



THE LONDON BOROUGH  
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FAX: 020 8290 0608 DATE: 13 May 2020

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Alexa Michael (Chairman)  
Councillor Yvonne Bear (Vice-Chairman)  
Councillors Vanessa Allen, Katy Boughey, Mark Brock, Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris, William Huntington-Thresher, Charles Joel, Russell Mellor, Tony Owen, Angela Page, Richard Scoates, Melanie Stevens and Michael Turner

(Subject to appointment at the annual meeting of the Council.)

A meeting of the Development Control Committee will be held on **THURSDAY 21 MAY 2020 AT 6.30 PM**

**PLEASE NOTE:** This will be a ‘virtual meeting’, and a link will be available on the Council website to enable members of the press and public to see and hear the Committee. The link will be published before the start of the meeting.

MARK BOWEN  
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8461 7566**.

## A G E N D A

- 1      **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2      **DECLARATIONS OF INTEREST**

**3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on Friday 15 May 2020**.

**4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 MARCH 2020**

(Pages 1 - 14)

**5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

*(There are no matters outstanding from previous Minutes.)*

**6 PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE,**

**24 MOTTINGHAM ROAD, MOTTINGHAM, LONDON SE9 4QW** (Pages 15 - 66)

**7 PLANNING APPLICATION (19/03545/FULL1) - OLD TOWN HALL, 30 TWEEDY ROAD, BROMLEY BR1 3FE** (Pages 67 - 128)

**8 PLANNING APPLICATION (19/03546/LBC) - OLD TOWN HALL, 30 TWEEDY ROAD, BROMLEY BR1 3FE** (Pages 129 - 132)

**9 PLANNING APPLICATION (19/03620/FULL1) - WELLS HOUSE, 15-17 ELMFIELD ROAD, BROMLEY BR1 1LS** (Pages 133 - 164)

**10 PLANNING APPLICATION (19/04439/FULL1) - LUBBOCK HOUSE, 1 NORTHLOME RISE, ORPINGTON BR6 9RF** (Pages 165 - 214)

**11 DELEGATED ENFORCEMENT ACTION JANUARY TO MARCH 2020**  
(Pages 215 - 218)

**12 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS IN BROMLEY'S OFFICE CLUSTERS** (Pages 219 - 232)

**13 LAND AT NEW YEARS LANE, KNOCKHOLT - ARTICLE 4 DIRECTION**  
(Pages 233 - 240)

**14 HOMES IN MULTIPLE OCCUPATION** (Pages 241 - 254)

# Agenda Item 4

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 18 March 2020

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Yvonne Bear (Vice-Chairman)  
Councillors Vanessa Allen, Nicholas Bennett MA J.P.,  
Katy Boughey, Kevin Brooks, Peter Dean, Christine Harris,  
William Huntington-Thresher, Russell Mellor, Richard Scoates,  
Kieran Terry and Michael Turner

### Also Present:

Councillors Ian Dunn and Peter Fortune

## **61 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillors Brock, Fawthrop, Joel, Page, Owen, and Melanie Stevens. Councillors Bennett and Terry attended as respective substitutes for Councillors Joel and Page.

## **62 DECLARATIONS OF INTEREST**

Councillor Dean declared a non-pecuniary interest as a social member of the National Westminster Sports Ground.

Councillor Scoates declared a non-pecuniary interest as an employee of the National Westminster Group.

## **63 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

## **64 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JANUARY 2020**

**RESOLVED** that the minutes of the meeting held on 28 January 2020, be confirmed and signed as a correct record.

**65 MATTERS OUTSTANDING FROM PREVIOUS MINUTES**  
**Report CSD20050**

The Committee noted that all actions outstanding from previous meetings had been completed.

Members noted the letter from the Secretary of State to the London Mayor (concerning the intent to publish a version of the London Plan and a number of directions the Secretary of State wanted the London Mayor to take) which had been circulated under separate cover.

**CURTAILMENT OF THE AGENDA**

The Chairman reported that, in view of the Coronavirus, it had been suggested that the meeting be kept as short as possible and that only the planning applications be considered with any other items dealt with under delegation.

In accordance with the rules of procedure Councillor Dean moved that the Committee only considered the planning applications on the agenda and curtail the agenda to be considered by Planning Officers under delegation.

The motion was seconded by Councillor Bennett put to the vote and unanimously CARRIED.

**66 PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE,  
MOTTINGHAM ROAD, MOTTINGHAM SE9 4QW (MOTTINGHAM  
AND CHISLEHURST NORTH WARD)**

Description of application - Full planning permission for the demolition of the existing public house and erection of an A1 retail food store, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.

The Chairman noted that a number of additional papers had been tabled for consideration by the Committee.

Oral representations from the applicant in support of the application included the following points:-

- The site had been the subject of a previous Lidl proposal in 2013 which was refused by the Council and dismissed at appeal in 2014. At that time the Planning Inspector accepted the important planning benefits that would be delivered by a food store on the site. It was concerns around highway safety that led to the dismissal of the appeal.
- The current planning application provided revised site access arrangements ensuring full visibility in both directions along Mottingham Road. The Council's Highways department approved the new design and raised no objection to the scheme.

- The proposed scheme therefore addressed all the concerns raised by the Planning Inspector in 2014.
- The applicant did not embark upon the decision to pursue a second application lightly. Time had been taken to explore alternative options to ensure that any new proposal was beneficial to the local community.
- The scheme had received support from local residents both prior to and during the application process. Almost 1500 residents had registered their support for the new proposals.
- Whilst it was clear that some local residents wished to see the site retained as a public house, the site had been marketed in 2016, with a 6 month period during which the community had the right to bid for the site. The site had also been the subject of open marketing since November 2018. No formal offers to return the site to its former pub use had come forward from local community groups or the open market. An independent report had confirmed that the site was no longer viable as a public house.
- It was not the case that the amendments to the footpath along Mottingham Road would endanger pedestrians. The footpath would be a standard width ensuring pedestrian access at all times.
- The proposal would have no impact on access to the library and would deliver benefits through improved crossing facilities along Mottingham Road.
- There were no adverse impacts associated with the development and no objections had been received from statutory consultees.
- The scheme would provide a range of benefits for the site and Mottingham as a whole, widening consumer choice, securing the redevelopment of a vacant brownfield site, creating up to 40 new jobs which would be available to the local community.
- The proposal was a sustainable form of development, accessible by foot and public transport.
- The application was in accordance with the Council's Development plan and there were no outstanding planning reasons why the current planning application should not be approved.

In response to questions raised by Councillor Huntington-Thresher, the applicant confirmed that the scheme achieved a 35% reduction in emissions and the applicant had done all it could to comply with the draft London Local Plan and achieve a sustainable development. Parking would be managed by an Automatic Number Plate Recognition system with vehicles being tracked on entry and exit to the car park. It was felt that the 90 minutes allowed would enable ample time to shop in the store and also visit shops in the vicinity. The 90 minute restriction had been included to prevent abuse of the car park.

In response to questions raised by Councillor Bennett, the applicant confirmed that the scheme had been tracked to enable an articulated lorry of up to 16.5m to be able to successfully and safely deliver to the site. The direction of access by service delivery lorries could be covered by one of the existing proposed conditions covering the service delivery strategy. Customer access

to the site would be from both directions – turning right across Mottingham Road and coming from the Eltham direction and turning left into the site.

In response to a question raised by Councillor Terry, the applicant reported that the proposed design for this store was not in line with the standard specification for Lidl stores but was more in-keeping with the surrounding area. It would be a new building built to up-to-date energy standards and therefore used modern, more sustainable materials which would look more modern compared to the surrounding period properties. The applicant highlighted that the fundamental element of the design of the building had been found to be acceptable by Planning Officers and were found to be acceptable by the planning Inspector in 2014.

In response to a question raised by Councillor Harris, the applicant confirmed that an agent who specialised in pub properties had been appointed to market the site. The site had been advertised in various pub commercial journals and publications. A marketing board was placed on site and there had been advertising on various social media outlets.

Oral representations (attached at Annex A) from local ward councillor, Councillor David Cartwright, raised the following issues

- Main traffic and road safety issues included: the width of the road and road markings, speed and density of traffic, and lack of local parking.
- Local ward councillors questioned the need for such a food store.
- The previous application, submitted over 6 years previously, was refused by the Council and the subsequent appeal was dismissed by the Planning inspector who cited significant road safety concerns. In the opinion of local ward councillors and local Mottingham residents, the road safety concerns identified with the previous application had not been addressed in the current application.
- The site was situated within a couple of meters of a busy roundabout with heavy traffic volumes, fast traffic speeds, and was a known ‘hotspot’ for road traffic accidents.
- The width of the road through the village was restricted with significant differing pavements widths.
- Roads leading to and including Mottingham Road were used daily as a cut through by local traffic trying to avoid the busy A20 which ran parallel. This caused significant traffic problems in the village during morning and evening rush hour with the close proximity of local schools exacerbating the problem.
- In terms of road safety, only two adjustments had been made to the 2013 scheme which had been refused. However, it was felt that these adjustments did not address the significant road safety concerns.
- The loss of a 6.6m street lamp which ensured full illumination of the refuge and roundabout was a serious road safety issue and had not been addressed in the report and was misrepresented in the artists impression of the development.

- The proposed realignment of the pavement could impact on local mains utilities which were sited under the pavement and at a depth less than normal. This could cause significant damage and disruption to the local area. This was drawn to the attention of Planners but had not been addressed in the report.
- There was little evidence that detailed consideration had been given to parking. The 33 parking spaces provided (10 of which were allocated to disable drivers or parents with children) were inadequate for such as store and as a result the proposed parking restrictions would need to be strengthened to prevent indiscriminate parking.
- The proposal would have an adverse effect on the quality of life of residence living in the vicinity of the proposed store.
- The issues that had been raised were material and required detailed consideration.

[During Councillor Cartwright's presentation to the Committee the Director of Corporate Services highlighted to the Committee that whilst the time restrictions of three minutes imposed on public speakers were not applicable to ward councillors addressing the Committee, however Members were reminded that the usual speaking time without leave of the meeting was 5 minutes for Members for any presentation in any forum]

Oral representations from local ward councillor, Councillor Will Rowlands, raised the following issues

- Local ward councillors were disappointed with the handling of the application when it was due to be handled at the last meeting in January. The quality of the report was so poor that the application had to be withdrawn from the agenda.
- The proposed development was in contravention of both the Bromley Local Plan and the London Local Plan, specifically policies 20 and 23.
- The scheme would result in the loss of a community facility and no proposals had been put forward to replace the community facility of the public house, a key community facility until its closure.
- Surrounding properties would be affected by light pollution from the six 6m light columns that were proposed for installation in the car park.
- Other proposals for development had been put forward, including a small housing development with social housing and a micro pub.
- The Committee should remain consistent with the policy and objectives set out in the Local Plan.

Oral representations from local MP, Sir Bob Neill, raised the following issues

- The involvement of the local MP reflects the volume and level of concern raised by local residents which was far beyond the norm.
- This site had previously been registered as an asset of community value and the current application made no attempt to replace the community meeting facility or broader social benefit that would be lost.

- Consideration needed to be given to whether the previous marketing of the site had been adequate.
- For these reasons and the reasons set out by local ward councillors the application should be refused.

The Assistant Director of Planning summarised the report in a brief presentation to the Committee which included the following

- The report summarised the rationale behind the recommendation.
- The primary consideration was the previous appeal decision in 2014 for an almost identical proposal by the same applicant. The only issue the Planning Inspector had found relevant in the dismissal of that appeal was the access arrangements for the site. In that case in 2014 the Highway Authority had objected to the application.
- The proposed access arrangements were now found technically acceptable to the Highway Authority.
- There were no highway reasons to refuse the application and Highways Officers would not be able to support a refusal at appeal.
- Local concern about the application was fully appreciated but further grounds for refusal were unlikely to be able to be supported by Officers at appeal.
- The Local and Policy circumstances had not significantly changed since the previous appeal and any ground of refusal revisiting any of the matters previously considered to be acceptable ran the risk of the Council losing any subsequent appeal and a potential award of costs.

In noting the introduction from the Assistant Director, Councillor Huntington-Thresher considered that one material difference was that the London Plan had moved forward. In July Bromley Council had resolved to be carbon neutral for its own direct activities by 2029. The draft London Plan was a material consideration and Policy S 12 – minimising greenhouse emissions – was consistent with London Plan to be carbon neutral by 2050. The store would be there for some considerable time and Councillor Huntington-Thresher did not feel that the scheme was ambitious enough in terms of carbon reduction and instead the proposals should aim to meet new carbon reduction targets. Whilst it was not impossible for Lidl to meet the revised targets, Councillor Huntington-Thresher, felt that there should be an opportunity for the scheme to meet the new targets. On that basis Councillor Huntington-Thresher moved deferral on the grounds of providing the applicant with the opportunity to return with a detailed strategy setting out how the zero carbon target could be met within the energy framework to be in compliance with Policy S.12.

Councillor Terry understood both the concerns around the marketing of the pub which represented a material planning consideration and the concerns raised in relation to road safety and there were still some outstanding issues that required full consideration and if the Committee did resolve to defer the application these issues should also be given further consideration. In respect of the marketing, the Assistant Director of Planning confirmed that

Officers considered that the policy requirements had been met in this case. The Assistant Director of Planning further confirmed that the Highways Authority had found the scheme acceptable.

Councillor Bennett noted that the pub had been closed for 7 years and in that time no progress had been made. There had been the opportunity to purchase the site as a community asset and this was not advance. In Councillor Bennett's issue the only issue the Committee could decide was on the question of highways and traffic and from the evidence heard any of the issues could be addressed through conditions to the planning application. If the Committee failed to make a decision the Council could be at risk of losing an appeal as a result of non-determination. On that basis Councillor Bennett moved that the application was approved.

Councillor Boughey noted the presentations and endorsed the comments by Councillor Terry. As highways issues were possibly the only grounds on which the application could be refused the Committee needed to be very sure of its reasons for refusing the application on these grounds. If the application was going to be deferred on the basis of the carbon reduction issue the opportunity should also be taken to look specifically at the points raised by local ward Councillor Cartwright – i.e. access arrangements for the articulated lorries and the issue of the street lamp.

Councillor Allen noted that some of the conditions that had been raised, such as the traffic light, could be dealt with by conditions. It was difficult to classify the building as a community facility when it had been empty for 6 years with no one seeking to do anything with it. In relation to car parking, the proposed arrangements were the same as in most other supermarkets. Councillor Allen felt that there were limited planning reasons to refuse the application and on that basis was happy to second the motion to approve the application moved by Councillor Bennett.

