Officer.

Thames Water: No objection, including to the capacity of the waste water network and sewerage treatment works; provided that the developer provides the following and/or follows relevant guidance in order to demonstrate appropriate drainage and/or that the drainage infrastructure would be preserved during construction and this could be managed by relevant conditions/informatives in the event that planning permission is granted:

- A piling method statement,
- Methodology to prevent sewerage flooding,
- Methodology to minimise groundwater discharges into the public sewer,
- Follow the sequential approach to disposal of surface water,
- Usage of mains water services for the construction process,
- Minimum pressure of the water supply,

Considerations

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

- Resubmission
- Principle and intensity of use
- Design including; trees/landscaping and Secure by Design
- Standard of residential accommodation and neighbouring amenities
- Heritage
- Highways
- Sustainability
- Ecology
- Other (drainage/flooding/noise/pollution)

Resubmission

As mentioned above the current application follows the previous application 18/01940/FULL1. The current proposal is amended in the following ways and therefore the current proposal is materially different from the previously proposed scheme:

- Site layout: repositioned ramp to underground parking and surface level parking bays, slightly repositioned refuse store and amended landscaping,
- Basement parking floor plan: repositioned ramp to underground parking, removal of one parking bay and repositioned parking bays and cycle storage,
- Ground floor plan: internal living room/bedroom layout changes,
- First floor plan: internal living room/bedroom layout changes,
- Second floor plan: internal bedroom/en-suite changes,
- Roof plan: alterations to roof light windows/roof lanterns and installation of solar roof panels,
- Front elevation: insertion of an additional dormer window to the right hand side of the front roof slope,
- Rear elevation: the larger dormer window would be repositioned towards the centre of the rear roof slope,
- North-east side elevation: removal of 3x ground floor windows, removal of 4x first floor windows and installation of obscure glazed privacy screens to the balconies, removal of all second floor dormer windows and roof light windows,
- South-west side elevation: replacement of 2x high level and obscured ground floor windows with a single standard glazed window, replacement of 2x high level and obscured windows with a single standard glazed window, installation of obscure glazed privacy screen to the rear balcony,

As mentioned above the Bromley Unitary Development Plan 2006 has been replaced by the Bromley Local Plan 2019, however the previous proposal was considered in relation to policies in the then Draft Local Plan which have now been formally adopted in the Bromley Local Plan and therefore there is no material difference in the Development Plan existing between the previous application and the current application. The current proposal will be assessed on its own merits.

Principle and location of development

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

parking and transport implications. Furthermore, there was no objection to the principle of the development in the previous proposal by either the Council or the Planning Inspector.

Paragraph 11 of the NPPF (2019) sets out a presumption in favour of sustainable development. In terms of decision-taking, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this particular case there are no areas under protection or assets of particular importance and therefore paragraph 11 d) i. does not apply. The proposal is therefore assessed in relation to paragraph 11 d) ii.

This application would provide 9 residential units (net gain 8 units) and this would provide a modest contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

Affordable housing

The proposal is for 9 units (net gain 8 units) and although in this case the proposed floorspace would exceed 1,000sqm, having regard to the NPPF (2019) as material consideration, and being the most up-to-date policy guidance, the Council would not seek this proposal to provide affordable housing.

Design and landscaping

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

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

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

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

In assessing the previous appeal scheme (18/01940/FULL1) the Planning Inspector noted the nature of the existing site and the dwelling and its setting within the mature, attractive and leafy residential area, and that it is encircled by trees and hedgerows largely screening it from public view. The Inspector noted that the appeal proposal would intensify the number of dwellings/residential units on the site and given that the resubmission proposed the same number of units this would not differ. The Inspector also noted the Appellant's and the Council's references to various allowed and dismissed schemes for redevelopment of single dwellinghouses within the local area. However Inspector ultimately considered the appeal scheme on its own merits and although the appeal was for a flatted development they considered that it would nonetheless appear as a large detached dwellinghouse similar to and reflective of other properties in the area and that the stylistic features including balconies and crown hipped roof would not detract from its appearance. The Inspector also concluded that the amount of people occupying the building (i.e. the residential intensification) would not in itself detract from the character and appearance of the area and that the other features such as most of the parking would be located beneath ground thereby maintaining the appearance of a single large dwelling and that the communal facilities such as the refuse store (an indication of higher density development) would be sensitively designed and adequately controlled.

Furthermore, the provision of additional units would benefit the Borough's Housing Supply. As set out earlier in the report the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of additional housing units when assessed against the Development Plan as a whole and in accordance with paragraph 11 of the NPPF planning permission should accordingly be approved.

Notwithstanding the repositioning of the underground parking access ramp and the surface level parking this alteration within the site would not be highly visible from outside the site.

Furthermore according to the submitted details the current amended proposal seeks to remove the same trees as in the appeal scheme. For these reasons the amended scheme would not differ significantly from the appeal scheme in regard to its appearance from outside the site and therefore its impact on the character and appearance of the site and its setting within the street scene and as such the current proposal would not alter the Appeal Inspector's conclusion in this respect. The Council's Tree Officer recommended conditions/informatives on the appeal scheme and they are recommended herein for consistency.

According to the Metropolitan Police Designing out Crime Officer the Secure by Design accreditation would not be compulsory on this scheme however it could provide the physical features and products such as accredited windows and doors etc. should the developer wish to do so in the interest of providing a more secure and attractive development to the future occupants and as such the developer could contact the Metropolitan Police in relation to this in the event that planning permission is granted.

Heritage Assets

The application site is separated from the neighbouring listed building Asprey Court by the property known as Pines End. It is also almost opposite the listed dwelling Bickley Court, No 36 Chislehurst road. Nonetheless, the impact of the development on heritage assets was not an issue in the appeal scheme for either the Council or the Appeal Inspector and furthermore given that the amended scheme would not significantly alter the wider external impacts of the development it would not have a significantly harmful impact on their special importance or setting.

Standard of residential accommodation and neighbouring amenities

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.

Notwithstanding the internal layout alterations the proposed units would continue to provide appear to provide flats and/or bedrooms with sufficient floor area, width, head height and built-in storage space according to the nationally described space standard. As a result of the internal layout alterations and external fenestration alterations some of the open plan living rooms/kitchens have longer and narrower proportions and consequently a greater total depth away from the main primary source of natural light and outlook (mainly the terraces/balconies) than in the appeal scheme. However in each of those units there would be another source of light/outlook provided by a side flank window or roof lantern and they are arranged with the main living area benefitting from the main window/terrace and the less critical kitchen area in the deeper section of the room where it is likely that artificial light would be in use in any event while preparing food. Unless otherwise indicated on the plan(s) all of the windows would be a standard height and with clear glazing and as such as designed this would appear to provide appropriate outlook, ventilation and light for the occupants therein.

The proposal would provide balconies/terraces for each of the upper floor units and notwithstanding the submitted drawings; in the event that planning permission is granted plans could be provided confirming the access on to those terraces which appear to be obstructed in some instances as submitted. Furthermore, there would be a large area of private amenity/garden space to the rear of the building which would appear to be a communal amenity space for all residents and overall this would appear to provide a suitable amount, shape and layout of space for the future occupiers.

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.

Overall the proposed building would be relatively well accommodated within the plot. The building would be visible from the neighbouring properties however this in itself is not necessarily unacceptable and the planning assessment with consider the degree of harm arising. In this case the proposed building would be sufficiently well separated from the immediately neighbouring properties; coupled with its size, scale and form of the proposed building would not detract significantly from the outlook of the neighbouring properties or lead to significantly more harmful overshadowing. The appeal Inspector did not object to the position or the size of the building in this respect.

The main outlook from the existing dwelling is to the front and rear (south east and north west respectively). The main outlook from the main living spaces in the proposed flats would continue to be to the front and rear where any additional overlooking would not be significantly more harmful; even taking into account the multiple units within the building rather than a single dwelling as at present. The Appeal Inspector's main privacy concern was for the effect of the development on Berryfield Close, to the north east. The internal layout alterations and external fenestration alterations have significantly reduced the number of north east side flank windows, dormer windows and roof light windows; a total

reduction of 10 windows in the north east side flank elevation; including 7 in the upper floors. On this basis there would remain only 4 ground floor windows; including one high level window, and three upper floor windows; including one obscure glazed window, in the north east flank elevation/roof slope. The obscure glazed upper floor window would serve the kitchen area of Unit 8 and the two clear glazed upper floor windows would serve the bedrooms of Unit 8. The Inspector noted that bedrooms would be habitable rooms; capable of being occupied at any time of the day, and that the living rooms would be likely to be occupied throughout the entire day. Notwithstanding this, the current proposal is significantly different from the previous appeal scheme and it would consequently have significantly less harm. Furthermore, the current scheme would have only one more clear glazed upper floor window in the north east elevation than in the existing dwelling. There would be no significant change in the windows in the south west facing elevation/roof slope and in any event this was where the appeal Inspector had less concern.