The motion for deferral, moved by Councillor Huntington-Thresher and Seconded by Councillor Boughey was put to the vote and CARRIED.  
(Consequently the motion moved by Councillor Bennett and seconded by Councillor Allen fell)

Having considered the report, objections and representations, Members **RESOLVED that the application be DEFERRED** without prejudice to any future consideration to enable further consideration of the following issues:

- Carbon reduction
- Outstanding road safety issues
- Marketing of the property.

**67 PLANNING APPLICATION (19/04644/FULL1) - NATIONAL  
WESTMINSTER SPORTS GROUND, COPERS COPE ROAD,  
BECKENHAM BR3 1NZ**

Description of application – Erection of a covered full-size football pitch, creation of an artificial full-size pitch with floodlighting, and regarding of the

site to create a full-size show pitch with spectator seating and six training pitches (two full-size, two  $\frac{3}{4}$  size and two half size). External alterations and lobby and link extensions to the existing buildings. Installation of maintenance/store sheds, water tanks and under-pitch infrastructure. Associated highway and landscaping works.

Oral representations from the Chairman of North Copers' Cope Road Action Group in objection to the application included the following points:-

- The proposed indoor pitch building was huge and could not be justified within Metropolitan Open Land.
- The requirements for Category 1 and Category 2 academies were exactly the same as far as the indoor pitch size was concerned – Crystal Palace was currently Category 2 but it could equally be category 1. The size of the building would not influence Crystal Palace's chance of being promoted in the category stage.
- The new development rules required a pitch to be a minimum of 55m x 35m – more or less the size of the current pitch being used at the national sports centre.
- There needs to be very special circumstances to erect any building on Metropolitan Open Land (MOL). Youth development rules may constitute very special circumstances if the new building met the minimum requirements laid down by the rules. However the significant harm caused to the openness of the MOL by the much larger building proposed would undermine or even eliminate these very special circumstances.
- The proposed building would enclose a full-sized pitch. However it was emphasised that a full-sized pitch was not a requirement but instead a recommendation. The proposed pitch of 160m x 81m was four times bigger than that required by the rules. The planning harm caused by the much larger pitch undermined the very special circumstances. The site in question was small and relatively open. Consequently any building would have an enormous impact.
- The building proposed by Crystal Palace was larger than any other Category 1 academy in the country.
- Fulham FC had reduced the height of their building in response to local concerns.

Oral representations from the Chairman of the Club in support of the application included the following points

- The aim was to create a Category 1 elite academy for up to 200 boys at any one time who received not only a football education but also mentoring and supervision – taking them through GCSEs and A-Levels.
- The club was the focal point of all the clubs in the area and as a result kept a lot of young men active, off the streets and learning about the benefits of team work.

- A great deal of effort had gone into identifying a site. The proposed site was very near the first team training ground. Efforts had been made to make the proposed design palatable to everyone in the area. The scheme primarily utilised existing buildings. The proposal did include a large indoor pitch but this was recommended by the Premier League and it was likely that a full-size indoor pitch would be a requirement in the future. Whilst a full-size pitch was a benefit to the boys using the facility it would also be a benefit to the local community with the site being made available to schools, colleges and community groups out of hours.
- The current site was run down with poor security and these issues would be solved with the new site which would deliver a beneficial scheme for the community with better security and landscaping – delivering a scheme of which the local community could be proud.

In expressing support for the proposal, Councillor Bennett – as Design and Heritage Champion – questioned the extent to which the Edwardian façade of the pavilion would be retained. The applicant explained that the pavilion would be a focal point for the community of the academy and whilst the fundamental shape would be retained there would be some modernisation although this would not result in a significant impact on the overall look and feel of the building.

Councillor Harris noted that the Member site visit had provided good insight. In response to questions from Councillor Harris the applicant stated that he believed the scheme would deliver a genuine improvement for residents in term of traffic, impact of flood lighting, noise, and daytime deliveries. There would be a full-time security presence at the site and whilst there would be some deliveries it was anticipated that there would be far less than the traffic flow in and out of the current site. The vast majority of the boys visiting the site would be using public transport and other visitors to the site would be encouraged to use sustainable travel. The highways authority had given their support to the scheme.

Councillor Huntington-Thresher noted that there had been some concerns from residents regarding the height of the building and sought justification for the proposed design. In response, the applicant explained that the Club had looked at the other full sized covered pitches that other Premier League Teams had delivered since 2012 and the proposed scheme replicated the standard design that was used. The reason the building was so high was to prevent the ball from hitting the roof. There were no columns within the space and the roof therefore included a peak for structural reasons.

The Assistant Director of Planning summarised the report in a brief presentation to the Committee which included the following

- The site was an existing sports ground and was MOL. The majority of the proposals did not constitute inappropriate development however, the indoor covered pitch was inappropriate and harmful to the MOL by

definition. Whilst not a requirement the size of pitch proposed was recommended by the Premier League.

- The report set out in detail why the application was recommended for approval.
- The Environment Agency had removed their objection and were now satisfied with the proposals.
- The Tree Officer remained content with the proposals and a Tree Preservation Order was being separately considered for the site and need not delay consideration of this application.
- The recommendation should also include an additional condition to include a buffer channel along the river and a noise condition relating to the proposed site plant.
- The proposal was considered to provide a positive sporting community facility which would protect the MOL into the future and was considered acceptable in all planning aspects.

In opening the debate, local ward member, Councillor Russell Mellor, explained that whilst he was not opposed to the recommendation although there were genuine concerns with several aspects of the application. The site was located in designated MOL also the intended use was permitted within the designation. The proposed building was too large and if allowed would be the largest in the Country. The destruction of an area covered by a Tree Preservation Order was a serious concern. The site proposal for 87 parking spaces, with 6 disabled bays, represented a net reduction of 35 spaces that existed presently. In the event of the minimum age of children attending falling below 9 would result in an increase in the number of cars accessing the site. Full details of the proposals for floodlighting needed to be submitted to ensure that there was no detriment to local residents. Consequently, Councillor Mellor requested deferral for the points of concern to enable them to be addressed and corrected.

Councillor Terry felt it was an interesting application with a lot in its favour but also a few sticking points. What was proposed was a high quality facility that would support young people in the local area. The main sticking point for Councillor Terry was the new building on MOL however Councillor Terry did feel that very special circumstances existed to justify the development. Councillor Terry noted that TfL had suggested that the car parking should be reduced and it would therefore be difficult to refuse the application on highway grounds. Overall, Councillor Terry felt that it was a positive scheme that was exciting for the Borough. As such Councillor Terry moved that planning permission be granted as recommended.

Councillor Bennett seconded Councillor Terry's motion on four grounds: 1. The purpose of the proposals were positive – to help local young people, 2. There were special circumstances to justify development in the MOL, 3. The large size pitch future proofed the development, and 4. For structural reasons the building had to be the proposed high to cover the proposed pitch size.

Councillor Huntington-Thresher expressed disappointment that designers were not able to be more imaginative to try and enable a lower height

spanning the proposed area. However this was not sufficient reason not to welcome the proposal. Councillor Huntington-Thresher sought clarification concerning the s.106 contribution to achieve carbon zero targets and the Committee were informed that the proposed contribution was a one-off payment.

The motion to approve the application moved by Councillor Terry and seconded by Councillor Bennett was put to the vote and CARRIED.

Having considered the report, objections and representations, Members **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT AND REFERRAL TO THE MAYOR OF LONDON as recommended and subject to the conditions and informatics set out in the report of the Assistant Director (Planning).**

Councillor Mellor left the meeting at 9.03pm, at the conclusion of consideration of this item.

**68 PLANNING APPLICATION (18/05599/FULL1) - LAND REAR OF TESCO STORES, EDGINGTON WAY, SIDCUP (CRAY VALLEY EAST WARD)**

Description of application – Construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with access from Edginton Way, Sidcup and creation of access from the Fitzroy Business Park, car parking and associated works.

Oral representations from a neighbouring business owner in objection to the application included the following points

- Chancery Gate had perfectly good access and planning onto Edginton Way and there was no need to have access through the Fitzroy Estate.
- There were already issues with security and crime on the estate. A security gate, controlled by a key pad, secured the site when businesses were closed. The security gate would have to be removed and this would only result in higher levels of crime.
- There was insufficient parking and the proposed scheme removed three parking spaces.
- Sandy Lane, an already busy road, was unlikely to be able to cope with increased traffic flow.

Oral representations from the applicant's agent in support of the application included the following points

- Chancery Gate benefit from the same right of access for phase 2 of the development than the current occupiers of phase 1.

- Following deferral at the last meeting the applicant sought to provide as much clarification as possible regarding the concerns that had been raised.
- The proposed development would not cause a significant impact on the operation of the Fitzroy Business Park access onto Sandy Lane.
- Electric Vehicle charging points would be provided in excess of current requirements.
- Access arrangements had taken place with the owner of Fitzroy Business Park prior to the application being submitted.
- Application itself represents an opportunity to bring forward a site which had long been allocated for development.

In response to a question from Councillor Bear concerning security, the applicant's agent confirmed that an arrangement would be made with the owner of Fitzroy Business Park to provide secure access. The gate would remain in place and would close at 9pm with occupiers of the estate being given a code of the gate.

In response to a question from Councillor Huntington-Thresher regarding parking, the applicant's agent explained that they had been in discussion with TfL from the pre-application stage. When the Fitzroy Business Park was approved in 2005/06 there was no provision for parking as it was the logical way of accessing the site.

The Assistant Director of Planning summarised the report in a brief presentation to the Committee which included the following

- A similar application had recently been permitted where the primary difference was a single point of access.
- The primary matter for the Committee to consider following the previous deferral was the access arrangements.
- The highway authority had confirmed that it continued to raise no objection to the application.
- The issue of access rights was a private matter.
- Electric vehicle charging points were to be provided.
- Proposal was for a policy compliant use in a strategic industrial location.

In opening the discussion local ward member, Councillor Yvonne Bear, thanked officers for the additional work that had been completed prior to the previous deferral. Councillor Bear reported that residents and ward councillors remained concerned about the effects of the proposals on Sandy Lane and its ability to cope with the additional traffic.

Councillor Terry queried whether a condition could be added requesting that the gates open and close at certain times. In response the Assistant Director for Planning confirmed that the location of the gates, and the Fitzroy Business Park were not within the application site and consequently it would not be possible to impose a condition requiring them to be retained.

Councillor Bennett moved that planning permission be granted in line with officer recommendations. The motion was seconded by Councillor Dean, put to the vote and CARRIED. (Councillor Bear abstained from the vote)

Having considered the report, objections and representations, Members **RESOLVED that PERMISSION BE GRANTED as recommended and subject to the conditions and informatives set out in the report of the Assistant Director (Planning).**

**69 PLANNING APPLICATION (05/01919/HAZREV) - B G TRANSCO SITE, SEVENOAKS WAY, ORPINGTON (CRAY VALLEY WEST WARD)**

Description of application – Discontinued storage of natural gas (Hazardous Substances Consent Revocation application).

Councillor Michael moved from the Chair that consent be revoked, subject to confirmation that the site operator will not claim compensation and subject to referral to the Secretary of State. The motion was seconded by Councillor Terry, put to the vote and unanimously CARRIED.

Having considered the report, objections and representations, Members **RESOLVED that CONSENT BE REVOKED, subject to confirmation that the site operator will not claim compensation and subject to referral to the Secretary of State.**

**70 BECKENHAM TOWN CENTRE CONSERVATION AREA APPRAISAL**

This item was deferred to be considered under a future meeting of the DCC.

**71 TOWN CENTRE PLANNING POLICY STRATEGY: BROMLEY AND ORPINGTON**

This item was deferred to be considered under a future meeting of the DCC.

**72 FIRST HOMES CONSULTATION - SUMMARY AND KEY IMPLICATIONS**

This item was deferred to be considered under a future meeting of the DCC.

**73 AUTHORITY MONITORING REPORT 2017/18 AND HOUSING STATISTICAL UPDATE**

This item was deferred to be considered under a future meeting of the DCC.

**74 APPEAL DECISIONS - MAJOR APPLICATIONS**

This item was deferred to be considered under a future meeting of the DCC.

**75 PLANNING SERVICE IMPROVEMENTS**

This item was deferred to be considered under a future meeting of the DCC.

**76 COUNCILLOR PLANNING APPLICATION 'CALL-INS'**

This item was deferred to be considered under a future meeting of the DCC.

The meeting ended at 9.24 pm

Chairman

# Agenda Item 6

<b>Committee Date</b>	21/05/2020	
<b>Address</b>	The Porcupine, 24 Mottingham Road, Mottingham, London, SE9 4QW	
<b>Application number</b>	19/01670	<b>Officer</b> Jessica Lai
<b>Ward</b>	Mottingham and Chislehurst North	
<b>Proposal</b>	Full planning permission for the demolition of the existing public house and erection of an A1 retail foodstore, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.	
<b>Applicant</b>	<b>Agent</b>  Lidl Great Britain	Ms Laura Beech
C/O Agent		
<b>Reason for referral to committee</b>	Call-in	<b>Councillor call in</b>
		Yes

<b>RECOMMENDATION</b>	<b>PERMISSION SUBJECT TO THE PRIOR COMPLETION OF LEGAL AGREEMENT</b>
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<b>KEY DESIGNATIONS</b>	
Biggin Hill Safeguarding Area	
London City Airport Safeguarding	
Open Space Deficiency	
Smoke Control SCA 28	
Mottingham Local Centre	

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Class AA – Drinking establishments with expanded food provision	Total floor area: 620
Proposed	Class A1 – Retail	Retail floor area: 749 Total floor area: 1,380

<b>Vehicle parking</b>	Existing number of spaces	Proposed number of spaces	Difference in spaces (+ or -)
Standard car spaces	16	33 (Total including disabled and parent and children priority spaces)	+17
Disabled car spaces	0	2	+ 2
Parent and children priority spaces	0	2	+ 2
Cycle	0	26	+26

<b>Representation summary</b>	298 neighbouring properties were consulted on the 5 <sup>th</sup> June 2019. A site notice was placed at the site and the proposal was advertised in the press dated the 19 <sup>th</sup> June 2019.
Total number of responses	307
Number in support	57
Number of objections	248
Number of comment	2

## **REPORT UPDATE**

This application was deferred without prejudice by Members of the Development Control Committee at the meeting held on the 18<sup>th</sup> March 2020, for the following reasons:

1. Carbon reduction target in the draft London Plan;
2. Highway issues; and,
3. Marketing of the property.

The following additional documents have been received: -

- Covering letter dated 5<sup>th</sup> May 2020;
- Transport Note 03 (prepared by SCP Ltd; Dated April 2020); and,
- Correspondence between the applicant and the Porcupine Development Committee dated 16<sup>th</sup> June 2017.

Each point will be addressed in turn:

### **1. Carbon reduction target in the draft London Plan**

The Energy Assessment Guidance published by the GLA (October 2018) and Policy 5.2 of the London Plan set out the current planning policy requirements and developer's obligation in terms of carbon reduction targets associated to new development. For non-residential development, a proposal is required to achieve a 35 percent on-site reduction. This is in line with the Bromley Local Plan and has been consistent in assessing and determining all major non-residential development in the Borough. To date, major non-residential developments achieving a 35 percent on-site carbon reduction are considered acceptable.

Draft London Plan Policy SI 2 states major development should be net zero-carbon. This document remains un-adopted and the Secretary of State has issued a directive preventing the draft London Plan from being published without amendments. At present, there is no known timetable for the preparing and adoption of the required amendments to the draft London Plan. The Council's Planning Policy team has advised that the proposal would comply with the current policy requirements.

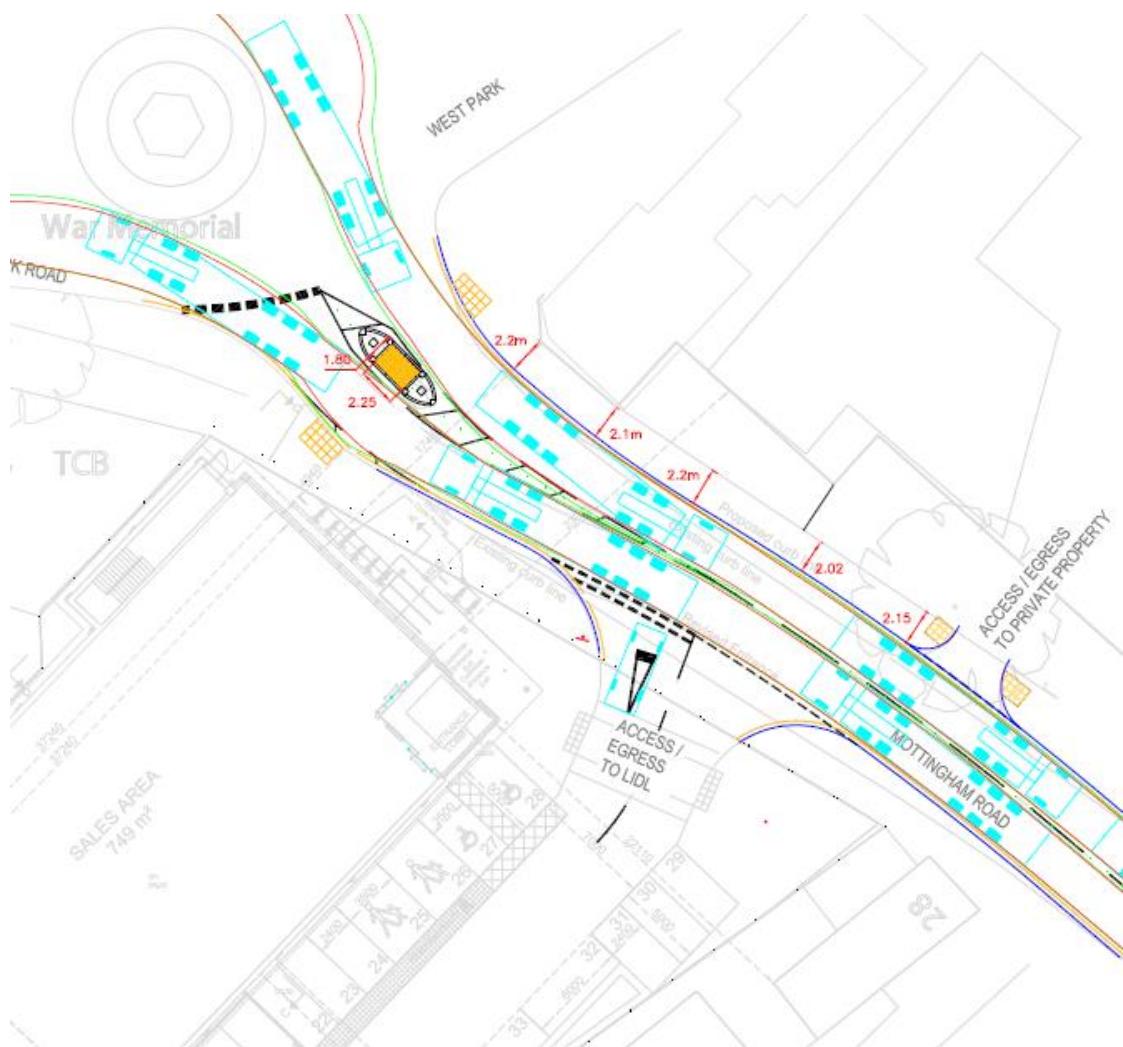
Furthermore, it should be noted that draft Energy Assessment Guidance (published in April 2020) is currently being prepared by the GLA to provide further up-to-date guidance for future development requiring an energy assessment to achieve carbon zero. Given that there is no adopted or mandatory planning policy requiring this proposal or any other non-residential development to achieve zero carbon reduction, it is considered that the proposed carbon reduction as indicated in the submitted Energy Statement remains acceptable and would comply with the policy requirements in the development plan.

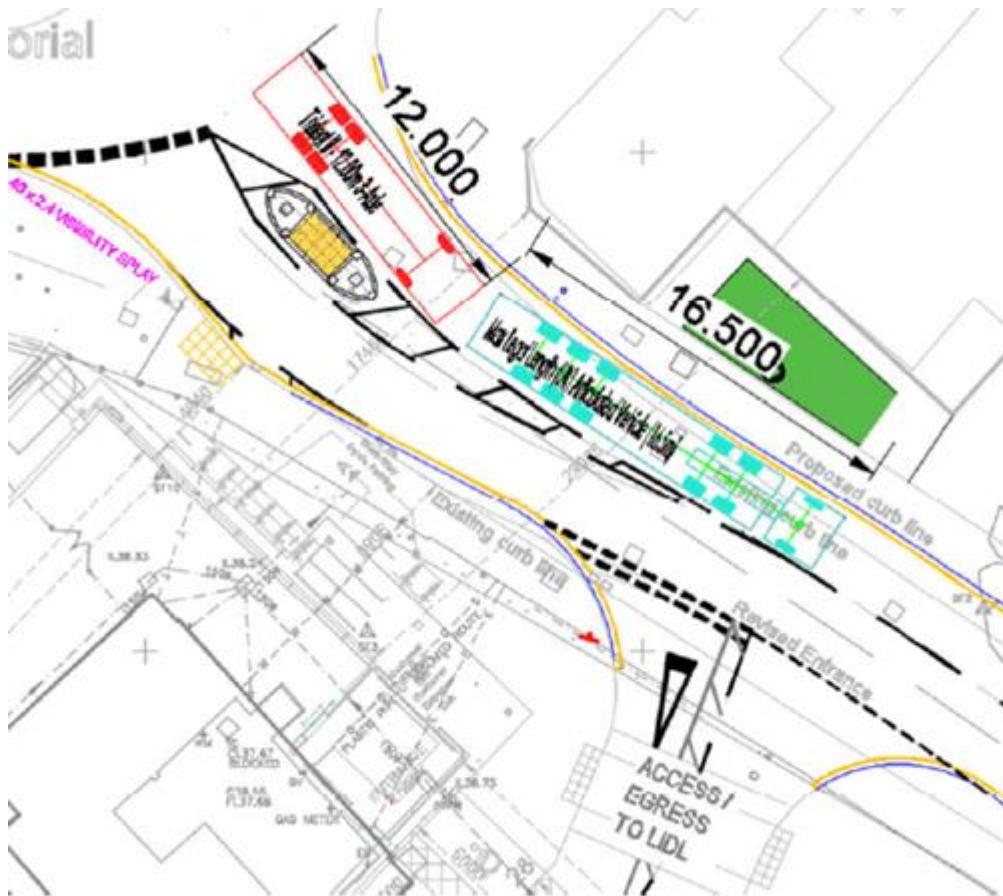
## 2. Highways

An additional Technical Note dated April 2020 (Appendix 1) has been submitted in response to the highway queries raised by Members. The issues are as follows: -

- a) *The rear of a delivery lorry would cause obstruction to the roundabout, in the event that a vehicle is unable to drive into the site*

The submitted drawing (ATRO01 REV A) indicates that the proposed vehicular access would be located an adequate distance from the roundabout. The proposed vehicular access into the proposed car park is located approximately 25 metres from West Park and 35 metres from the centre of the War Memorial roundabout. As such, the rear of delivery vehicles travelling from West Park onto Mottingham Road would not cause an obstruction to the roundabout whilst waiting to turn into the site.





- b) Large delivery lorries manoeuvring within the car park and attempting to exit the site;

The proposed car park layout and location of the off-street loading bay is designed to ensure vehicles can leave the site in a forward gear. Officers consider that dedicated off-street servicing arrangements should be provided to accommodate the servicing and delivery requirements arising from the proposed store. The submitted transport assessment indicates that vehicles including servicing and delivery vehicles would be able to leave the site in a forward gear and such arrangement was accepted in the previous appeal and remains acceptable in this instance.

- c) The narrowing of the road through widening the existing pedestrian refuge

In the absence of detailed dimensions, the applicant failed to demonstrate that adequate sightline visibility could be achieved in the previous appeal, considered in 2014. It was not considered acceptable to secure these essential details via a planning condition, at the time the planning appeal application was determined.

Detailed dimensions of the proposed visibility splay of 2.4mm x 30m are provided in the current application confirming the required visibility and realignment of the public pavement can be achieved without causing undue harm on road safety. Drawing

number SCP 18/047/SK12/Rev A indicates that the width of the public pavement on the northern and southern side of Mottingham Road would be changed (Appendix 2). The proposed changes are tabled as below:-

*Southern side of public pavement*

Mottingham Road Southern Footway Alterations			
Location	Existing Width (m)	Proposed Increase (m)	Proposed Width (m)
1	3.010	+ 0.300	3.310
2	3.050	+ 0.540	3.590
3	1.920	+ 1.350	3.270
4	1.880	+ 1.010	2.890

The width of the public pavement outside the proposed retail unit (southern side of Mottingham Road) would be increased between 0.3 metres and 1.35 metres.

*Northern side of public pavement*

Mottingham Road Northern Footway Alterations			
Location	Existing Width (m)	Proposed Reduction (m)	Proposed Width (m)
1	2.810	-0.610	2.200
2	2.930	-0.830	2.100
3	3.190	-0.990	2.200
4	3.310	-1.290	2.020
5	2.980	-0.830	2.150
6	3.760	-0.530	3.230

The width of the public pavement opposite the site (northern side of Mottingham Road) would be reduced between 0.53 metres and 1.29 metres. It should be noted that no part of the public pavement would be below 2 metres and would comply with the recommended standard in the Manual for Streets. It is considered that the submitted details are acceptable and the proposed works would be essential in order to achieve the required visibility and sightlines.

The Council's highway officer has advised that the sub-standard sightline was the only objection upheld by the Inspector at the previous appeal. This issue is addressed in the current application with the details provided above.

*d) A disappearing street lamp*

The applicant has confirmed that the lighting column will be retained as part of the Mottingham Road improvement scheme including the improvement of the pedestrian refuge crossing. The applicant has also advised that the repositioned street lamp has not currently been shown on the general arrangement as the final location is subject to agreement with the Council. The street lighting column could be moved back towards the back of the footway in its current position, or could be sited a minimum of 0.45m from the new edge of carriage way, or could move closer to the improved pedestrian crossing.

The Council's highway officer has advised that the width of the pavement would be adequate to accommodate a lighting column as indicated in the Drawing number SCP 18/047/SK12/Rev A.

*e) Utilities and main services under the pavement where the road re-alignment will take place; and,*

The utilities and main services network connections and its relevant adjustment are normally considered at the post-application stage. Relevant consents and agreements would be required and agreed between the applicant and the relevant utilities service providers (Thames Water, Virgin Media, BT and Gas services). Should there be a need to lower or divert any drainage or pipes, this will be met at the developers cost.

*f) The effect of an increased demand for parking and the potential reduction in local car parking spaces*

The proposal would provide 33 off-street parking spaces and these spaces would be monitored and managed by an automatic number plate recognition system with a maximum 90 minute parking restriction applying. This will ensure adequate spaces can be provided for the shoppers visiting the retail store.

The proposed parking ratio in the current application would be 1 parking space per 23sq.m. It should be noted that this level is identical to the previous appeal scheme, which was considered acceptable by the Planning inspectorate. Para 33 of the appeal decision states "*Taking all considerations into account, including the suggested planning condition concerning an approved scheme of management for the car park, I am satisfied that 35 parking spaces would be appropriate in the circumstances. I find no conflict with TLP Policy 6.13 which seeks an appropriate balance between promoting new development and preventing excessive car parking provision*". Furthermore, parking stress surveys were carried out as part of the transport assessment which confirmed there are on-street spaces available in the area. As such, it is considered that adequate parking provision would be provided.

### **3. Marketing**

Sir Bob Neill has raised a query regarding the adequacy of marketing and whether there was any attempt to provide any replacement community facilities.

The former Porcupine Inn was on the Council's Asset of Community Value list for a period of 5 years between July 2013 and July 2018. The applicant considered the disposal of the site in 2016. A six month moratorium period and the procedures set out under Section 88 (2) of the Localism Act 2011 were followed. The applicant liaised with the Porcupine Inn Development Committee directly and the last correspondence was dated 16<sup>th</sup> January 2017 with no offer materialised. There was no further correspondence received from the Porcupine Inn Development Committee.

The site has been placed on the open market since November 2019 by a leisure property specialist and offers were invited on either a freehold or leasehold basis. The property was also advertised in the Morning Advertiser and a sales board was erected at the site. However, there were no offers returning the site to its former use which materialised and there were no community uses offered or received. The application is supported by a viability report confirming the site would not be in a position to be reinstated as a public house and this has been verified by an independent viability consultant. Officers consider that the applicant has demonstrated the property has been placed on the open market for a prolonged period of time and in the absence of any interested party coming forward to reinstate the former public house to its former use or any community use, it is considered that the loss of the former public house is acceptable in this instance.