It is also noted that the majority of the terrace/balconies would be fitted with privacy screens thereby also limiting the degree of overlooking as compared with the appeal scheme.

Based on these amendments although the current proposal would impact upon the neighbouring occupants in Berryfield Close the harm would be significantly less than in the appeal scheme and it would be only slightly more harmful than the existing dwelling. On this basis, the additional harm caused by the proposal would not be so significant as to warrant a refusal. The proposal is considered to have overcome this reason for refusal in the Council's decision notice and the appeal Inspector's objection to the previous appeal scheme in this respect.

The movement of additional cars and persons and the related ancillary features and activity(ies) such as the provision of the bin store is likely to lead to some additional noise and other effects on neighbouring properties, however it would not be significantly harmful. Furthermore, there is no objection from the Council's Environmental Health Officer in this respect. The construction process would also be likely to have an effect on neighbouring properties, however this is inevitable with construction sites, it would be relatively temporary in the context of the lifetime of the completed development and it would not be a sound reason to refuse granting planning permission. Furthermore and as mentioned by the Council's Environmental Health Officer the developer should in any event operate the construction site in accordance with the relevant Environmental Health regulations.

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.

Notwithstanding the amended basement access ramp and surface level parking area in the amended scheme there is no overall objection from the Council's Highway Department or the appeal Inspector in relation to the Highway and parking impacts of the development. According to Highway comments received on the current scheme the amended parking layout and in particular parking space No. 12 is considered to impede circulation within the basement parking area and this could be omitted without adversely affecting the on-site parking provision and leading to harmful on-street parking. The Council's Highway Department recommends relevant planning access layout, access and parking lighting, vehicle parking layout, cycle parking layout, highway visibility, highway drainage, construction management plan and construction vehicle wash-down conditions/informatives in the event that planning permission is granted.

Sustainability

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

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

In contrast to the appeal scheme the current proposal sets out the energy efficiency measures (including various types of insulation improving the air-tightness performance, water and electricity saving technology, as well as use of sustainably sourced and low polluting materials) and renewable energy generating technology (including solar PV panels) and the construction and construction waste disposal methodology. Overall (and in the absence of a mandatory requirement for a minor development) this is stated to achieve a self-imposed reduction of 10% in CO₂ emissions and this would achieve a substantial improvement in the sustainability and environmental performance of the development and this would be sufficient to overcome the reason for refusal and the appeal Inspector's objection to the previous appeal scheme in this respect.

Ecology

The amended planning application includes the ecological survey/report submitted in the appeal. As mentioned in the appeal decision the appeal Inspector was satisfied that the survey provided suitably proportionate evidence and was satisfied that the proposal would not have an unacceptable impact on protected or important species or their habitats. Given the nature of the proposal, i.e. that it would not differ considerably from the appeal scheme and given the short space of time since the appeal was determined the site circumstances are unlikely to have changed significantly in the intervening period and therefore there is no objection to the amended scheme in relation to ecology and biodiversity.

Other matters

There is no objection from the Council's Drainage Engineer subject to providing appropriate measures to manage surface water run-off and provision of a Sustainable Drainage System and this could be managed by planning condition in the event that planning permission is granted. There is also no objection from Thames Water subject to relevant informatives and conditions relating to drainage and the water supply infrastructure which could be imposed/attached in the event that planning permission is granted.

Matters relating to title deeds, restrictive covenants or other civil regulations are private legal matters and do not relate to planning. Notwithstanding this, in the event that planning permission is granted by the LPA or the Planning Inspectorate, this would not necessarily convey any permission or consent that may be separately required under relevant deeds or covenants. The effect of new development on property values and sales is not a planning matter.

Matters including provision of utilities services and infrastructure are not planning matters. Matters relating to land stability and the effect of new development on the structural condition of neighbouring properties are not planning matters although they may be relevant to the Building Regulations and/or the Party Wall Act.

The reason for a development proposal, except where it is relevant to the assessment such as very special circumstances in a Green Belt case, are not relevant to the decision making.

Conclusion

In this particular case there are no areas under protection or assets of particular importance and therefore NPPF paragraph 11 d) i. does not apply. In this particular case, as discussed in the preceding paragraphs, it is concluded that this amended scheme has overcome the Council's reason(s) for refusal and the appeal Inspector's reasons for dismissing the previous scheme and therefore on balance there would be no adverse effects of granting permission for the current scheme. Furthermore in this particular case this proposal would provide eight additional residential units which would contribute towards the Borough's housing supply and would provide a modest additional benefit. Therefore in this particular case the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits of granting permission and therefore the proposal does not conflict with paragraph 11 d) ii of the NPPF.

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 interests of visual and residential amenity In order to comply with Policy 37 of the Bromley Local Plan 2019.

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

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan 2019.

- 4 A side space of not less than 1.3 metres to 3.45 metres shall be provided between the 2 storey flank wall of the dwelling hereby permitted and the respective north eastern flank boundary of the property and a side space of not less than 2.32 metres shall be provided between the 2 storey flank wall of the building hereby permitted and the respective south western flank boundary of the property and as shown on the approved drawings.

Reason: In the interest of the visual amenities of the area and in order to comply with Policy 8 of the Bromley Local Plan 2019.

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

Reason: In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan 2019.

- 6 **Hard and soft landscaping**
- (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 secure a visually satisfactory setting for the development and to protect neighbouring amenity and to comply with Policies 37, 73 and 74 of the Bromley Local Plan 2019.

7

Tree Protection

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

(a) Location and installation of services/ utilities/ drainage.

(b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

(c) Details of construction within the RPA or that may impact on the retained trees.

(d) A full specification for the installation of boundary treatment works.

(e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

(f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

(g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

(h) A specification for scaffolding and ground protection within tree protection zones.

(i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

(j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

(k) Boundary treatments within the RPA

(l) Methodology and detailed assessment of root pruning

(m) Arboricultural supervision and inspection by a suitably qualified tree specialist

(n) Reporting of inspection and supervision

(o) Methods to improve the rooting environment for retained and proposed trees and landscaping

(p) Veteran and ancient tree protection and management

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37, 73 and 74 of the Bromley Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

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

- 9 Before the development hereby permitted is first occupied the proposed upper floor side flank window serving the kitchen of Unit 08 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 2019.

- 10 The means of privacy screening for the balconies/terraces hereby approved shall be obscure glazed to a minimum of Pilkington privacy Level 3 and not less than 1.8 metres in height above the finished floor of the balcony/terrace on which they are installed. They shall be carried out in accordance with the approved details prior to the balconies/terraces being brought into first use and permanently retained as such.**

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy 37 of the Bromley Local Plan 2019.

- 11 Lighting Details for Parking Area**
(a) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works,
(b) The approved scheme shall be self-certified to accord with BS 5489 - 1:2003,
(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In the interest of visual amenity and the safety of occupiers of and visitors to the development and in order to comply with Policies 30 and 37 of the Bromley Plan 2019.

- 12 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and**

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

Reason: To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety, and in order to comply with Policy 30 of the Bromley Local Plan 2019.

13 Cycle parking

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

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

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

14 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m; which can be accommodated within the site shall be provided in both directions at the junction of the access road with Chislehurst; and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.

Reason: To ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway and in order to comply with Policy 32 of the Bromley Local Plan 2019.

15 Highway Surface Water Drainage

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

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan 2019.

16 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 and in the interest of the amenities of the adjacent properties and in order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan 2019.

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

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 Bromley Local Plan 2019.

- 18 **Scheme for Surface Water Drainage**
- (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.
 - (b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.
 - (c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

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

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan 2019.

- 19 No piling shall take place until a Piling 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 terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 20 Within 2 months of the first occupation of the dwelling hereby permitted the existing dwelling shall be demolished and all materials and foundations shall be completely and permanently removed from the site.

Reason: In order to ensure that a satisfactory form of development is undertaken on the site, in the interest of visual and residential amenity and in order to comply with Policy 37 of the Bromley Local Plan 2019.

You are further informed that:

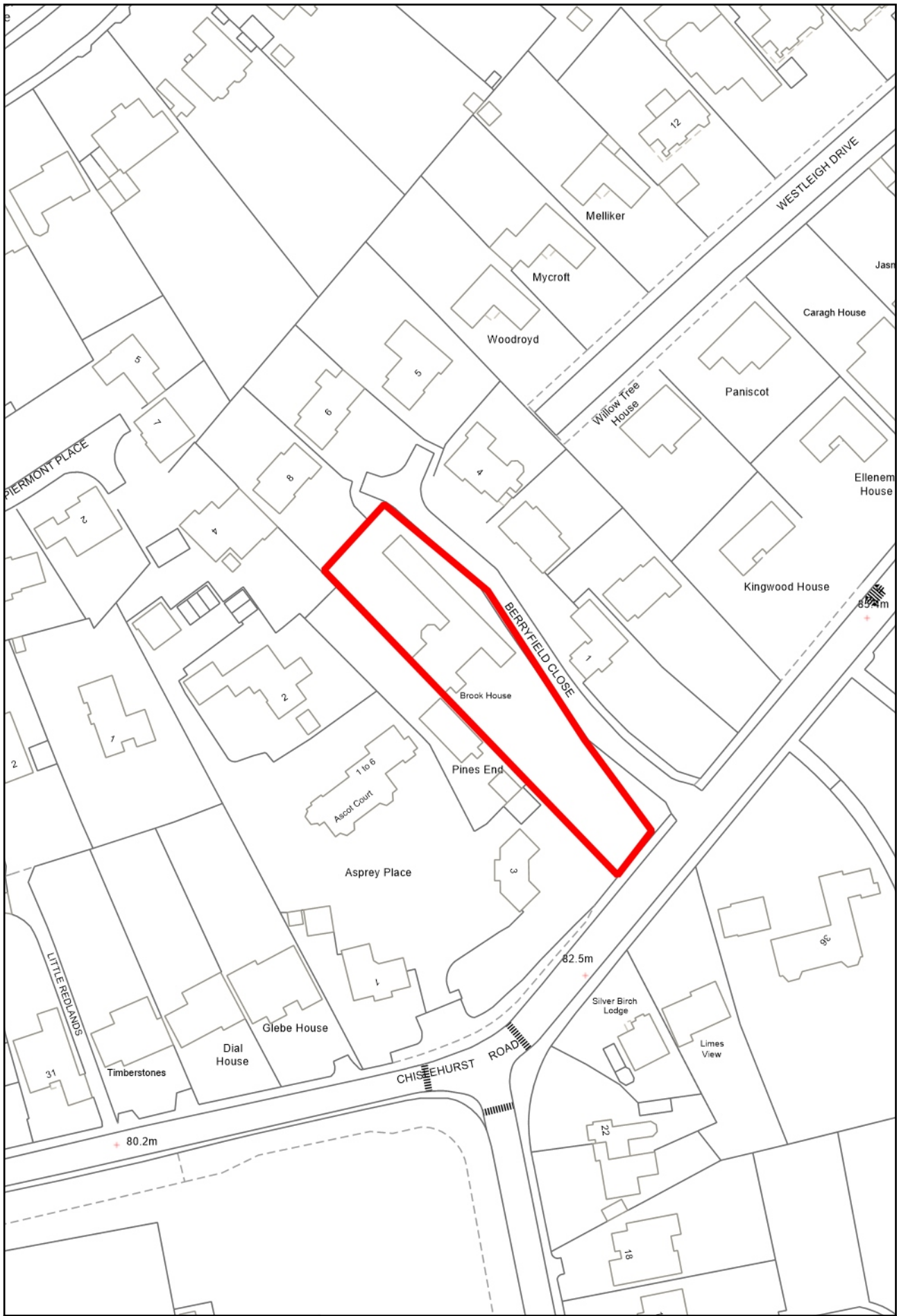
- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3 Before work commences on the extension hereby permitted the Applicant should be satisfied that the minimum side space to the boundary shown on the submitted drawing can be achieved. Failure to comply with the

Council's requirements set out in the conditions above may result in enforcement action being authorised.


- 4 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
- 5 In relation to Trees the following British Standards should be referred to:
 - (a) BS: 3998:2010 Tree work - Recommendations
 - (b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 6 The Applicant/Developer is encouraged to seek Secure by Design Accreditation and/or installation and incorporation of Secure by Design features, technology and products.
- 7 The Applicant is advised to read the Thames Water 'Working near our Assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
- 8 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 9 Thames Water expects the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative


attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 10 With regard to Surface Water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>
- 11 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at www.thameswater.co.uk/buildingwater
- 12 Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.



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19/02756/FULL1



28 October 2019

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

Application No : 19/03085/FULL6

Ward:
Bickley

Address : Flat 4 Quennells Vale Road Bickley
Bromley BR1 2AL

Objections: Yes

OS Grid Ref: E: 543007 N: 169424

Applicant : Mr R Fee

Description of Development:

Two storey front extension, including loft and elevational alterations

Key designations:

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

Proposal

Permission is sought for a two storey front extension including loft and elevational alterations.

The proposed extension would project 2m from the eastern elevation of the property (fronting Vale Road) and would span the full width and height of the host building.

Location and Key Constraints

The application relates to a three storey detached building (including loft) located on the western side of Vale Road. The area is residential by nature, characterised by large two and three storey residential properties. The building is not listed but is located in the Bickley Area of Special Residential Character which is valued for its spacious residential developments with large houses sited within substantial plots. It is also located within the following:

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

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and their responses are summarised below.

General comment:

- Proposed extension to the building will extend beyond the building line of the other properties on that side of Vale Road
- Would also expect any upgrade to the parking not to fall outside existing the property boundary

Support comment:

- Welcome the new front elevation as it aesthetically is an improvement
- Trust the parking to the front of the property will be used and off road parking will be reduced
- Hope traditional windows and doors used so building blends better than it currently does
- Will enhance the look of the property
- Existing frontage is out of character with the building and other properties on the street
- Assumption that planning was subject to use of traditional materials that match the adjoining building

Comments from Consultees

Highways:

According to Transport for London's (TfL) Planning Information Database the site has a PTAL rating of 2 which is defined as relatively poor.

Vale Road is an un-adopted highway. It is narrow and on road parking can be a road safety hazard. The 4 existing flats have 2 garages and some parking within site curtilage. Two parking spaces would be lost as a result of conversion of existing garages and it was not clear how the site curtilage would be used for parking.

Revised plans have now been submitted that show there will be 3 parking spaces for Flats 1, 2 and 3 and 2 parking spaces for Flat 4. Accordingly no objection to the application is raised from a highways point of view.

It is suggested to include the following with any permission:

Condition

OC03 (Satisfactory Parking)

AG11 (Refuse storage)

AG12 (Cycle parking)

AG13 (Lighting scheme for access/parking)

AG24 (Highway Drainage)

Non Standard Condition

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

Informative

DI16 (Crossover)

Non standard informative

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

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

30 Parking

37 General Design of Development

44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

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

An application for the use of garage building adjoining Quennells without complying with condition attached to permission was permitted under reference 90/00498/OTH in 1990

An application for a pitched roof extension was permitted under reference 01/02235/FULL1 in 2001

An application for French doors to rear dormer was refused under reference 04/02347/FULL6 in 2004

An application for replacement window to rear dormer was permitted under reference 04/03802/FULL6

An application to reduce secondary stem over garden of 12A Denbridge Road was granted consent under reference 09/02049/TPO in 2009

An application for a double storey front extension was withdrawn under reference 19/00144/FULL1 in 2019

Considerations

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

- o Design
- o Highways
- o 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.

Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are not just for the short term but over the lifetime of the development, and are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting. It also seeks to ensure that developments 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.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policies 7.4 and 7.6 seek to ensure that developments respect the pattern of existing spaces and streets and complement the local architectural character. Similarly, policies 6 and 37 aim to ensure that new developments are of good architectural quality and respect the scale, spaces and form of the host property as well as developments in the wider area.

The main considerations for this application with regards to design and scale relate to the impact the proposed extension would have on the appearance of the street scene and the character of the local area. This is a particularly important consideration as the application site is located within the Bickley Area of Special Residential Character which is valued for its spacious environment and large properties sited within substantial curtilages.

The eastern elevation of the existing property fronts Vale Road and has two ground floor garage doors with the entrance door sited in the southern elevation. As a result, the application property appears visually out of keeping with other properties in the vicinity. The application proposes to bring the building more into line with the surrounding properties by relocating the front entrance door to face Vale Road and to replace the two garage doors with large windows similar to the existing windows on the host property.

Despite the elevational alterations, the main front facing gable which forms a prominent part of the eastern elevation would be maintained as would the two side dormer windows. It is therefore considered that the proposed development would be in keeping with character of the original property and would complement development in the wider area.

The site is flanked, to the south, by the Quennells building and to the north by the rear garden of 12b Denbridge Road. A 1m side space is maintained to the south but the extension is built up to the northern side boundary to which policy 8 of the BLP would apply. It is noted that, the presence of the term 'normally' in the body of BLP policy 8 strongly implies, a need for discretion in the application of 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.

In this case, the proposed extension continues along the existing building line which currently adjoins the northern side boundary and therefore does not reduce the high spatial standards in the area. Additionally, the site is bordered by a substantial rear garden, to the north, so would not cause a cramped appearance or unrelated terracing.