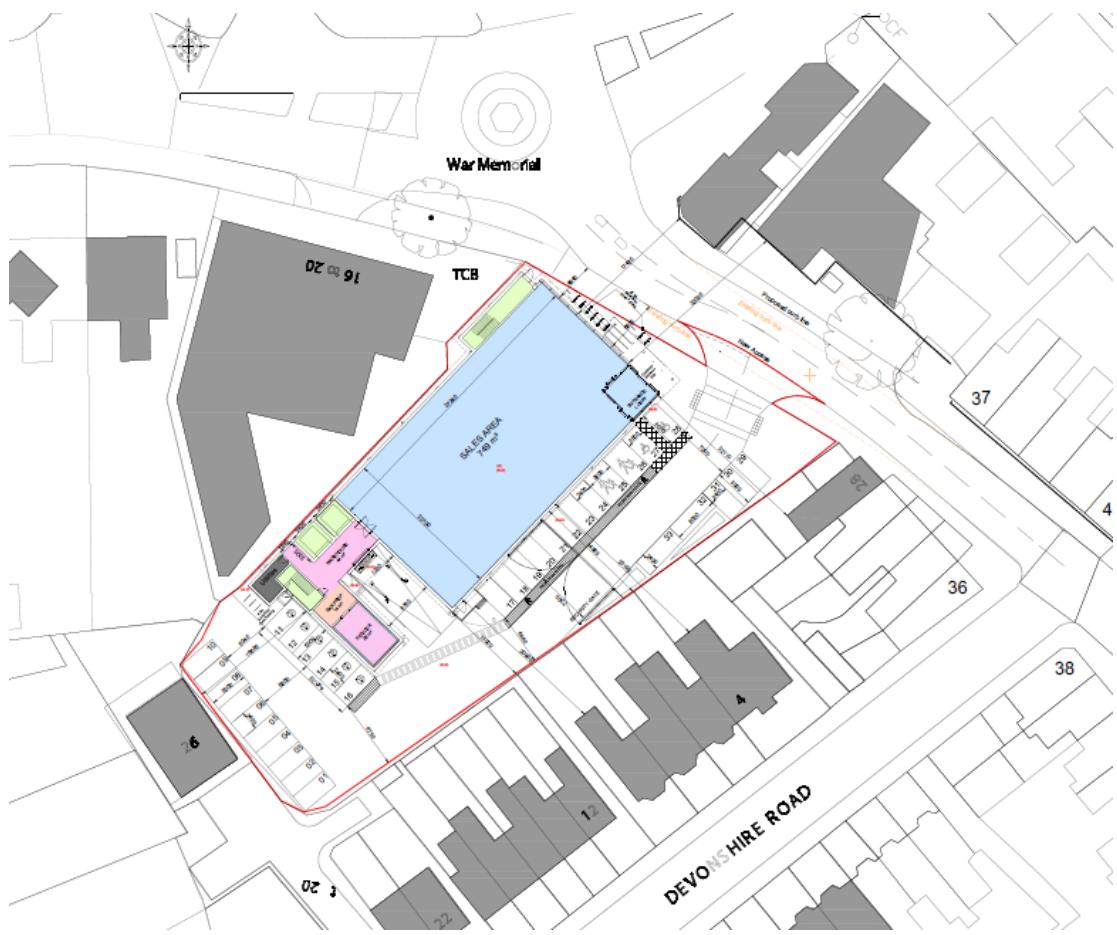
The original report is repeated below for information.

## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development would positively contribute to the vitality and viability of Mottingham Local Centre bringing a derelict site back into active use without causing any significant harm to the residential amenities enjoyed by the neighbouring properties.
- The site was included on the Council's Assets of Community Value list between 2013 and 2018 - the listing was removed in 2018 when it expired.
- The site has been marketed since 2016 and local community groups were provided with opportunities to acquire the site. A six month moratorium period commenced in June 2016 and expired in December 2016. The procedures set out under Section 88 (2) of the Localism Act 2011 were followed. No offers for the existing public house to be retained materialised.
- The viability assessment has been assessed and agreed by an independent viability consultant who has confirmed that the site is not viable as a public house.
- Detailed access arrangements and footway dimensions are provided and these address the visibility issues raised by the previous Planning Inspector within their appeal decision in December 2014. Subject to the improvement works to the existing pedestrian crossing, a planning obligation to review and amend the waiting restriction in the area and the planning conditions suggested, it is considered that the proposal would be acceptable.

## **2. LOCATION**

- 2.1. The site (The former Porcupine Inn) measures approximately 2,581sq.m in area and is located on the south-western side of Mottingham Road near to the War Memorial roundabout. The site was first opened in 1688 as a village pub in the hamlet of Mottingham. The existing building is a part single and part two storey building with a former beer garden to the rear and an off-street parking area in the forecourt. The building was constructed in the 1920s after the First World War.
- 2.2. Trading ceased in 2013 and the site has been vacant for **7** years. The property was registered as an Asset of Community Value (ACV) in 2013 for a period of 5 years and this status expired in 2018. At present, the site is secured by wooden panels and it was illegally occupied by travellers in August 2016.
- 2.3. The site is adjoining a motorcycle showroom to the north and residential properties to the south and west. Opposite the site is Mottingham Library. The application property is not a listed building and the site is not located within a conservation area. The War Memorial at the roundabout is Grade II listed.
- 2.4. The site forms part of the Mottingham Local Centre in the Proposal Map. The site is located in a suburban area and surrounded by low rise buildings which range between single to three storeys in height. The site is also surrounded by a mixture of residential and commercial buildings.
- 2.5. Mottingham Road is a classified road (A208/B226) which runs between Orpington and Mottingham connecting the Borough north to the Royal Borough of Greenwich. The public transport accessibility of the site is rated at 2 on a scale between 0 to 6b, where 0 is worst and 6b is Best. The application site is located within Flood Zone 1 and is not subject to surface water flooding. Mottingham Road and its surrounding highway network are subject to surface water flooding. There are two TPO trees in the former beer garden.



### **3. PROPOSAL**

- 3.1. Full planning permission is sought for the demolition of the former Porcupine Inn and erection of a part single and part two storey building to provide a retail unit (Use Class Order Class A1), to be occupied by Lidl.
- 3.2. The proposed retail unit would comprise the following:

*Ground floor*

- Sales area measuring approximately 749sq.m;
- Internal stairs, lifts, utility, freezer area and bakery area measuring 179sq.m

*First Floor*

- Managers office, toilets, welfare, stairs, lift and warehouse measuring 452sq.m

- 3.3. The proposed opening hours will be 08:00 to 22:00 Monday to Saturday, 10:00 to 16:00 on Sunday. The proposed delivery hours will be 08:00 to 21:00 Monday to Saturday, 10:00 – 16:00 on Sunday.
- 3.4. The proposal would also include improvement works to the existing pedestrian island and realignment of the vehicular access and public pavement on Mottingham Road near to the access.

- 3.5. A total of 33 parking spaces including 6 electric charging points (3 active and 3 passive), 2 disabled spaces and 2 parent with children priority spaces would be provided. The parking spaces would be available for the customers for a maximum period of 90 minutes with no return in one hour. 26 cycle storage spaces (6 long stay and 20 short stay) would also be provided.
- 3.6. 6 x 6 metres high lighting columns would be installed in the car park. 8 wall lights and 4 down lighters would be attached on the proposed building. Removal of existing TPO trees with replacement planting and landscaping is also proposed.



#### **4. RELEVANT PLANNING HISTORY**

- 4.1. 87/01716/FUL – granted on 20.07.1987.  
Single storey rear extension.
- 4.2. 89/02541/FUL – refused on 30.010.1989.  
Retrospective full planning application for the use of public house forecourt for stationing of flower stall.
- 4.3. 07/03543/FULL1 – granted on 26.11.2007.  
Erection of a jumbrella and a megasol in outside drinking area at rear.
- 4.4. 13/01377/DEMCON – refused on 24.06.2013.  
Prior approval for the demolition of public house.

- 4.5. 13/04160/FULL1 – refused on 20.02.2014 and subsequent planning appeal was dismissed on the 16.12.2014.

Demolition of the Porcupine public house and erection of a two storey building to provide a retail foodstore comprising 800sqm sales area with ancillary storage, office, servicing area and 35 car parking spaces.

## 5. CONSULTATION SUMMARY

### A) Statutory

- 5.1. Historic England – (Listed building): **No objection**

Historic England do not consider that it is necessary to be notified about this application.

- 5.2. Historic England – (Archaeology): **No objection**

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are required.

- 5.3. LB Bromley – Highway: **No objection**

Mottingham Road is part of the B226 and a London Distributor Route. The previous application was dismissed at appeal due to the sub-standard sightlines at the proposed access.

#### *New access*

It is proposed to close up the existing accesses to the site and replace them with a single more central access. In order to achieve the required sightline of 2.4m x 43m to the right of the access, it is proposed to adjust the road alignment by building out the footway in front of the proposed store and reducing the footway on the opposite side of the road. Detailed dimensions have been provided which indicates that a minimum 2 metres footway will remain in front of the library in accordance with the recommended width for a footway in Manual for Streets. This is in addition to the private open space in front of the library. The road marking details have also been updated. There do not seem to be any technical reasons why the road alignment cannot be amended. Should planning permission be approved, the development should be subject to a Stage 2 Road Safety Audit and the applicant will need to enter into a S278 agreement for the highway works to be carried out.

The Stage 1 Road Safety Audit raised a number of issues mostly relating to the detailed design issues, missing information and the crossing of the site access which can be dealt with during the detailed design process. A zebra crossing was initially proposed to replace the existing pedestrian crossing. This has now been superseded and the applicant has put forward the option to widen the pedestrian refuge to 1.8 m deep and 2.25 metres wide which will significantly enhance pedestrian safety.

#### *Servicing*

Servicing and deliveries will take place from 08:00 to 21:00 on Monday to Saturday and from 10:00 to 16:00 on a Sunday. A Delivery, Servicing and Waste Management Plan condition should be attached, should permission be recommended. The swept

path for the delivery vehicles shows vehicles would occupy both carriageways of Mottingham Road. This was considered acceptable in the previous appeal decision and there were large vehicles serving the former pub.

### *Parking*

The parking ratio in the current application is identical to the previous appeal scheme which was considered acceptable. The site is within a low PTAL area with 3 bus routes. The TRICS data indicates that the highest car park accumulation occurs on Saturday with 34 parked vehicles. It is noted that the car park is subject to a maximum stay of 90 minutes. There is a high demand for on-street parking and there is no public carpark in the area. The parking stress survey has been carried out within 500m from the site and a further survey within 200m during the 2 peak periods (17:00- 18:00 Thursday and 12:00 to 13:00 Saturday) was carried out and this indicates the availability of on-street parking spaces are low. There is no mention if people are making linked trips. There is a waiting restriction in the vicinity on Monday to Saturday between 8:30am and 6:30pm. Should permission be recommended, the waiting restriction in the area will need to be monitored and reviewed. This cost (£5,000) should be met by the applicant.

## **B) Local Groups**

### **6. Royal Borough of Greenwich (Planning) – No objection**

The Royal Borough has formally considered the matter and raises no objection. The Council has no further observations to make.

### **6.1. Royal Borough of Greenwich (Councillors John Hills, Matt Hartley and Roger Tester) – Objection**

Objection is raised to the proposal on the following grounds:-

- A significant and unacceptable increase in traffic congestion;
- Increased danger to pedestrians from lorries and cars turning in to and out of the proposed store in particular, a risk to pedestrian using the Library;
- Loss of amenity to local residents from increased parking difficulties and insufficient parking spaces;
- The removal of two protected trees; and,
- An unreasonable loss of business to several local independent businesses who sell food and other products, and the consequent damage to the local economy.

### **6.2. Member of Parliament – Sir Bob Neill MP - Objection**

Objection is raised to the proposal. A similar proposal was refused and dismissed in 2014. The pub was considered as a valued community facility. There are more residents whom object to the proposal than support it. Many within this local community believe that the applicant has cynically and deliberately allowed the site to fall into disrepair in order to make the redevelopment more appealing. The viability assessment indicates that the applicant has received offers in the past 5 years as well as interest registered by the Porcupine Development Committee. The applicant has

refused to positively engage with local residents. The proposal would have an impact on local businesses and result in the removal of two protected trees. The proposal would fail to demonstrate a safe and suitable access can be achieved. The proposal would result in a considerable increase in the volume and character of traffic and the changes of footway would be to the detriment of pedestrian safety. 33 parking spaces would be insufficient. The proposal would have an impact on the neighbouring residents in terms of noise from the car park early in the morning and late at night. The proposal would threaten the character of Mottingham Village and viability of local independent business. Planning permission should be refused.

#### 6.3. Bromley Councillor – David Cartwright - **Objection**

Objection is raised to the proposal on grounds of road safety, traffic congestion, lack of local parking, need for retail unit, loss of local history, surface water flooding, noise and light pollution to the residential properties in the late evening. There are utilities under the public pavement and it is not suitable for heavy vehicles to traverse this area without causing damage to the service main. There has been significant and regular flooding in the area of Mottingham Road stretching from the War Memorial roundabout to Devonshire Road.

#### 6.4. Bromley Councillor – Will Rowlands - **Objection**

Traffic in Mottingham Village is already a problem, in particular during rush hours and school pick up/drop off times. There are often traffic queues from Eltham College to the west of the War Memorial and to the A20 traffic lights at the eastern end of Court Road. Any increase in either parking or delivery will significantly increase these problems. The width of Mottingham Road is not considered suitable to accommodate large delivery lorries. The site is located near to the library and changes in footways are not considered appropriate for local residents and visitors to the shops and library. There are retail stores within 200m from the site. The proposal would have an adverse impact on the existing high street business and small trader. The proposal would also have an adverse impact on noise and light during late evening hours. Policy 23 resists the loss of a local pub and there are no alternatives within 500m from the site. The proposal would cause irreparable damage to the community and the village.

#### 6.5. Mottingham Residents Association - **Objection**

Object to the proposal on the following grounds: (1) Transport and safety of all road users (2) Accessibility; (3) Servicing arrangements; (4) Parking; (5) Vitality and community wellbeing - the need for a night time economy; (6) Environmental issues, and (7) Loss of amenity to residents.

The proposal to reduce the width of pavement outside Mottingham library would be detrimental to the needs of all users including parent, baby and toddler groups and all other age groups. The flower bed is not indicated on the plan. The HGVs will occupy the full width of the carriageway. The reduction of width is not considered acceptable. The minimum width for a parent with a child or people with a pushchair should be 2.7 metres. The depth and width of the existing pedestrian refuge is too small and would not accommodate the multiple shoppers crossing to the entrance to the proposed

store. The siting of the entrance and trolley store will also increase the risk of an accident.