Moreover, it would bring the building's footprint more into line with the properties in the locality and the modest 2m projection would not compromise the spacious residential developments that characterise the area.

With regards to proposed materials, the application states that all materials used on the external surfaces would match those used on the original building. It is therefore considered that the character of the original building would be preserved.

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

Vale Road is an un-adopted highway and any increase in on road parking could create road safety concerns. The application shows that the two garage spaces lost as part of the proposed development would be replaced and sited within the front curtilage of the property. The council Highways Officer therefore raised no objections to the proposed development from a highways perspective and recommended various conditions with any permission to ensure that adequate and well-lit space is provided for vehicle and cycle parking, refuse storage and that the parking area is paved with appropriate materials.

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 application site projects 3m beyond the neighbouring property to the south (Quennells development) and is bordered, to the north, by the rear garden of 12b Denbridge Road. The proposed extension would therefore project approximately 5m beyond the primary elevation of the adjacent building, however, the application property is sited to the north of Quennells meaning there is unlikely to be a substantial impact to amenities with regards to loss of light, outlook or overshadowing.

Moreover, the application does not propose any flank facing windows and the proposed fenestration arrangement would provide identical views to the existing. It is therefore considered that there would be no additional impact with regards to loss of privacy or overlooking.

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

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:

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

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

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

- 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 (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

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

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

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

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

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

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

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

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

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

Reason: In the interest of pedestrian and highway safety and to accord with Policy 32 of the BLP (2019)

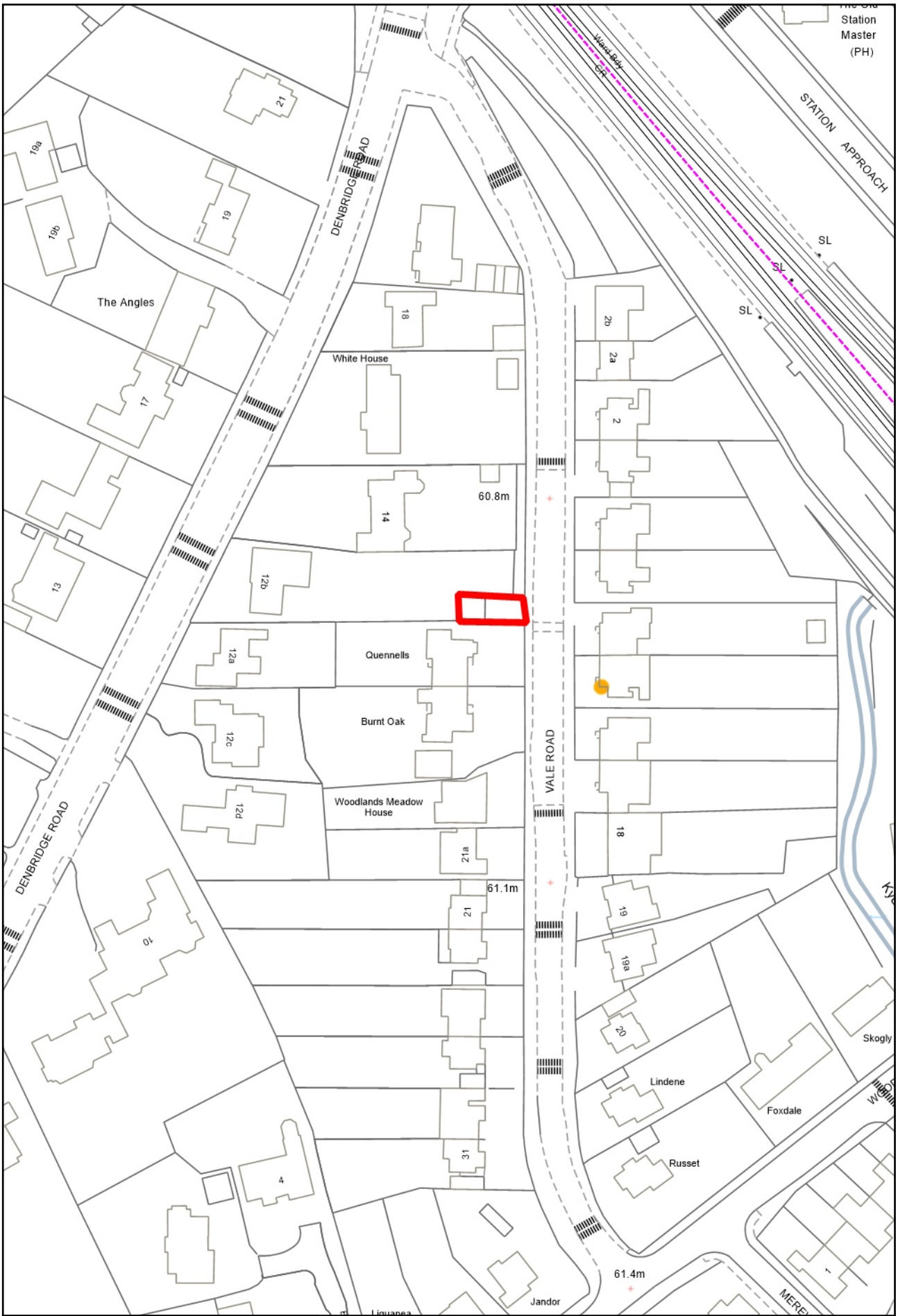
You are further informed that :

1 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage


https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2

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

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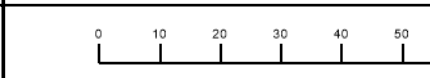
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Ordnance Survey 100017661.

 19/03085/FULL6



28 October 2019

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

Application No : 19/03203/FULL1

Ward:
Crystal Palace

Address : 69 - 71 Church Road Anerley London
SE19 2TA

Objections: Yes

OS Grid Ref: E: 533577 N: 170501

Applicant : Mrs Saroj Morjaria

Description of Development:

The demolition of the existing building and erection of a part 4 and 5 storey building with additional part lower ground floor comprising two 1 bedroom, three 2 bedroom two 3 bedroom flats and provision of commercial retail unit at ground floor. Provision of external amenity space.

Key designations:

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

Proposal

Planning permission is sought for the demolition of the existing building and erection of a part 4 and 5 storey building with additional part lower ground floor comprising two 1 bedroom, three 2 bedroom, two 3 bedroom flats and provision of a commercial retail unit at ground floor. Provision of external amenity space.

Supporting documentation advises that the existing vehicular access will be retained and lead to the rear of the site and the existing commercial building. Communal amenity space will be created to the rear of the site. The proposed front elevation is tiered in its massing arrangement to address the transition between the 5 storey terraces to the north and the 3 storey terraces to the south and staggered to the front elevation in plan to follow the adjacent building lines of the street. Different materials are used on each massing element of the building including facing London Stock Bricks, white render and zinc cladding.

A1 (retail) commercial use is proposed to be retained to the front part of the ground floor.

The application was supported by the following documents:

- Planning, Design and Access Statement

Location and Key Constraints

The application site fronts Church Road and is located on the east side of this one-way street, within Belvedere Road Conservation Area and adjacent to Locally Listed Buildings. The Borough boundary with Croydon is to the opposite side of the street. The wider town centre borders with Lambeth and Southwark. The site is located within Crystal Palace Renewal Area (Upper Norwood/Crystal Palace District Centre in the London Plan) within a mixed commercial/residential environment.

To the rear of the site are workshop buildings which have been most recently used for furniture making, restoration and carpentry purposes (retailing some of the goods in the shop to the front of the site). A recent planning permission (see below) has allowed for the redevelopment of the workshops to two houses. The topography of the land falls away steeply to the south and east 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

- Concerns regarding overlooking to properties on the opposite side of Church Road causing loss of privacy.
- Loss of light to shop units on opposite side of Church Road.
- Window aperture size not in keeping with adjoining properties.

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:

An interesting infill about which APCA have no objection.

London Borough of Croydon:

It is considered that as the proposals are of a sufficiently minor nature and an adequate distance away from the Borough boundary, the Council would not wish to comment on the proposals. I nevertheless trust that the proposals will be considered in the context of your local planning policies and that any representations received from nearby occupiers, including those from the Borough of Croydon, will be fully taken into account.

Conservation Officer:

No comments.

Environmental Health Pollution Officer:

No objections.

Drainage Engineer:

Further details of sustainable drainage recommended to be sought by planning condition.

Highways:

The site is located to east side of Church Road (A214) which is a one-way street permitting southbound traffic only. There are double yellow lines along the eastern side of Church Road as well as a small number of short stay on-street parking bays along the western side of the carriageway, permitting 1 hour's parking between 7am and 7pm (no return within 2 hours). In addition, there is an on-street disabled bay located opposite unit 62.

The development is located in an area with high PTAL rate of 6a on a scale of 0 - 6b, where 6b is the most accessible. The site is currently served by a dropped kerb leading to a side access on to the site.

No car parking is proposed for the development. On the basis of the anticipated trip generation of the proposed site, it is considered that the development would not give rise to a material level of traffic, and would therefore be unlikely to have any noticeable impact upon local highway network operation.

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 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 2.6 Outer London: vision and strategy
- 2.7 Outer London: Economy

- 2.8 Outer London: Transport
- 2.14 Areas for regeneration
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 4.1 Developing London's Economy
- 4.7 Retail and Town Centre Development
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- 1 Housing supply
- 4 Housing design

8	Side Space
13	Renewal Areas
14	Development Affecting Renewal Areas
15	Crystal Palace, Penge and Anerley Renewal Area
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
39	Locally Listed Buildings
41	Conservation Areas
73	Development and Trees
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
94	District Centres
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon reduction, decentralised energy networks and renewable energy
125	Delivery and implementation of the Local Plan

Supplementary Planning Guidance

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

Planning History

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

16/01297/FULL1 The demolition of the existing retail and rear residential units, and the building of a new taller infill structure reinstating the existing shop and rear residential unit, whilst introducing a new part 4, part 3, storey residential block incorporating 7 x selfcontained flats, accommodating 2 x 3 bedroom, 3 x 1 bedroom and 2 x 2 bedroom flats with internal and external alterations and demolitions. Approved 17.10.2016

Workshop site to the rear of 69-71 Church Road:

17/05426/B8RES: Change of use of existing workshop from light industrial (Class B1(c)) to dwellinghouse (Class C3) to provide 2 two bedroom flats. (56 day application for prior approval under Class PA, Part 3 of the GPDO in respect of transport and highways, contamination, flooding risks and the impact of the proposal on the sustainability of the provision of light industrial services). Prior approval granted 30.01.2018

19/03203/FULL1: The demolition of the existing building and erection of a part 4 and 5 storey building with additional part lower ground floor comprising two 1 bedroom, three 2 bedroom two 3 bedroom flats and provision of commercial retail unit at ground floor. Provision of external amenity space. Approved. 02.09.2019

Considerations

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

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

Resubmission

The application is not directly a resubmission. However, the scheme is largely the same as the 2016 scheme permitted with some minor alterations. Given the gap in time since consideration in 2016 and policy changes at national and local level the scheme is assessed in full again taking into account planning policy changes current at the time of writing.

Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development.

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the

Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of seven dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

Policy 4.7 of the London Plan details that in taking planning decisions on proposed retail and town centre development the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment and that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport.

Policy 94 of the Bromley Local Plan states that in secondary frontages within Crystal Palace, the Council consider a change of use away from Class A1 where the proposal would provide a service that complements the shopping function of the centre; not harm the retail character, attractiveness, vitality and viability of the centre, including unreasonably reducing the number of Class A1 units; retain an appearance which is compatible with the adjoining shops/premises and provide an active frontage at ground floor level.

The site is within the Crystal Palace District Centre (shared between Lambeth, Croydon and Bromley boroughs). Sections of Church Road including the site are identified as secondary shopping frontage. Church Road marks the boundary between Bromley and Croydon Boroughs. Croydon Borough's side is designated as a "primary shopping area" and contains sections of secondary frontage. On Bromley Borough's side, there are two sections of secondary frontage separated by a residential area. The site lies at the northern edge of the southern section of secondary frontage.

The site is also located within a broader Renewal Area designation, in the Bromley Local Plan, covering Crystal Palace, Penge and Anerley areas. Bromley Local Plan Policy 15 relates to Crystal Palace, Penge and Anerley Renewal Area. The policy states that proposals within this Renewal Area will be expected to take advantage of opportunities to contribute to, and benefit from, the thriving cultural and leisure

economy which has evolved in the Crystal Palace District Centre. Policy 13 also states that proposals will be expected to make a positive contribution to the vitality of centres, having regard for their importance as providers of both local facilities and local employment.

The proposed mixed use scheme retaining a retail unit at ground floor level as existing will contribute positively to the vitality and viability of the town centre retaining an active street frontage in a viable retail unit. The proposal appears to be consistent with the intentions of Policies 13, 15 and 94 and the spirit of London Plan Policies 2.14, 2.15, 4.7 and 4.8. The scheme also resulting in the provision of an increased level of housing will also contribute to the need to meet housing targets set out in Policy 3.3 of the London Plan and Policy 1 of the Bromley Local Plan.

As such it is considered that the mixed use of the site incorporating further residential development appears acceptable provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, car/cycle parking and traffic implications, sustainable design and energy, community safety, refuse arrangements, biodiversity or open space will need to be addressed.

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 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a high PTAL rating of 6a and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 55-225 dwellings per hectare.

The proposed development based on a site area of 405m², would have a density of 173 dwellings per hectare within the suggested ranges in relation to unit density. This may be considered an acceptable amount of development at this location given the available site area.

However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and 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 which are assessed below.

Design

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

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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.

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

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

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

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

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

Policy 4 of the Bromley Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality

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

Policy 8 of the Bromley Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

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

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

The site needs to be considered within its urban context in relation to its location on Church Road within the District Centre. However, regard must also be had to the fact that the town centre boundary runs along the northern flank boundary of the site where it adjoins No's 65/67, which is part of a terrace of five storey residential properties. The transition between the two areas is therefore important to achieve in an appropriate townscape relationship.

Overall, the bulk and scale of the scheme is generally considered acceptable, with the staggered building line and stepped massing arrangement put forward the replacement buildings form to the streetscene is welcomed.

It is noted that there is no gap to either flank elevation as existing to the southern flank and by way of infilling the air void over the existing side access to the rear forming an undercroft vehicle access way as opposed to an open access to the rear. However, the lower height of the building adjacent to No73, albeit higher than existing is considered to create an appropriate step up in building scales along Church Road as the context of the locality changes to a more urban public realm. As the building moves north the second step up provides a further transition to allow the massing form of the building to address the greater scale of the adjacent five storey residential terrace. The single storey nature of the front section of the retail unit also adds proportionally to the massing arrangement in a sympathetic response to the townscape.

In terms of the general design approach, Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

Opposite the site are period buildings with traditionally designed shop fronts. When considering the design approach of redevelopment in this location it is acknowledged that the different building lines and heights and heritage status present a particular challenge for this site. The design approach is contemporary and has sought to take local reference of materials within its finished façade. Given the sensitivities of the site (in a conservation area and adjacent locally listed buildings) the use of high quality materials for the external surfaces of the building is important, the Red Stock and London Stock with some render is in context of the wider street scene and is considered acceptable. The verticality of fenestration references that found in the terrace to the north of the site.

To the street level individual shop fronts have been included in the design which reflect the character and context of those found to the south and west of the site and ensure the proposal creates a sense of place human in scale and an active frontage which can be easily understood and enjoyed within that context.

On balance, the design approach of the contemporary design along with the commercial frontage proposed responds positively to local context and is considered to be an appropriate design response to the mixed character of the neighbouring sites and appears as a balanced addition to the streetscene and the local character and appearance of the Crystal Palace conservation areas within Bromley Borough and Croydon Borough.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross

Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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

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

The floor space size of each of the units ranges between 50m² and 96.5m² respectively. The nationally described space standards require various GIA in relation to the number of persons, floors and bedrooms mix. The indicated provisions have been reviewed on this basis and the floorspace size for all of the units is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use. A good level of outlook is achieved within these units and on balance they are considered to provide a suitable level of accommodation.

In terms of amenity space a private garden is provided for Flat 1 to the rear of the building and a roof top terrace to Flat 6 with a communal external space provided for the other flats. Both Flats 1 and 6 are three bedroom units capable 5 person occupation. The provision in this respect is acceptable. For the other flats, given the town centre location, likely non family occupation and very close proximity to Crystal Palace Park the communal provision is considered a suitable alternative to private balconies in this case.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability

and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

Car parking

The scheme provides no off street parking spaces. For a property of the unit mix proposed within a high PTAL area a lesser provision appears acceptable. To address the zero provision a Transport Statement has been submitted to demonstrate the ability of the town centre location in terms of available public transport facilities and convenience of the location to reduce the need for a parking requirement.

The Council's Highway Officer has reviewed the current application and not raised any objection to the zero level of parking. It is therefore considered that there will not be a significant detrimental impact on parking in the vicinity and therefore the proposal is considered generally acceptable from a highways perspective.