The assumption of pedestrian accessibility within 2km is a reasonable distance to walk is not realistic. The site has a low PTAL rating and shoppers are more likely to visit Eltham and Chislehurst or visit the site by car. The delivery arrangement for Porcupine was a one way system and vehicles leave the site near the entrance nearest to the roundabout. The proposed servicing and delivery arrangement is not considered appropriate and the suggested delivery time would be between 6 to 7 am and 10 to 11pm. The proposal would also cause damage to the existing utilities. The proposal would fail to achieve the required visibility splay. The parking spaces do not provide enough allowance for driver error. HGVs are clearly far too large for the car park. Impact on highway safety should be fully addressed. The proposal would provide inadequate parking spaces and there is a lack of on-street parking in the area. The only free local on-street parking is approximately 200m away on Court Farm Road, mostly occupied by Eltham College sixth formers. The site is too small to accommodate the size of the proposed store and would represent gross overdevelopment. The submitted travel plan focuses on travel for staff members rather than shoppers.

The Mottingham Community has been well served by the support of CAMRA and the Porcupine Development Committee to ensure the future of the Porcupine Inn. There are no public houses within 500m from the site. The site was considered as a community facility and there were local meetings held at this site. Mottingham needs a night time economy to thrive and retain a future as a community.

The CGI indicates the proposal would appear as an intrusive development. The existing building is set in from the road and would result in the loss of 2 protected trees and impact on the wildlife and character of the area. The existing building should be reinstated. The proposal would have an adverse impact on residential amenities in the area, in terms of noise, outlook, traffic and disturbance during demolition and construction.

The proposal to increase the width on the southern footway has no meaningful contribution to highway safety as the width of northern footway would be reduced. The delivery vehicles would have an adverse impact on the roundabout capacity. The wooden bollards are often damaged or demolished by vehicles leaving the roundabout. The assumption delivery vehicles would not block the roundabout is unrealistic. The scales of the drawings are different and cannot be accurate. A light controlled pelican crossing should be investigated, including a safety audit. Delivery should not be close to the residential area. Minor accidents are unlikely to be reported unless they result in major damage or injury. Bromley has a high car ownership. However, Mottingham, Coldharbour, Chinbrook and Downham *are* in the top 10% of deprived households nationally with low car ownership. The parking survey was carried out during bank holiday. There were 21 free spaces on 5<sup>th</sup> September 2019 in the area. The proposal to review parking arrangement after 3 months of operation has no scope to increase parking provision.

A further letter dated 24<sup>th</sup> January 2020 from MRA was received. This letter states that the planning committee report is inaccurate with unsupported assumptions, errors and

omissions. There are barely any differences between the current and previous schemes. The status of the application was not updated on the Council's website until the 22<sup>nd</sup> January 2020 and residents were not notified ahead of the meeting. The viability assessment prepared by Morgan and Clarke was not considered by officers. The site is located on the south-western side of Mottingham Road and is adjoining to a motor cycle show room. Whilst the site was occupied by travellers for a short period of time, this has no bearing on this application. The applicant had made little effort to secure the site at the time and the pub was closed for 7 years. Mottingham Road is subject to surface water flooding including the opposite side of the road and corner of West Park. This is recognised in the Strategic Flood Risk Assessment as Local Flood Area 117, on Flood map C. The objection on highway grounds is higher than the support.

The proposal would result in job losses to the nearby shops. Lidl is not a good employer and is anti-union. They have refused to recognise Usdaw and provide opportunity for Usda to approach their staff about Usdaw's membership. The Prince of Wales public house is located 508 metres from the site and is over the 500 metre requirement set in the Bromley Local Plan Policy. These requirements should not be ignored. The Royal Tavern is currently closed with its future unknown.

#### 6.6. Campaign For Real Ale - **Objection**

Objection is raised on the grounds of loss of the public house which has the potential to be a valued community asset. The proposal would be contrary to the Bromley Local Plan, draft London Plan and the NPPG. The site has been closed and neglected by the owner for more than 5 years. There are no public houses within 500m from the site and the site should have been marketed for at least 24 months as stated in the draft London Plan. Bromley Local plan requires a 12 month time period for marketing activities. There is a general lack of evidence to substantiate the assumption in the viability assessment. This assessment accepts that the pub has been stripped of fixture and fittings and has been damaged in the process. There was no evidence provided which relates to the trading history of the pub before it was closed. The asking price of the pub provided. It can only be concluded that the main reasons the pub is described as unviable is the sale price is unrealistic. The Porcupine Inn has been a valuable community asset and could become so again.

#### C) Adjoining Occupiers

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

##### 7.1. Objections:

###### 1. Transportation and Highway

- Existing roads are not wide enough for current traffic and there is already considerable congestion from Eltham College school;
- Inadequate junction and pavement width;
- Narrow junction and delivery vehicles could cause considerable problems;

- Whilst part of the footway would be widened, the junction is very narrow and increased traffic flow will cause major traffic jams with people turning in and out of Lidl all the time;
- Unsuitable site to have parking and servicing from the rear. Lidl belongs on a high street not a busy junction in a residential area;
- The existing local road infrastructure is not suitable for the size and nature of the proposed development;
- Loss of pavement outside the library is a safety hazard, especially for young children, elderly, people with pushchairs and wheelchairs;
- Increase traffic accident and roads are unsuitable for HGV delivery lorries. There are already a number of road traffic accidents on this roundabout;
- Increased risk of flooding if pavement is narrowed;
- Inadequate car park and would overspill to neighbouring road;
- Site is located near to a busy and dangerous roundabout and is close to local school, Eltham College and a Petrol Station;
- The local road including West Park are already very busy due to its being a main road to A20 and other towns with a petrol station nearby;
- The single road on Mottingham Road would not be able to cope with the servicing and delivery. Orangery Lane is an example where drivers would block the road whilst waiting for space and is a much larger retail unit and car park;
- Increase traffic, congestion, noise and pollution in the area;
- Roads are already dangerous for children to cross as there are no precautions, eg zebra crossings;
- Traffic jam caused by servicing and delivery;
- Impact on highway and pedestrian safety;
- Reduction in pavement width is contrary to Local Plan policy 102;
- The roads of Mottingham were not designed for the amount of traffic that now passes through there on a daily basis so it is dangerous to actively encourage more traffic to the area – unnecessary risk for a supermarket that is not really needed;
- Inadequate parking and people will use the neighbouring streets which already have lots of parked cars for the station;
- There is no suggestion that local people would be employed. This would increase the traffic in the area;
- The site is very small and poorly accessible. The bus stop closest to the site is only served by school buses in certain periods;
- Might require re-routing of services (gas, water and electricity) due to reduction in pavement width;
- No difference from previous application and has not addressed concerns regarding traffic safety and congestion in Mottingham;
- Will not attract local people who will walk to the store, but rather people who will drive long distances so increasing traffic to the area;
- Traffic was monitored during school holidays so is not a true reflection of how busy and congested it gets;
- Increase demand for kerb side parking and reduce parking for small businesses;
- The single road on Mottingham Road would not be able to cope with the servicing and delivery. Orangery Lane is an example where drivers would

block the road whilst waiting for space and is a much larger retail unit and car park;

- The proposal would further reduce the availability of on-street parking spaces;
- Vehicles turning into and out of the site will cause issues (especially large delivery lorries) as the roads are narrow;
- Impractical to suggest people will cycle or walk to Lidl carrying bags of shopping;
- The area is already used as a shortcut to avoid traffic on the A20 so already suffers with bad congestion;
- BP garage already causes a lot of congestion when petrol tankers arrive to deliver petrol;
- Proposed store junction is near to the library and two schools;
- Lorries will struggle to turn safely and risk damaging the war memorial
- Proposed delivery hours are during school drop off/pick up times so the area will be heavily congested;
- Cars already mount the pavement to try and get through at rush hour Mottingham Lane and the proposal would worsen this;
- The car park could be used by people not visiting the store;
- People may use the car park even when they are not using the Lidl store;

## 2. Design

- The proposed building is intrusive and out of keeping with the War Memorial and neighbouring properties. The bright yellow and blue Lidl hoardings and illuminated adverts will not fit into the street scene and will spoil the look of the village and War Memorial;
- Loss of community feel of the village;
- Site is just in front of the war memorial so a supermarket is inappropriate and dignity should be maintained;
- Overdevelopment of the site. The site is not a brownfield site suitable for development but primarily green space in a residential area;

## 3. Loss of community asset

- No evidence to confirm the pub was unviable when it was closed in 2013 and acquired by the applicant in 2013;
- Loss of pub which was highly valued by people in the area and there is no other pub in the vicinity that can serve the local community. Building was a pub registered as an assets of community value providing good services to the local people;
- There is a lack of community facilities in the area. The building could be used as a health centre, doctor surgery library café, social services, a community centre or for infant school expansion;
- Contrary to Policy 23 of the Local Plan as there is no alternative public house within 500m of the site and Lidl have not demonstrated that the existing pub was not viable. The village needs a pub. The proposal would not be an asset for the village;

- There is no information to demonstrate there are no prospective purchasers willing to maintain the existing use. There are many other pubs in the area that have been refurbished and modernised;
- The building is a local, traditional and landmark building and should be protected, renovated and not destroyed. The building is very old and has historical links to Mottingham. The site should be as a pub;
- Contrary to Policy 20 of the Local Plan as Lidl have failed to demonstrate that the demolition of The Porcupine is of benefit to the community; they will provide an alternative facility for the community or that there is no longer a need for the pub;
- Demolition of the pub is contrary to Policy 40 as the pub should be regarded as a non-designated heritage asset. The site could again become a focal point of Mottingham;
- Lidl have allowed the existing pub to become derelict so the proposal is seen as the only viable solution but could still be possible to turn it into something else;
- The proposal could place the adjacent war memorial at risk and would result in loss the of village character;
- Alternative pubs suggested are much further away so would not serve the Mottingham area as a local pub;

#### 4. Need for a new store

- The Council should consider a total regeneration of Mottingham village whereby it can facilitate the supermarket plus small local shops rather than allowing the area to deteriorate further with congestion, parking issues etc;
- There is a Lidl in Eltham High Street and people should visit Eltham High Street instead of Mottingham Village. All buses that serve Mottingham come via Eltham where there is already a Lidl store;
- Many people choose to have their shopping delivered from supermarket. This is more environmentally friendly for people to shop;
- Impact on local trade and wrong location for a busy supermarket. There are already many shops in the area offering 'top up' food items offered by this proposal. If local businesses are forced to close, there will be yet more empty shops;
- The village already has 5 food outlets so this could cause competition and closure of existing stores leaving premises vacant. No need for a new store of its size in the village;
- The building could be used as a restaurant;
- Impact on the vitality and viability of the local centre;
- Any new jobs created will be cancelled out by those lost from local shops which will be forced to close due to the competition from Lidl;
- Site is not suitable for a retail store, contrary to Bromley SPG2 and not in keeping with the character and appearance of the area, the iconic War Memorial and will ruin the amenity of Mottingham Village;

#### 5. Loss of trees

- Removal of TPO trees and green space will impact upon wildlife in the area;
- The proposal would result in environmental degradation;

- Increase flooding due to loss of trees;
- No suggestion of planting around the site to mitigate the loss of existing planting and habitats;

## 6. Residential amenities

- Air quality assessment highlights that there will be a reduction in air quality resulting from this proposal;
- noise due to late night shopping, deliveries and construction works;
- Increase anti-social behaviour and crime. The car park will make it easy for burglars to access the back gardens of residents to the rear of the site;
- not comply with the London Plan policies in terms of air quality, waste and noise;
- Court Road displays a sign banning 5 ton lorries between 6.30pm-8am, but Lidl propose to deliver 6-7am and/or 10-11pm;
- The stated delivery times are not binding so deliveries could be at any time, which is not suitable for a residential area;
- The proposal would destroy a community asset. The local area does not have the capacity and level infrastructure need to support a large supermarket. There are 3 Lidl stores in the area , Eltham, Bromley and Footscray;
- Increased likelihood of flooding resulting from inadequate management of surface water drainage as more of the local soil and plant cover is replaced by impermeable tarmac and brick, especially with the increase in more extreme weather due to climate change;
- Acoustic fence will not substantially attenuate noise;
- Impact on residential amenities in terms of lighting, privacy, noise and visual impact
- Increase pollution through litter and traffic which will negatively impact upon the two local schools
- The store will be open and receive deliveries at unsociable hours, including Sundays
- Vibrations from delivery lorries would destroy houses in the area with no foundations

## 7. Other

- Housing should be the priority for the empty site;
- No mention of energy saving measures or sustainability in the application. The proposal would only negatively impact the environment.