Cycle parking

Cycle parking is required to be 1 space for studio and one bedroom units and 2 spaces for all other unit types. 9 spaces are indicated in an internal bike store room. A planning condition is recommended in this regard for a provision of 12 cycle spaces to be provided.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area accessed from the north flank side of the building adjacent to the front vehicle entrance to the rear of the wider site. A planning condition is recommended in this regard for compliance prior to occupation.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy

environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Comments have been received in respect of overlooking from the windows and upper level terrace and loss of light. Given the urban location it is considered that a suitable level of privacy will be maintained to the front and rear of the site at the intended distances to existing nearby property.

Observations indicate that flank windows to Nos 65-67 serve bathrooms and toilets and all the windows are obscure glazed. The design pulls the proposed development away from the flank windows but will result in some level of enclosure not dissimilar to a lightwell effect. On balance this is considered acceptable.

The development will project beyond the rear building line of adjacent property at Nos 73-75 but given the limited extent of projection, the open aspect that No's 73-75 have to the south of the proposal, it is not considered that the impacts will be so great as to raise planning concern.

Overall there will be some impact on neighbouring amenity from the scheme but it is considered that there will not be such significant impact in respect of overlooking, enclosing effect and loss of light as to warrant a planning ground of refusal.

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.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

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

Trees

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

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

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers. Further details can be requested by condition.

CIL

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

Conclusion

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

On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.

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** 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** The demolition of the existing building hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site under the planning permission hereby granted, has been made for the redevelopment for which the contract provides.

Reason: Required prior to commencement of development and in order to comply with Policy 41 of the Bromley Local Plan and to prevent premature demolition of the building which would be unacceptable.

- 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 (a) Prior to construction of above ground works details shall be submitted to and approved in writing by the Local Planning Authority showing full details for the establishment of a car club to serve the development.**

(b) The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.

Reason: To limit car ownership use and encourage sustainable modes of transport in accordance with Policy 6.13 of the London Plan and Policy 31 of the Bromley Local Plan

10 (i) The ceilings and walls between the ground floor retail unit and the upper floors of the premises and the adjacent properties shall be so adapted as to achieve a reasonable resistance to airborne sound and heat transference as far as is practical having regard to existing construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to construction of above ground works.

(ii) The development shall be constructed in full accordance with details approved under part (i) before the use hereby permitted commences and shall be permanently retained thereafter.

Reason: In order to comply with Policies 37 and 119 of the Bromley Local Plan and to ensure a satisfactory standard of amenity for adjacent properties

11 Details of the means of privacy screening for the upper level external 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 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.

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

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

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

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

13 (a) Notwithstanding the details hereby approved, no above ground works shall commence until detailed plans at a scale of 1:20 showing the shopfront indicated on drawing G686 1105 Rev A has been 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 that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 37 and 41 of the Bromley Local Plan.

- 14** (a) Details of arrangements for bicycle parking for 12 cycle spaces to be accommodated in the internal storage room 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.

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

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

- 16** No plumbing, pipes or other services other than those shown on the approved drawings shall be located on the exterior of the building(s)

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the architectural interest of the building.

- 17** The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved 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 in respect of residential and visual amenity impact.

- 18** 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

- 19** No structure, plant, equipment or machinery shall be placed erected or installed on or above the roof or on external walls without the prior approval 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.

- 20 The flat roof areas of the building and flat roof indicated over the ground floor retail unit shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

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

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

Reasons: To minimise the effect of the development on local air quality within an Air Quality Management Area and to comply with Policy 120 of the Bromley Local Plan and 7.14 of the London Plan.

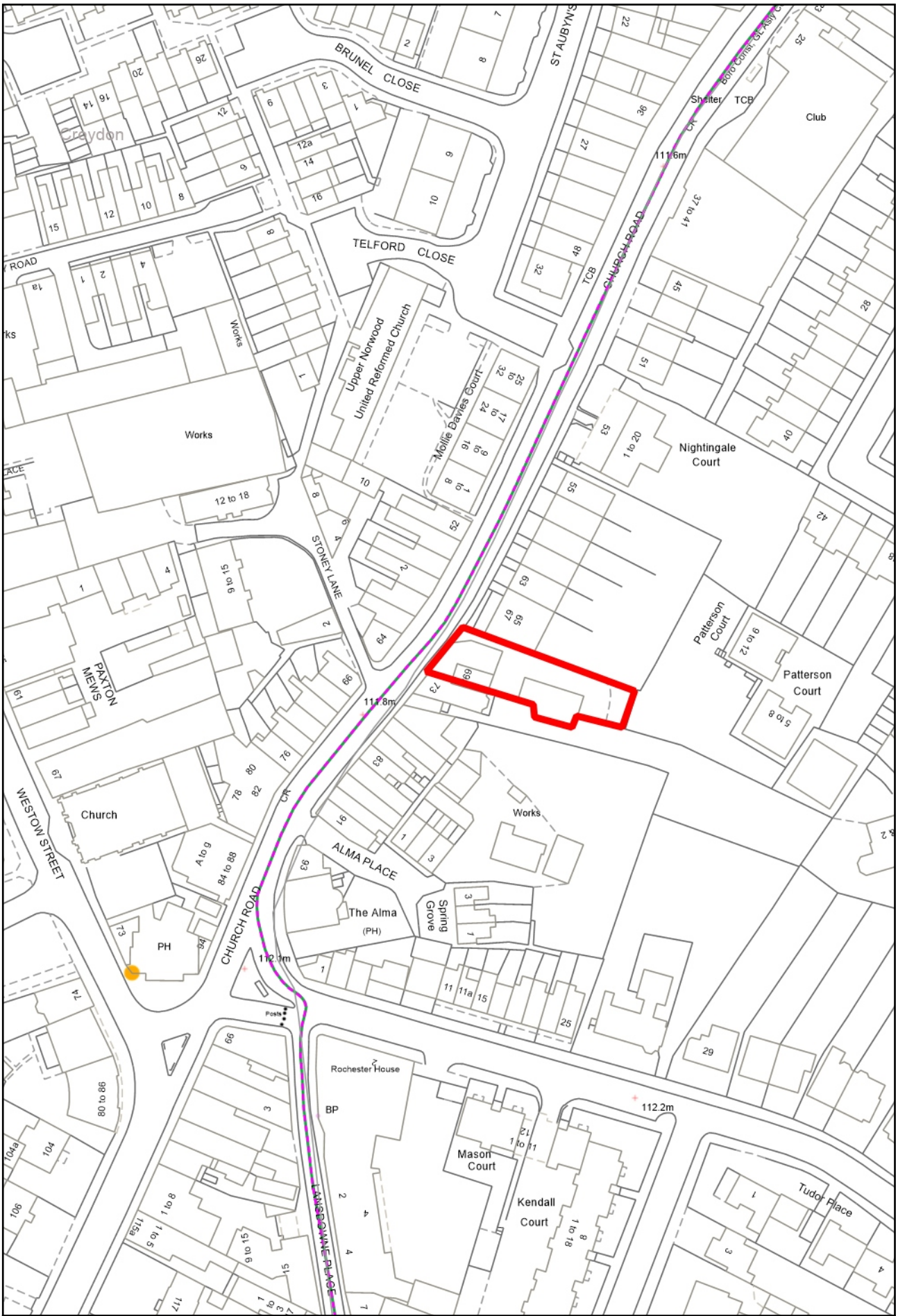
You are further informed that :

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 4 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify


Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.

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

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

Application No : 19/03652/FULL1

Ward:
Bickley

Address : Wootton Bullers Wood Drive
Chislehurst BR7 5LS

Objections: Yes

OS Grid Ref: E: 542564 N: 170111

Applicant : Mr L Bonds

Description of Development:

Demolition of Wootton and erection of 2 semi-detached four bedroom houses with associated car parking.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 10

Proposal

Planning permission is sought for the demolition of existing dwelling and erection of 2 x detached 4 bedroom dwellings with associated car parking at front.

The proposed dwellings will have a total width of 7.5m each and a depth of 16.2m. The roofs of each house will be pitched with a total height of 7.9m. The dwellings will be provided with access via the existing crossovers with car parking provision in front of the houses. A side space of 1.0m to the northern flank boundary and 4.0m to the southern flank boundary will be provided. Each house will have a flat roofed small rear dormer within the roof and a single storey rear section with pitched roof that will be sited at the lower land level and providing access to the garden with associated terrace and steps.

The application is submitted supported by a Design and Access Statement.

Location

The application site is located on the northern side of Bullers Wood Drive and comprises a detached single storey dwelling. The wider area is characterised by spacious housing and the site is bound by the railway to the north. The site has no particular planning constraints or designations.

Comments from Local Residents and Groups

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

Objection:

- Parking issues created by the increase in demand
- Inadequate on-site parking provision
- Unsuitable site access from highway
- Remedial works should be undertaken to road by developers
- Impact on and damage to utilities
- Visual impact
- Cramped form of development for the site and poor design
- Unsuitable increase in residential density
- Impacts on neighbouring amenity including overlooking and lack of privacy

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

Comments from Consultees

Drainage Officer: Please impose condition PC06.

Highways Officer: The highway aspects of the proposal are similar to the previous applications. Bullers Wood Drive has mixed status and part of the site has a frontage to the adopted highway but mostly to the unadopted highway. If changes are need to the access from the adopted highway the applicant will need to contact Highways. Any works in the unadopted section of the road should be agreed with the Bullers Wood Drive Trustees who act as the Street Managers. The red line plan does not include the verge / footway in front of the front boundary wall which appears to be correct and this area should not be included within the site. Each proposed property is shown with parking for 2 vehicles on the frontage. Standards conditions are recommended.

Environmental Health (Pollution) Officer: A standard informative is recommended.

Network Rail: 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 (2016)

- 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
- 5.13 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
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- Policy 1 - Housing Supply
- Policy 4 - Housing Design
- Policy 8 - Side Space
- Policy 30 - Parking
- Policy 32 - Road Safety
- Policy 33 - Access For All

Policy 37 - General Design of Development
Policy 73 - Development and Trees
Policy 119 - Noise Pollution

Additional Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance
The National Planning Policy Framework (NPPF)
The Mayor's Housing Supplementary Planning Guidance (March 2016)
DCLG Technical Housing Standards (March 2015)
National Design Guide (September 2019)

Planning History

Planning permission was refused under ref. 05/04023 for demolition of existing bungalow and garages and erection of 2 two storey four bedroom detached houses with integral garages. The refusal grounds were as follows:

'By reason of size, design and proximity to the southern boundary of the site, the development will have an unacceptable impact on the amenities of the residents of 1 Bruton Close and as such would be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (Sept 2002).

The development would result in a cramped form of development that would be seriously out of character with the surrounding pattern of development and as such would be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (Sept 2002).'

Planning permission was refused under ref. 06/00534 for demolition of existing building and erection of 2 two storey four bedroom detached houses with integral garages. The refusal grounds were as follows:

'The proposed dwellings, by reason of their size, design and close proximity to the side boundaries, would result in a cramped form of development, out of character with the surrounding pattern of development and thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002).

By reason of its size, design and close proximity to the southern boundary of the site, the development would have a seriously detrimental impact on the amenities of the occupiers of No.1 Bruton Close through loss of outlook, thereby contrary to Policies H.2 and E.1 of the adopted Unitary

Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002).'

The application was subsequently dismissed at appeal. The Inspector stating that the provision of two houses on the site would appear squeezed relative to the wider plots prevalent in the area. The Inspector also stated that the development would have a harmful impact on the amenities of No. 1 Bruton Close.

Planning permission was refused under ref. 06/041745 for partial demolition of bungalow and existing garages and erection of 1 three bedroom detached two storey house with car parking area. The refusal grounds were as follows:

'The proposed dwelling, by reason of its size, design and close proximity to the side boundaries, would result in a cramped form of development, out of character with the surrounding pattern of development, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

By reason of its size, height and close proximity to the southern boundary of the site, the development would have a seriously detrimental impact on the amenities of the occupiers of No. 1 Bruton Close through loss of outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.'

Planning permission was refused under ref. 13/01790 for demolition of existing dwelling and erection of 2 semi-detached two storey dwellings with associated garages. The refusal grounds were as follows:

'The development would constitute a cramped form of development that would be seriously out of character with the surrounding pattern of development and would result in a retrograde lowering of the spatial standards to which the area is currently developed, contrary to Policies BE1 and H7 of the adopted Unitary Development Plan.'

The application was subsequently allowed on appeal. The Inspector states:

'The proposal would comprise a pair of two storey semi-detached dwellings with accommodation within the roof slope. The design of the dwellings, with one entrance to the front elevation and one to the side, aims to give the appearance of a single dwelling when viewed from the street. Their massing, building footprint and design would broadly reflect that of a previous permission to extend the existing dwelling (ref DC/07/01788/FULL6), while the ridge height would be slightly lower.

The parties dispute whether semi-detached properties are characteristic of the surrounding area. Whilst the appeal plot is relatively narrow at the road frontage, properties in the vicinity tend to cover most of the plot width, with only narrow gaps remaining to the sides of each dwelling. This means that the appearance of the dwellings would be broadly compatible with the prevailing character of the area. Moreover, at the time of my site visit there were two vehicles parked within the front curtilage adjacent to each access. This layout would be retained if the appeal were allowed, as the two existing

vehicle accesses would remain, and would ensure that the existing character of the area is maintained.

Concerns were raised by neighbours that the dwelling would be a three storey property and would dominate the street scene, but the second floor accommodation would be contained within the roof slope with three modest rear dormers, and thus would appear as a two storey dwelling from the street. The ridge height would be slightly higher than No 1 Bullers Wood Drive and slightly lower than No 1 Bruton Close and would not therefore be overly dominant when viewed from the surrounding area.'

Planning permission was granted under ref. 15/04612 for demolition of existing dwelling and erection of 2 semi-detached two storey dwellings with associated garages. (Amendments to permission allowed on appeal under ref: 13/01790.)

Planning permission was refused under ref. 16/03427/FULL1 for demolition of existing dwelling and erection of 2 x detached 4 bedroom dwellings with associated car parking at front. The refusal grounds were as follows:

'The development would constitute a cramped form of development that would be seriously out of character with the surrounding pattern of development and would result in a retrograde lowering of the spatial standards to which the area is currently developed, contrary to Policies BE1 and H7 of the adopted Unitary Development Plan.'

Planning permission was refused under ref. 17/05535 for demolition of No. 1, Bullers Wood Drive and Wootton, Bullers Wood Drive and erection of 2 pairs of semi-detached houses providing 4 no. 4/5 bedroom properties with integrated garages and associated car parking

The grounds of refusal were as follows:

'The proposed dwellings would, by reason of their scale, massing and bulk, be overbearing and out of character with the streetscene, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, draft Policies 3, 4 and 37 of the Emerging Local Plan, and Policies 7.4 and 7.6 of the London Plan.'

The application was subsequently allowed on appeal.

Conclusion

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

- Resubmission
- Principle of development
- Density
- Design

- Standard of accommodation for future occupiers
- Neighbouring amenities
- Highways
- Flood Risk

Resubmission

Following the allowing of appeal ref. 16/03427, the current proposal seeks permission to demolish only one dwelling (Wootton) and erect a pair of semi-detached dwellings similar to those permitted separately under ref. 15/04612, which has now expired. The pair of houses will not be provided with a side garage and will instead be provided with driveway parking. The houses will have a hipped roof with a single storey rear extension that will provide access out onto the lower level rear garden.

Principle of Development

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing Housing Supply, Policy 3.4 Optimising Housing Potential and Policy 3.8 Housing Choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

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

The NPPF sets out in Paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The NPPF at paragraphs 117-121 also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land. Policy 3 of the Bromley Local Plan reflects this guidance and states that new residential development will only be considered acceptable on backland or garden land where there is no unacceptable impact on character and loss of amenity space.

Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of;

- o density;
- o a mix of housing types and sizes, or provision of house types to address a local shortage;

- o the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas;
- o provision of off street parking;
- o the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and
- o security and crime prevention measures are included in the design and layout of buildings and public areas.

Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of 2 dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

The proposal would sub-divided the plot into two smaller ones to provide a pair of detached dwellings. The site has a lengthy planning history which set a precedent for a pair of semi-detached dwellings on the site, allowed on appeal under ref. 13/01790 and subsequently under refs. 15/04612 and 16/03427. The Inspector took the view that the semi-detached appearance gave the development a bulk and form reflective of the wide plots of the surrounding area, which comprises

mainly large detached two storey residential dwellings. A previous appeal dismissal for two detached houses (ref. 06/00534) also references the prevailing character of the area and the resulting narrow plots that would be created by the provision of two detached houses at the site was considered to be out of character with the area.

In light of the planning history and the two appeal decisions, it is considered that the erection of a pair of semi-detached houses would be acceptable at the site in principle.

Design

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

Policies 4 and 37 of the Local Plan set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy 8 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

Under ref. 13/01790, the Inspector regarded the properties in the vicinity tend to cover most of the plot width, with only narrow gaps remaining to the sides of each dwelling. This means that the appearance of the dwellings would be broadly compatible with the prevailing character of the area. The Inspector also concluded that the roof heights would be comparable to the surrounding dwellings and therefore roof accommodation was not objected to.

Subsequent planning history reinforced this view, and it is considered that the erection of semi-detached dwellings at the site is acceptable in design terms. The current proposal includes a minimum 1.0m side space to the northern boundary and a 4.0m separation to the southern boundary. The overall roof height of 8.0m would also be comparable to the previously considered building heights and is in fact lower than the 8.75m permitted under ref. 16/03427.