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

## 7.3. Support

### 1. Is there still a need for public house/ community use

- The residents association have had more than enough time to find an alternative use for the site and have failed. The pub has been closed for years and is an eyesore in the village. The current empty building is no use to the

community. Nobody has come up with a suitable alternative. Before the pub was closed, it had become unpopular and needed refurbishing. It is time to demolish the building and people should move on;

- The pub has been closed for a number of years and there are a number pf public houses in Eltham and Chislehurst area (The Banker Draft, The Rising Sun, The GPO, The Queens Head, The Bulls head, Rambler Rest, Prince of Wales, Imperial Arms, The Bickley, the Gordon Area, The Crown Tavern etc). There are no larger retail shops in the area and the proposal is needed;
- Most objectors who want the pub to remain never went in there when it was open;
- There is a lack of demand for a pub in this area as existing local ones are not that popular. The proposal will serve as a community hub and make the neighbourhood more lively;
- The pub was closed down as it was not popular and not viable to be kept open. People did not support the pub before should not to support it now;
- In the latter period, The Porcupine was never a thriving pub and was not an asset to the community. It has not proved possible to reopen it as a pub since its closure;
- The reuse of this building as a pub would attract undesirable people in the village;
- The idea of a pub on the site is out of date. No one has suggested a viable alternative so why not make the site a store that will be used rather than retaining it as a derelict eyesore. The proposal would improve the visual appearance of the area;
- The current pub site is an eyesore and could be dangerous. The proposal will improve amenities for the local area;

## 2. Need for a retail shop

- The local shops not sufficient for residents needs as residents have to travel out of the local area to shop. The proposal will reduce carbon footprint because people will be able to shop nearer to home;
- A store selling fresh, affordable produce would be welcomed. High cost convenience stores are of no use to the community who need low cost, high quality good that Lidl can provide. The proposal would be useful for local people who currently have to travel to Eltham or Chislehurst for a large supermarket with reasonably priced food;
- The local shops sell goods for high prices so a Lidl would be more affordable;
- There is no decent local shop in the area. The Co-op and M&S are expensive. Mottingham village should have a decent supermarket;
- The pricing of goods are unreasonable. The proposal would help people on a low wage and not able to drive to the shops;
- There is a need for affordable groceries as many elderly and vulnerable people are non-motorist and are held to local expensive shops;
- This proposal will benefit the young and old, unlike the previous pub;
- The proposal would be great not only for Mottingham but for Bromley as well;
- The proposal will lift the town and contribute to employment with healthy valuable food, fresh baker and convenience good;
- Makes use of a derelict site and more job

- The existing pub has not been used and is run down. The proposal would be a brilliant idea to the area. As a former resident with family ties in the area, I support proposal;

### 3. Provision of parking and improvement to highway

- A number of objections refer to parking. The proposal would provide 33 parking spaces and this may actually help with the congestion in the village;
- Congestion would only be minor and there will be a car park so only minimal impact on roads;
- The pub had a car park that was used by shoppers so there was always traffic in the vicinity;
- The applicant has a track record of making parking and access issues work;
- The proposal will be used mostly by local people who will walk there. If it has longer opening hours, customer visits will be spread out to alleviate some of the parking concerns;
- Smaller delivery vehicles could be used;
- The pavement outside the library is more than what is needed so can afford to be narrowed to allow for this proposal;
- Roads currently cope with deliveries to M&S and BP garage so this will be no different;
- Site is close to several bus routes;

### 4. Improvement and regeneration to the Local Centre and job provision

- The proposal would provide more shopping choice and job opportunities in the area. The proposal would also bring more customers to the small shops in the area;
- As a resident, I will shop locally instead of visiting Eltham. Mottingham is in need of investment such as this proposal;
- The proposal will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street. The proposal will also bring benefits to other closed shops in the village;
- The proposal will increase footfall to other local businesses and help to regenerate the village;
- Other local non-food shops will benefit from increased footfall due to the new Lidl;
- People more likely to shop in the local area than online if the store is available which means more money stays in the borough generating employment and boosting the economy;
- The proposal will encourage more regeneration of Mottingham, which at the moment is quite run down and behind other areas such as Lee and Hither Green;
- The proposal will modernise the area and would provide good opportunity for Mottingham to be improved and invested in;

## 5. Others

- Good for residents with children to have an affordable supermarket nearby selling healthy foods, otherwise they will grow up eating unhealthy/fast foods that are more readily available
- Lidl is a great company with high standards and the proposal would improve local amenity;
- Will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street.

### 7.4 Letter from planning agent dated 18<sup>th</sup> February 2020

The application was withdrawn from the Development Control Planning Committee meeting agenda on the 24<sup>th</sup> January 2020, two working days prior to the scheduled date on the 28<sup>th</sup> January 2020. The applicant is aware that Mottingham Residents Association has requested the application to be deferred.

The current application is accompanied by a viability assessment prepared by David Coffer Lyons (DCL), dated April 2019. This assessment describes the marketing activity that has been undertaken in relation to the site, including the costs that will be involved in refurbishing the public house to enable its reinstatement. A viability appraisal is undertaken by DCL and confirms the property would not be viable on a freehold or free of tie lease basis. This finding was agreed by an independent viability consultant appointed by the Council, which also states that "*The key test with regards to the viability of the pub operation will be realised through the marketing campaign which to date has not correlated to any firm offers from any parties willing to operate the site as a public house. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house*".

The MRA made reference to a viability assessment undertaken by Morgan and Clarke. This assessment was carried out during the public inquiry in 2014 six years ago. This assessment does not take into account the marketing activities that have taken place on the site since 2014, including the Community Right to Bid. The 2014 assessment is dated and does not take into account the current condition of the public house or the latest market information available regarding the performance of the local public house section. This document is clearly out-of-date and was recognised by the Council as an independent viability consultant was commissioned to assess the current viability.

The proposal is in line with the Government's retail policy as new retail development should be focused in defined centres which Mottingham Local Centre forms part of. The proposal will generate up to 40 full-time and part-time employment and positions will be at a range of levels of skills and seniority. The proposal is not expected to have an adverse impact on local traders as the site is located within a Local Centre with limited sales floor area. The proposal would attract shoppers and investment to the Local Centre, meeting the need for residents and diversify the uses in Mottingham.

Lidl is a highly reputable employer and places great emphasis on its staff welfare and development and abides by its "Living Wage policy". Lidl is an equal opportunities employer and has a policy of employing local people from all backgrounds to work at their stores. Lidl offers an excellent work ethic including training opportunities for staff

to progress within the company. Lidl also recognises that supporting employees' mental health, both inside and outside the work place is essential and has a number of established tools and initiatives to support their staff.

It is clear that the alternative public house is located around 500m from the site. The distance between the Prince of Wales and the former Porcupine Inn measures approximately 498 metres on google map and this is within the policy requirement. The Council has indicated the distance is 508m. This discrepancy can be explained by the fact that the precise measurement will depend upon exactly where within the two sites the measurement is taken from.

## **8. POLICIES AND GUIDANCE**

- 8.1. 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:
  - the provisions of the development plan, so far as material to the application,
  - any local finance considerations, so far as material to the application, and
  - any other material considerations.
- 8.2. 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.
- 8.3. The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 8.4. 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.
- 8.5. The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 8.6. The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 8.7. The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan. Ahead of publication of the final plan, the Secretary of State can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. The SoS has indicated he will respond by 16<sup>th</sup> March 2020 and any update on this will be provided verbally.

8.8. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

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

London Plan Policies:

- 2.6 Outer London: vision and strategy
- 2.15 Town Centres
- 3.1 Ensuring equal life chances for all
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.16 Waste net self-sufficiency
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft London Plan:

- GG1 Building strong and inclusive communities
- HC7 Protecting public house
- SD6 Town centres
- SD7 Town centre network
- SD8 Town Centres: development principles and development plan documents

D1 London's form and characteristics  
D2 Delivering good design  
D3 Inclusive design  
D10 Safety, security and resilience to emergency  
D11 Fire safety  
S1Developing London's Social Infrastructure  
E11 Skills and opportunities for all  
G5 Urban greening  
G6 Biodiversity and access to nature  
SI1 Improving air quality  
SI2Minimising greenhouse gas emissions  
SI3 Energy infrastructure  
SI8 Waste capacity and net waste self-sufficiency  
SI13 Sustainable drainage  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
DF1 Delivering of the Plan and Planning obligations

Bromley Local Plan 2019:

20 - Community Facilities  
23 – Public Houses  
30 - Parking  
31 - Relieving Congestion  
32 - Road Safety  
33 - Access for All  
34 - Highway Infrastructure Provision  
37 - General Design of Development  
73 - Development and Trees  
95 – Local Centres  
113 - Waste Management in new Development  
115 Reducing Flood Risk  
116 - Sustainable Urban Drainage Systems  
118 – Contaminated Land  
119 - Noise Pollution  
120 - Air Quality  
122 - Light Pollution  
123 - Sustainable Design and Construction  
124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Mayor of London Supplementary Guidance:

Accessible London: Achieving an inclusive environment (October 2014)  
The control of dust and emissions during construction and demolition (July 2014)  
Character and Context (June 2014)  
Sustainable Design and Construction (April 2014)  
Planning for Equality and Diversity in London (October 2007)

## Bromley Supplementary Guidance:

### Planning Obligation SPD

## **9. ASSESSMENT**

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

- Background and key differences between the appeal and current scheme
- Land use/Principle of Development
- Impact on non-designated heritage
- Design, layout and massing
- Residential Amenity
- Transportation and Highway
- Sustainability
- Design Out Crime
- CIL
- Head of Terms

#### Background and key differences between the appeal and current scheme

9.2. An earlier planning application to redevelop the site and provide a new retail unit (800 square metres of retail sales floorspace with associated facilities and 35 parking spaces) was refused in February 2014 and the following reasons were contested at appeal:-

1. Highway safety (access, serving and parking arrangement);
2. Loss of TPO trees and impact on the character and appearance of the area;
3. Security and crime prevention measures;
4. Impact on character and appearance and residential amenities;
5. Loss of public house and community facility;

9.3. The third reason (security and crime) of this refusal was removed prior to the planning inquiry which was held in September 2014 and this was based on the additional information submitted at appeal stage.

9.4. In December 2014, the subsequent planning appeal was dismissed. The main issues and grounds in dismissing the appeal can be summarised as follows:-

Issue 1: The character and appearance of the area having regard to the loss of protected trees.

It was considered by the Planning Inspector that the loss of protected trees and open space to the rear of the existing building would have a limited degree of adverse effect on the character, appearance and amenity of the area. The impact and harm would be limited and would not be sufficient to bring the proposal into conflict with the London Plan policy and UDP policies and would not weigh against the appeal scheme.

**Issue 2:** The living conditions of adjoining occupiers with particular reference to visual impact, noise and disturbance.

The proposed building considered at the appeal was set back from the neighbouring properties. The site is located within a Local Centre. The operating and delivery hours were considered by the Inspector as controllable through the imposition of an appropriate planning condition should the appeal be allowed. As such the Inspector afforded this matter very limited weight in the appeal scheme and did not dismiss the scheme on residential amenities.

**Issue 3:** The provision of community facilities:

The former Porcupine Inn was considered as an Asset of Community Value and the proposal would result in the loss of valued community facilities. An open marketing exercise would enable all considerations including viability of the site to be taken into consideration. As this was not done as part of the appeal the Inspector considered the proposal to lack evidence of marketing and dismissed the proposal for this reason.

**Issue 4:** The vitality and viability of the local centre

The Inspector considered that the proposed retail use would benefit the local economy and would enhance the vitality and viability of Mottingham Local Centre and this was a consideration that weighed significantly in favour of allowing the appeal. However, as stated above due to the lack of evidence to demonstrate that the loss of this asset of community value was acceptable the appeal was dismissed.

**Issue 5** Highway safety

The provision of 35 parking spaces (1 parking space per 22.9sq.m sales area) was considered acceptable. The access arrangement and junction details including the dimensions of the road, turning area and dimensions of visibility splays were considered as something which should have been provided as part of the application. The Inspector considered that this could not be provided as part of any planning condition if the appeal were allowed. In the absence of these details, the appeal scheme was also considered by the Appeal Inspector to be in conflict with the provisions in the Framework concerning highway safety. The appeal was therefore dismissed for this reason.

**9.5.** The key differences are as follows:-

1. Reduction in sales floor area from 800sq.m to 749sq.m;
2. Reduction of parking spaces from 35 spaces to 33 spaces;
3. Realignment of Mottingham Road with detailed dimensions of the access arrangement, junction details, turning area and dimensions of visibility splays; and;

4. Proposed building would be sited 2.5m closer to the road and there will be a minimum of 4.94 metres distance between the front of the building and the back edge of the pavement; and,
5. Improvement works to the existing pedestrian crossing/refuge and road marking on Mottingham Road.

#### Land use/Principle of Development

##### **Acceptable**

- 9.6. The NPPF indicates that a Local Centre forms part of the Town Centre hierarchy. Paragraph 86 of the NPPF states that main town centre uses should be located in town centres and this is supported by the London Plan and Bromley Local Plan (BLP) which aim to maintain the viability and vitality of Town Centres. For new town centre uses with a floor area below 2,500sq.m, a retail sequential test and impact assessment would not be required.
- 9.7. The principle to introduce a retail use within Mottingham Local Centre is considered acceptable and would comply with the NPPF, London Plan and Local Plan which seeks to promote town centre uses within town centres. The former Porcupine Inn forms part of the Mottingham Local Centre and there is a range of shops and services (26 units) within this local centre. However, the existing range of convenience shops including comparison shops is very limited due to the number of existing retail shops being low and a high number of catering/takeaways within the Centre. There is a healthy range of good and services in the Kinneridge Cross Neighbourhood Centres and Parades. However, this centre is located in excess of 1,300 metres from the site. The site is located near to the adjoining borough and is close to a major town centre (Eltham) in the neighbouring borough with extensive ranges of goods and services including catering and drinking establishments. The provision of an additional retail shop would provide a wider range of convenience and comparison goods and choices in Mottingham Local Centre and would potentially attract shoppers here, instead of the neighbouring borough. The proposal would also provide 40 full time and part time jobs in the Borough and assist to regenerate the derelict site. As such, it is considered that the proposal would improve the attractiveness of the Local Centre and positively contribute to the shopping function of Mottingham Centre. It is considered that the proposal would also comply with the objectives of Bromley Local Plan Policy 95 which promotes an adequate range of shops and services to meet the needs of local communities.
- 9.8. There are concerns regarding job losses in the local area from the residents. The proposal would provide 40 full time and part time jobs and would contribute positively to the overall employment opportunities in the area. Furthermore, it should be noted that the previous appeal decision stated that "*the proposed retail use would benefit the local economy and would change the vitality and viability of Mottingham local centre...This is a consideration which weighs significantly in favour of allowing the appeal*". The provision of a wider range of retail choice is therefore considered acceptable.

*Whether adequate marketing has been carried out and whether the proposal would result in a loss of public house/ community facilities*

- 9.9. Draft London Plan Policy HC7 (Protecting Public House) states that applications that proposal result in the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 9.10. Bromley Local Plan Policy 23 (Public House) resists the loss of a public house except where:-
- a. there is an alternative public house within a 500 metre walking distance of the site and if the public house is located within a local parade or shopping centre, the diverse offer of that parade or centre is not significantly affected by the loss; and,
  - b. where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.
- 9.11. Where the above criteria are met any change of use must be sympathetic to the design, character and heritage value of the original building if it is considered to be a positive contribution to the local area.
- 9.12. In addition, Bromley Local Plan Policy 20 (Community Facilities) and supporting Paragraph 3.1.24 state that redundant pubs will also be required to comply with the community facilities policy. Planning permission will not be granted for a proposal that would lead to the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves or it can be demonstrated that there is no longer a need and 6 months marketing has been provided.
- 9.13. A public house can constitute a community facility in planning policy terms. It is noted that the former Porcupine Inn was the only public house within the Local Centre before the last operator vacated the site in March 2013. The site was also registered on the Council's Assets of Community Value (ACV) list in July 2013. It should be noted that the 5 year period as an ACV has lapsed in July 2018 and the site has remained vacant in the past 7 years without any positive contribution to the Local Centre, community or the area. The proposal would result in the loss of a public house and was highly valued by the local community. In assessing the acceptability of new development, consideration should be given to the current planning policy requirements and Paragraph 24 of the previous planning appeal decision (December 2014) which states that "*An open marketing exercise would enable all considerations such as land acquisition costs, repairs and refurbishment cost, operating cost and profiles, along with any development potential of the land to the rear of the existing building, to be factored into the assessment. Without providing such an opportunity for the market to have a say about the prospects of a public house on this site, I am not satisfied that the evidence before the Inquiry established whether such a use would be viable or not*".