In light of the established position and the similarities in height and bulk, it is considered that the design and layout of the development would not impact detrimentally on the character of the area, subject to suitable materials and finishes, which can be conditioned as appropriate. The alterations from the previous scheme include the removal of the side garage and the provision of a single storey rear element to both dwellings. The use of a gable roof design is also considered to be acceptable in design terms.

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 of the plan, and with public transport capacity. Table 3.2 (Sustainable Residential Quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 2 and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-80 dwellings per hectare. The proposed development would have a density of 22 dwellings per hectare. The proposed residential density would therefore be lower than the recommended threshold, however this should not be applied mechanistically and should take into account the prevailing character of an area. In this case it is considered that the spacious layout and form of residential development in the surrounding area would justify a density shortfall in order to preserve this established character.

Standard of Residential Accommodation

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

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

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

The Technical Housing Standards published by the Department for Communities and Local Government requires a Gross Internal Area of 130m² for a four bedroom eight person dwelling over three levels. The proposed dwellings will each have a GIA of 180m² and therefore would meet the minimum recommended London

Housing SPG unit standards guidance. Individual double bedrooms should have a minimum GIA of 11.5 square metres and single bedrooms a minimum GIA of 7.5 square metres. The submitted plans indicate compliance with the floor area and room width guidelines. Each dwelling will have at least one double bedroom with a minimum width of 2.75m and single bedrooms will have a width of 2.15m. The general layout of the four houses is considered to be acceptable.

The houses have been provided with private gardens, car parking spaces and vehicular access via Bullers Wood Drive. The standard of accommodation provided is acceptable for future occupants.

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 proposed dwelling closest to No. 1 Bruton Close will be sited 4.0m from the side boundary and will be sited on lower ground than No. 1 Bruton Close. This relationship is considered to be similar to the two storey siting of previously proposed pairs of dwellings at Wootton and it is considered that the development would not result in a significantly harmful impact on the amenities of this neighbouring house. To the opposite flank, the two storey dwellings will not project forwards or rearwards of the building line of Carola. This relationship is considered to be typical of a suburban area and acceptable on balance. The provision of single storey rear sections to both houses has the potential for further impact, however these are located centrally with a separation to both flank boundaries of the site. The single storey projection will also have a flat roof that slopes downwards to the lower garden land level and therefore the low bulk and position would not create a significant impact on the amenities of neighbouring houses. A small terrace will also be provided to the rear of each house, however It is considered that the platforms would not result in additional amenity impacts and due to the topography of the land and the degree of mutual overlooking of neighbouring gardens that naturally exists.

Highways

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

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should

be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

No objections are raised in regards to parking and highway safety at the site, given the extensive planning history at the site. Standard conditions and informatives are recommended.

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 proposal is not for major development, where carbon dioxide saving mechanisms are required, however it would offer the opportunity to incorporate energy efficient construction measures such as glazing, insulation, water supply features and renewable energy generating technology such as solar roof panels to reduce carbon dioxide emissions; provide cost savings to the occupants and improvements to the environment and the developer is encouraged to incorporate these features accordingly.

CIL

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

Conclusion

Having had regard to the above it was considered that the proposal is acceptable in that it would not result in any detrimental impact on the character of the area and would not impact on the amenities of neighbouring residential properties or highway safety.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate protection of the road can be secured in the interest of pedestrian and vehicular safety and to comply with Policy 32 of the Bromley Local Plan

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

(a) Dust mitigation and management measures.

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

(c) Measure to reduce demolition and construction noise

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

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

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

(iii) Measures to deal with safe pedestrian movement.

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

(v) Parking for operatives during construction period

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

(e) Hours of operation

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

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

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

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

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

- 8 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.

- 9 Before the development hereby permitted is first occupied the proposed window(s) in the first floor side elevations shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the 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.

- 10 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.

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

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

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

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

- 12 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

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

- 13 An acoustic assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The assessment shall determine the worst-case day time and night time ambient and background noise levels affecting this location and predict the internal noise levels in the proposed residential dwellings. A scheme of mitigation as necessary in light of the results of the assessment (covering facade, glazing and ventilation specifications to achieve suitable internal noise levels in line with guidance in BS8233:2014) shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development and once approved shall be installed fully in accordance with the approved scheme and permanently maintained thereafter.

Reason: In order to comply with Policies 37 and 119 of the Bromley Local Plan and in order to ensure the satisfactory standard of accommodation for 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

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

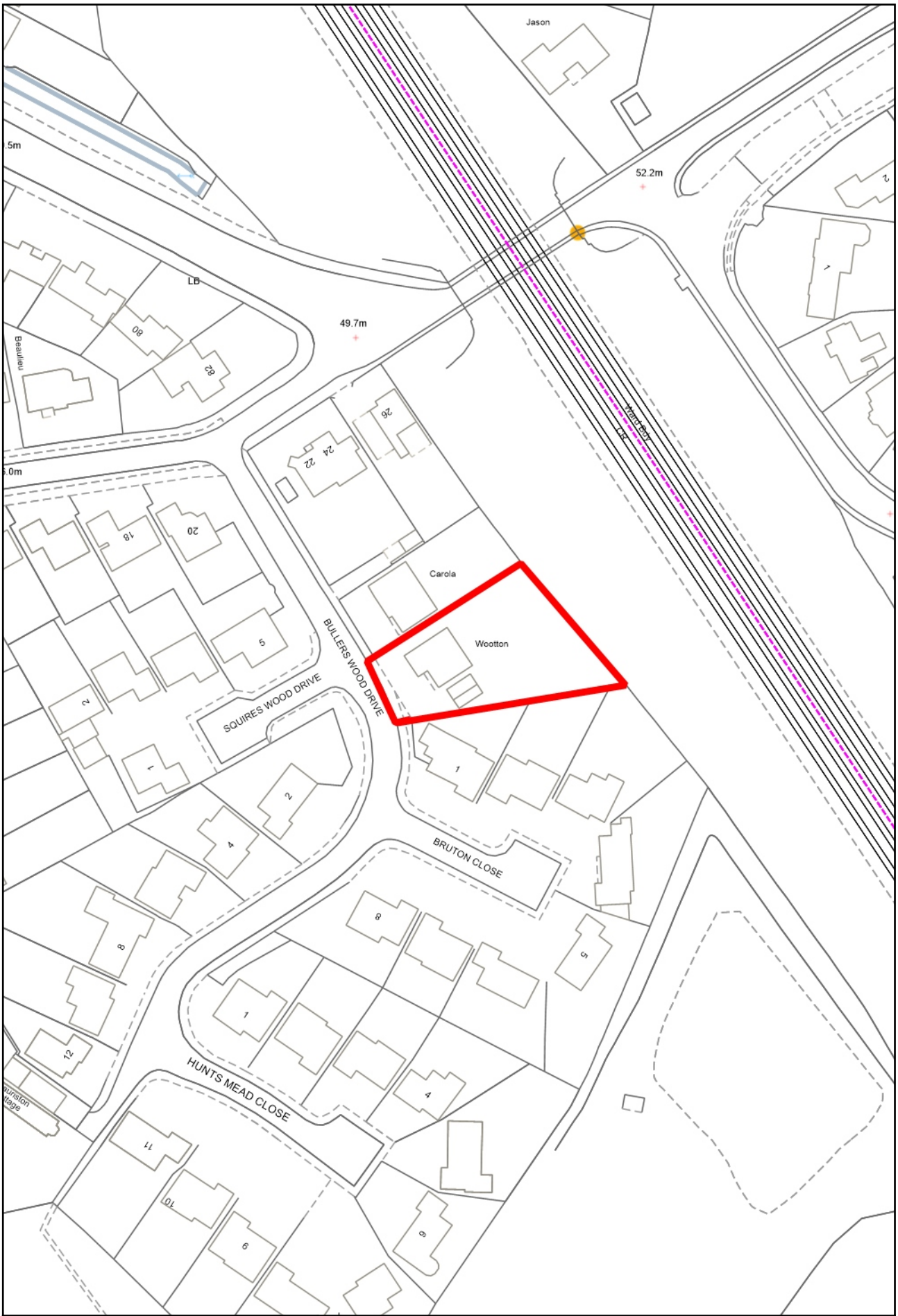
If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 3** The applicant is advised that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. The applicant should, therefore, also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Bullers Wood Drive is laid out. Any works in the unadopted section of the road should be agreed with the Bullers Wood Drive Trustees who act as the Street Managers.


- 4** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

- 5** You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email

address.management@bromley.gov.uk regarding Street Naming and Numbering.



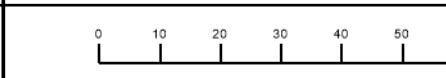
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