- 9.14. Paragraph 3 of the planning appeal decision also states that “*The Porcupine Inn closed down in March 2013. The site was acquired by Lidl in the same month for £1.1m, without being put on the open market*”.
- 9.15. Since planning permission was dismissed in December 2014, the applicant has considered a range of options for the site. In 2016, the applicant decided to dispose of the site and commenced marketing the site. The Council was notified of the applicant’s intention to dispose of the site. A 6 month moratorium period (commenced in June 2016 and expired in December 2016) and the procedures set out under Section 88 (2) of the Localism Act 2011 were followed. This provided local community groups with the opportunities to acquire the site for re-occupation as a public house, or other community uses. However, the acquisition bid for the site from the local community (The Porcupine Inn Development Committee which operates under the name of Greenwich Co-operative Development Agency) did not materialise. There were no successful undertakers.
- 9.16. The applicant has continued to market the site after the expiry of the moratorium period in December 2016. The applicant has advised that there were no offers received from pub operators. The majority of the offers received were for housing or commercial development.
- 9.17. Following a review of the marketing results, the applicant has instructed a leisure property specialist Davis Coffer Lyons to commence a further open marketing exercise in November 2018. The property was advertised by Davis Coffer Lyons, advertisements were placed in the Morning Advertiser and a sales board was erected at the site. The site has been offered for sale locally and London-wide in appropriate publications and through an authoritative specialised agent. As such, it is considered that reasonable measures to market the site have been taken.
- 9.18. The applicant has received an offer to rent by a pub operator. However, this offer did not materialise after viewing the property. The applicant has also received offers for a care home and supermarket development. There were no other offers for pub uses received.
- 9.19. This application is accompanied by a viability assessment which includes an appraisal of refurbishment costs and the condition of the former public house site and viability tests. This viability assessment has been assessed and endorsed by an independent viability consultant appointed by the Council. It is considered that the refurbishment cost and business modelling assessment made by Davis Coffer Lyons are not unreasonable. The independent viability consultant has also advised that the property has been marketed for 12 months which reflects the demand of its land use. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house.
- 9.20. Overall, it is considered that the site has been marketed for a prolonged period of time since 2016 and there were no firm and successful offers received to bring the site back into its former use. In view of the viability assessment which has been reviewed by an agreed independent viability consultant, it is considered that the property has been extensively marketed and the site would not be viable for its former use. As such, it is considered that the loss of public house would be justified

in this instance. The viability report prepared by Morgan and Clarke Chartered Surveyors was a viability assessment carried out in 2014 associated to the previous planning appeal. The findings of this dated report were reflected in the previous planning appeal decision. The current application is accompanied by an updated viability assessment including an open market exercise in line with the comment raised by the previous Planning Inspector.

- 9.21. Furthermore, the Prince of Wales Public House (154 Mottingham Road) remains as the nearest alternative public house located approximately 508 metres south from the site. This is marginally over the 500 metres requirement set in Bromley Local Plan Policy 23. On balance, it is considered that there are alternative choices of public houses in the local area and this is considered acceptable.

#### Impact on non-designated heritage

##### **Acceptable**

- 9.22. NPPF Paragraph 197 states that 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 assets. This is consistent with Bromley Local Plan Policy 40 which states that where non-designated heritage assets are highlighted as at risk of harm from a planning application, clear demonstrable reasons or evidence of their significance will be required. Where the Council agrees that such assets are worthy of protection, proposals to replace such a building will be assessed against the NPPF, taking into account the scale of harm or loss and the significance of the heritage asset.
- 9.23. The site is not located within a Conservation Area and the building is not listed. The site is located approximately 14 metres south from the Grade II Listed War Memorial. Mottingham was originally a hamlet in Eltham Parish, in Blackheath, Kent. The County of London was created in 1889 and Mottingham was excluded from the new county and the area transferred from Kent to Greater London in 1965, which now forms part of the London Borough of Bromley. The site has a history of public house use. However, the original building was demolished and rebuilt due to bomb damage in the First World War. The design of the existing public house mimics the post war houses on West Park and does not pose any significant architectural value.
- 9.24. The principle to demolish the building with a replacement building was considered acceptable by the Planning Inspectorate. Paragraph 10 of the previous appeal decision states that, "*I have no reason to find that it would not be an appropriate replacement building in terms of its effect on the street scene*". The Council's conservation officer has reviewed the planning appeal decision, heritage statement and condition of the existing building, it is considered that the existing building does not pose any special architectural merits or have any significant heritage value. The Council's conservation officer has also considered that the proposal would not have an adverse impact in the area and the setting of the listed memorial. Historic England has advised that there is no requirement to be consulted.

- 9.25. The applicant has acknowledged the historic use of this site as a public house. A commemorative information board in recognition of the site history is proposed. It is considered that the details of the commemorative information board should be secured by a planning condition.

Design, layout and massing

**Acceptable**

- 9.26. The proposed building is contemporary and is designed with a pitched roof. The proposed building would comprise of two floors with a storage area and a manager's office above the sales area on the ground floor with a maximum height measuring 9.4 metres. The external finishes of the building would consist of clear glazing, bricks and tiles to match the surrounding properties.
- 9.27. The proposed building would be sited away from the residential properties on Devonshire Road to ensure adequate distance between the proposed building and the neighbouring properties can be maintained without causing any adverse impact on residential amenities.
- 9.28. The proposed site layout plan indicates that the vehicular access to the site would be sited away from the War Memorial roundabout. The northern vehicular access would be removed and new replacement planting would be provided near to the new access. The disabled and parent and child parking spaces would be located near to the building door.
- 9.29. Overall, it is considered that the design, layout and massing of the proposal would be acceptable and would not appear out of keeping with its surrounding area.

Residential Amenity

**Acceptable**

- 9.30. Paragraph 170 (e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. This is consistent with Bromley Local Plan Policy 4 which 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.
- 9.31. No. 4 to No. 26 Devonshire Road, No. 28A Mottingham and the residential flats located on the northern side of Mottingham Road would be the nearest residential properties impacted by the proposal.

### *Air quality*

- 9.32. The application is accompanied by an Air Quality Assessment which has been reviewed by the Council's Environment Health department. The site is located outside the Council's Air Quality Management Area. There are no sensitive ecological receptors identified. Key pollutants associated to the proposal have been identified as dust generated by construction activities, and nitrogen dioxide (NO<sub>2</sub> and NO<sub>x</sub>) and fine particulate matter (PM10) predominantly associated to the road traffic during construction and operational phase. Air quality monitoring data has been collected as part of this assessment which indicates that the impact of the proposal is low and the receptors is negligible. The proposed development would not require any on-site combustion plant such as gas/fuel boilers or Combined Heat and Power (CHP) units and power would be supplied by the National Grid or solar panel.
- 9.33. The Air quality Assessment concludes that overall the air quality assessment has considered the likely impact of the proposed development on local air quality and on the proposed receptors being introduced into the area. Their assessment concludes that with the implementation of the recommended on-site mitigation measures, it is considered that air quality would not pose a constraint to the redevelopment of the site. The Council's Environment Health has considered that the submitted details are adequate and acceptable.

### *Noise and vibration (plant and car park)*

- 9.34. A revised Noise Survey and Impact Assessment in line with the NPPF, NPPG and British Standard 4142:2014 (BS4142) was submitted with the application and has been reviewed by the Council's Environmental Health. The noise baseline data was collected at 13:15 hours on 1<sup>st</sup> April 2019 and finished at 10:15 hours on the 3<sup>rd</sup> April 2019. The details of parking layout, specification and details of the proposed external plants and 2.4 metres high acoustic fence are provided in assessing the impact of the proposal. The proposed opening hours would be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00. It is demonstrated that the noise associated to the external plants and traffic of the proposed store would be within the environmental limit and would not have an adverse impact on the neighbouring residential properties on Devonshire Road.
- 9.35. The Council's Environmental Health Officer is satisfied with the assessment and is recommending planning conditions to restrict (1) the use of the site as retail (Class A1), (2) installation and maintenance of acoustic fence prior to the first occupation of the unit, (3) opening hours be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and (4) delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00 should be secured by planning conditions.
- 9.36. Noise and vibration during construction would be controlled through the implementation of measures to be set out within a Construction Management Plan (CMP) secured through condition.

### *External lighting*

- 9.37. External lighting is considered to be essential for the car park and servicing delivery in particular, during evening hours and the winter season. 6 x 6 metres high lighting columns would be installed in the car park and would not be facing the neighbouring properties. 4 recessed down lighters and 8 wall mounted lights would be installed on the building. The lighting layout plan including the Lux value is provided which confirms the lighting levels at the site boundary will not exceed 5 Lux, except on the site access road. The proposed lighting will not cause excessive glare to the neighbouring residential properties

*Outlook, sense of enclosure and privacy*

- 9.38. The proposed building would be visible from the rear and side of the neighbouring properties on Devonshire Road and Mottingham Road. However, the back to side distances between the proposed building and the neighbouring properties on Devonshire Road ranges between 16.7m and 23.1m. As such, it is considered that adequate distances between the buildings can be maintained.
- 9.39. The impact on residential amenities was considered acceptable when the previous scheme was considered at appeal. Paragraph 17 of the appeal decision states that *"The foodstore and its parking and servicing would change views of the appeal site from neighbouring properties. However, given the setback distances of the proposed building from residential properties and taking into account that this is a designated local centre, where some development could be expected to take place. I do not consider that any harm to the outlook from nearby residential dwellings would be a consideration that would weigh against the proposal. Similarly, with appropriate boundary treatment, reasonable standards of privacy for this area could be maintained".*

### Transportation and Highway

- 9.40. The Draft London Plan sets a maximum parking standard for retail use in outer London at a ratio of 1 parking space for every 50sq.m retail floor area (GIA). The proposed gross internal floor area measures 1,380sq.m and a maximum of 28 parking spaces should be provided to accord with this. The proposal would provide 33 parking spaces and would be above the maximum standards set in the draft London Plan. There is no parking standard set for non-residential development in the Bromley Local Plan. The Council's highway officers have advised that the site is within a low (rated at 2) Public Transport Accessibility Area with 3 bus routes serving the area. The proposed parking ratio in the current application would be 1 parking space per 23sq.m and would be the same as the appeal scheme, which was considered acceptable by the Planning Inspectorate.
- 9.41. The Transport Statement indicates that the average dwell time/ turnover of parking spaces is 25 minutes. Parking stress surveys have been carried out in roads up to 500m from the site and a further analysis of parking availability within 200m of the site during the peak periods (17:00 – 18:00 Thursday and 12:00 – 13:00 Saturday) which indicates that there is a high demand for on-street parking in the area. The provision of 90 minutes free parking may attract visitors making linked trips in the area and could undermine the dwell time of the parking spaces.

- 9.42. A car park management strategy is submitted which indicates that the parking spaces would be provided for their customers only. Appropriate signage will be placed at the entrance and within the car park. The customers' free parking period is on a maximum basis and no vehicles can return to the site within a one hour period. A number plate recognition system will be used to monitor the use of the car park. A car park usage and management will be carried out after a 3 to 6 months monitoring period. Given that the car park will be monitored and the usage will be managed and reviewed by the applicant, it is considered that adequate level of parking spaces can be provided. There is no parking restriction near the entrance of the site on Sunday. The Council's highway officers consider that the waiting restriction in the area should be monitored and reviewed, prior to its first occupation. The cost to monitor, review and amend the waiting restriction/amendment of traffic order shall be met by the developer. The final decision on the need for amendments should be made by the highway authority.

#### *Access and highway improvement works*

- 9.43. Adequate visibility is essential to ensure highway safety. There are two existing vehicular accesses to the site and it is proposed to remove the existing accesses and replace these by a single and central access. Table 7.1 and Figures 7.18 in the Manual for streets set out the recommended values for junction distances (X and Y values) and in line with the road speed limit. A visibility of 2.4m x 43m should be provided at the access junction.
- 9.44. The sightline to the right (east) is restricted by the existing building line with restricted visibility. This was highlighted by the Planning Inspectorate in dismissing the previous scheme. The previous appeal scheme indicates the visibility splay would achieve 2.4m x 30m to the east and was not considered adequate and would not be appropriate for the access details to be considered at planning condition stage. Paragraph 37 of the previous appeal decision states "*I do not consider that the access arrangements shown on the proposed site plan 4974 PL 02 G would be acceptable....the details would need to be determined as part of any permitted development proposal.*
- 9.45. The current proposal would achieve the required visibility splay of 2.4m x 43m and this is supported by detailed footway dimensions confirming its size, position and distance. The sightline to the right is restricted by the existing building line and in order to achieve the required visibility, the footway near the entrance of the site on both side of the road will need to be adjusted.
- 9.46. The width of the existing southern footway measures between 1.88m and 3.05m. It is proposed to increase the width of the southern footway by between 0.6 and 1.35. The width of the proposed southern footway would measure between 2.89 and 3.59m. The average width would be increase from 2.47m to 3.27m.
- 9.47. The width of the existing northern footway measures between 2.81m and 3.76m. It is proposed to reduce the width of the northern footway by between 0.53m and 1.29m. The width of the proposed northern footway would measure between 2.02m and 3.23m. The average width would be decrease from 3.16m to 2.78m;

- 9.48. Footway provision is an essential factor in encouraging or hindering walking. The proposed realignment works would have an impact on the pedestrian walking environment due to the proposed changes. However, the width reduction on the northern footway is not considered to be significant. It should be noted that the existing flower bed adjacent to the library would be retained. The distance between the front door of the library and back edge of the footway would measure approximately 5 metres. Furthermore, it should be noted that the pedestrian flow is varied during the day. Mottingham Library is closed on Tuesday, Thursday and Sunday. The library opens on Monday 930 to 1300 and 1400 to 17.30, Wednesday 9:30 to 15:00 and Friday between 930 to 1300 and 14:00 to 20.00. As such, it is considered that adequate distance can be maintained.
- 9.49. As part of this application, it is proposed to improve the existing pedestrian facility in line with the recommendation of the Stage 1 Road safety report. The Council's highway officers were consulted and there was no objection to the proposed access, realignment of the footway and improvement of the existing pedestrian crossing. The Council's highway officers have also advised that the store shall not be occupied until the required works are completed. The development shall be subject to a Stage 2 Road Safety Audit prior to commencement of work and a Stage 3 Road Safety Audit prior to the first occupation. The waiting restriction in the area should be monitored and reviewed as an amendment of the traffic order to include Sunday may be required.

#### *Servicing and roundabout capacity*

- 9.50. The servicing and delivery hours will be carried out during the opening hours and up to twice per day. Given that the site is adjoining to residential properties, early or late deliveries would not be supported. It should be noted that the servicing and delivery hours of the previous appeal scheme included earlier hour deliveries, before 8:00am. The current servicing and delivery hours will be carried out during sociable hours.
- 9.51. The swept path for the delivery vehicle will occupy both carriage ways of Mottingham Road and this was considered acceptable in the previous appeal. The site was occupied as a public house with large vehicles servicing the site. Should planning permission be agreed, a delivery, servicing and waste management plan should be secured by a planning condition.
- 9.52. A roundabout capacity assessment at the junction of West Park and Mottingham Road has been carried out. This assessment indicates that the junction would operate within its capacity with minimal queues during the period hours. The Council's highway officers have reviewed this assessment and have advised that there is no information to contradict this finding.

#### Trees

- 9.53. A Hawthorn tree (Category U) and an Oak tree (Category B/C) located to the rear of the building are the subject of a Tree Preservation Order (TPO), which has been in place since November 2013.

- 9.54. The site and the TPO trees were inspected by an arboricultural consultant in 2018. The Hawthorn tree has been subject to decay since 2013 and this was documented in the previous appeal decision (Paragraph 12) which states “*it was evident from my site inspection that the part of the tree close to the ground where its two main limbs divided is decaying, which could limit how long it could be retained, particularly as part of its limbs overhang the boundary fence of the adjoining residential property*”.
- 9.55. The oak tree is located close to the boundary with the motorcycle showroom building and with the branches overhanging the neighbouring properties it has been lopped in an unprofessional manner resulting in splits and decay. The condition of the oak tree was also documented in the previous appeal decision (Paragraph 13) which states “*It is located close to the boundary with the motorcycle showroom property, and it appears that the adjoining occupier has in the past removed limbs that overhang the boundary. This has not been done sensitively, which has damaged some branches, and give the tree a misshapen crown*”.
- 9.56. The principle to remove the TPO trees and the provision of adequate replacement planting along the frontage of the site was established, when the previous scheme was dismissed. Paragraph 14 of the previous appeal decision states “*the loss of protected trees is a consideration which at least to some degree, weighs against the appeal. But this would not be sufficient to bring the proposal into significant conflict with the UDP policy NE7 or London Plan 7.21 which seeks to retain existing trees of value, but also provides for replacement following the principle of right place, right tree.*”
- 9.57. Paragraph 15 of the previous appeal decision also states “*the loss of protected trees and open space to the rear of the existing building would, to some extent, have an adverse effect on the character, appearance and amenity of the area. However, this would not be sufficient to bring the proposal into any conflict with the aim of the London Plan policies 7.4 and 7.5 and UDP polices BE (i) (ii) or (iii). I do not consider that any harm to the character and appearance of the area resulting from the appeal scheme would weigh much against the proposal*”.
- 9.58. The proposed landscaping plan indicates that 4 replacement trees (*Crataegus monogyna stricta*) and new shrub (*Viburnum tinus*, *Choisya ternate*, *Ilex aquifolium*, *Symporicarpus albus*, *Laurus noblis* and *Mahonis aquifolium*) would be provided within the site. It is considered that adequate replacement planting can be provided and biodiversity can be maintained within the site.
- 9.59. The Council’s tree officer has advised that 10 replacement trees were provided in the previous appeal scheme. It is recommended that a minimum of 12 replacement trees should be provided and at least 50% of the replacement trees should be planted at a location visible from the road. It is considered that the details of the replacement trees of sufficient quantity and quality can be provided within the site and these details can be secured by a planning condition.

## Sustainability

### *Carbon emission*

- 9.60. 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.
- 9.61. The anticipated on-site regulated carbon dioxide emission (Building Regs 2013 Compliant Development) is 59.27tCO<sub>2</sub> per annum. A range of renewable technologies have been investigated and solar photovoltaic (PV) array is considered to be the most appropriate. The proposed sustainability measures would achieve a 36% carbon saving on site. The Council energy officers are satisfied with the proposed sustainability measures and the proposal would comply with the policy requirement achieving over 35% carbon saving.

### *Drainage*

- 9.62. Mottingham Road and the surrounding highway network are subject to surface water flooding. In line with the National Planning Policy Framework and relevant policies, new development should utilise sustainable urban drainage systems unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off managed as close to its source as possible.
- 9.63. A Drainage Assessment and Surface Water Drainage Strategy has been submitted and this demonstrates that the surface runoff from the development will be controlled the lifetime of the development without any increased flood risk in the area.
- 9.64. The current surface water discharge for the development ranges from 11.3 litres per second for the 2 year event to 28.9 litres per second for the 100 year event. The proposed sustainable urban drainage strategy for the site will include the provision of a modular storage and a permeable paving system to be located within the car park with a peak flow restricted to 5.6 litres per second. Permeable paving will provide approximately 17sq.m storage. The proposed attenuation tank will provide approximately a further 101sq.m of storage required to retain the 1 in 100 plus 20% climate change event. This represents a reduction of surface water flow of more than 50% when compared to the existing surface water discharge for the 2 year event and significantly less when compared to the existing 30 year and 100 year events. A bypass petrol interceptor is proposed to treat pollutants which arise from car park run-off prior to discharge.
- 9.65. The Council's Sustainable Drainage officer has reviewed the proposed measures set out in the submitted drainage assessment and surface water drainage strategy. It is recommended that the detailed designs should be secured by a planning condition, prior to any work commencing on site. Thames Water has advised that the site is located within 15 metres from their waste water assets and there are public sewers crossing or close to the site. An informative should be attached advising the presence of their assets. Development would be expected to demonstrate what

measures will be undertaken to minimise ground water discharges in the public sewer. Any discharge of groundwater into a public sewer will require consent from Thames water and an informative should be attached. It is recommended that a petrol /oil interceptors be fitted in the car park

#### Design Out Crime

- 9.66. Bromley Council Policy 37 and London Plan Policy 7.3 are relevant with regards to secure by design. The policy notes that the Council will require developments to demonstrate that they have incorporated design principals which contribute to community safety and security, particularly in an area with a relatively high level of crime.
- 9.67. A security gate will be installed in the car park and attached on the flank wall of the proposed building. The security gate will be used outside the opening hours. The Metropolitan Police was consulted in respect of the current application and recommended that a standard planning condition requiring the development to achieve Secured by Design accreditation be attached.
- 9.68. It should be noted that this part of the proposal is identical to the previous appeal scheme which was endorsed by the Metropolitan Police's Design Out Crime Officer and did not form a planning reason at appeal stage in 2014. Paragraph 2 of the planning appeal decision states "*LBB advised by email dated 1<sup>st</sup> August 2014 that its Plans Sub Committee agreed not to contest the appeal on its third reason for refusal, which concerned crime prevention. This was on the basis of revised drawings showing a proposed gate and potential security measures agreed between the appellant and the Metropolitan Police's Design Out Crime Officer*".
- 9.69. Subject to the secured by design planning condition, it is considered that this part of the proposal would be acceptable.

#### CIL

- 9.70. The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). Based on the Mayor's CIL charging schedule and the information provided as part of the application, the Mayoral CIL is based at £60 per square metres at the present time.

#### Head of Terms

- 9.71. S106 Legal Agreement: - £5,000 financial contribution to review and amend traffic waiting restriction in the area.
- 9.72. S278 Highway works: - (1) Improvement to the pedestrian crossing; and (2) Realignment of footway.

## **Conclusion**

- 9.73. Subject to the planning obligations and planning conditions, it is considered that the proposal is acceptable and would not impact detrimentally on the character of the area, retail function, highway safety or residential amenities. Marketing details and a viability assessment have been provided and confirm the lack of market demand for a public house at this site. As such, it is considered that the proposal would be acceptable and planning permission be granted.

**RECOMMENDATION: PERMISSION subject to a S106 Legal Agreement, S278 highway works and the following planning conditions:**

### **Standard condition**

- 1. Time limit of 3 years for commencement**
- 2. List of drawing numbers**

### **Pre- commencement**

- 3. Construction management plan**
- 4. Details of materials**
- 5. Stage 2 Road Safety Audit**
- 6. Review of waiting restrictions in the area and amendment of traffic order**

### **Prior to occupation**

- 7. Installation of security gate**
- 8. Stage 3 Road Safety Audit**
- 9. Replacement planting and trees**
- 10. Car park management plan**
- 11. Servicing and delivery plan**
- 12. Sustainable water drainage**
- 13. Details of replacement trees**
- 14. Carbon emission measures**
- 15. Details of commemorative information board**

### **Compliance conditions**

- 16. Opening hours: - 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 on Sunday**
- 17. Delivery hours: - 08:00 to 21:00 Monday to Saturday and 10:00 to 16:00 on Sunday**
- 18. Parking to be provided as approved**

**Any other planning condition(s) considered necessary by the Assistant Director of Planning**

### **Informatives:**

- 1. Road safety Audit shared by prepared and in agreement with the Council's Highway.**
- 2. Code of Practice for Construction Sites**
- 3. Fire Brigade**
- 4. Thames Water**

Appendix 1 - Technical Note dated April 2020

Appendix 2 – Existing and proposed footway (Drawing number SCP  
18/047/SK12/Rev A)

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**Technical Note 03**  
**Responding to Councillor David Cartwright's**  
**Highways-Related Comments**

**Proposed New Lidl Foodstore  
Mottingham Road,  
London Borough of Bromley**

**Lidl Great Britain Limited**

**April 2020**

**Doc Ref: JRB/18047/TN03/00**

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Prepared by: Jim Budd

JRB

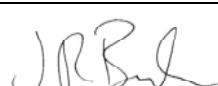


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Checked & Jim Budd

Approved by

JRB



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#### Document Revision Control

Revision	Date	Status	Prepared By	Checked By	Approved By
00	28.04.2020	Issue	JRB	JRB	JRB
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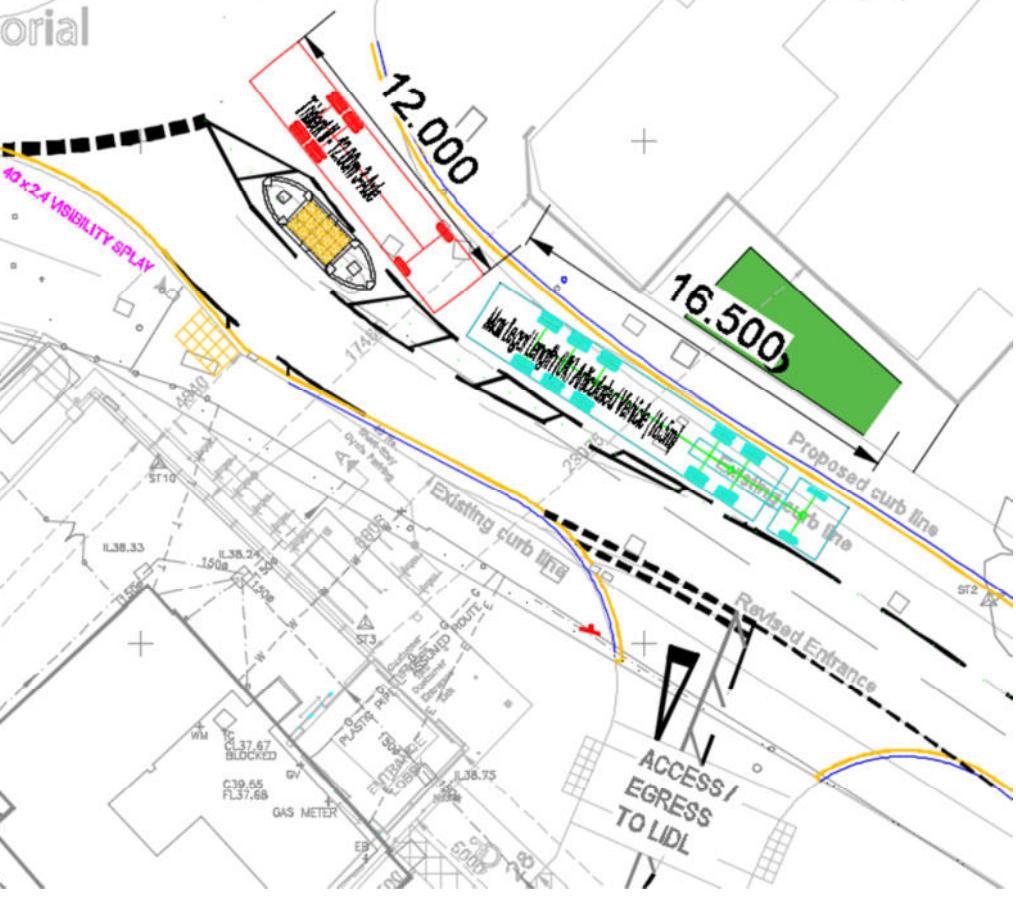
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## 1.0 INTRODUCTION

1.1 This Technical Note has been prepared in response to the six highways-related questions raised by Councillor David Cartwright at the 18<sup>th</sup> March 2020 committee meeting at which Lidl's application for development on the site of the former Porcupine PH, 24 Mottingham Road, was deferred.

Item	Questions raised by Councillor David Cartwright	SCP Response
1	<i>The rear of a large delivery lorry sticking out into the roundabout in the likely event that it is unable to immediately turn into the store.</i>	<p>In the event that an HGV does approach the site from the north-west, the following image clearly shows that it can position itself at the site access such that a gap of at least 12m will exist between it and the roundabout. This is sufficient for a single-decker bus or for two cars to store.</p> <p>In reality, the HGV will approach the site via the A20 and Court Road and will therefore turn left into the site and turn right out.</p> 

2	<i>Large delivery lorries manoeuvring within the public car park and attempting to exit the site.</i>	<p>Visibility standards in the UK are dictated by the position of the driver within the vehicle. In a typical car, the driver will be sitting around 2.4m back from the give-way line. This 2.4m measurement is known as the “x-distance”.</p> <p>By contrast, an HGV driver sits much further forward in the cab due to the engine being beneath or behind him. The driver's eye line is therefore only around 1m from the front of the vehicle. The driver also sits much higher. Combined, the height and forward position of the driver provide excellent visibility both forwards and laterally. At the site access, the driver will have a commanding view of oncoming traffic from both directions and his rear view mirrors will provide sufficient visibility of the areas down both sides of the vehicle.</p> <p>Lidl service around 95% of their stores in the UK and abroad via the customer car park, and often while the store is open and trading normally. Lidl's safety record is excellent in this regard.</p>
3	<i>The narrowing of the road way through widening the existing pedestrian refuge</i>	<p>There is no narrowing of the road between the enlarged crossing and the footway. The footway on the north side of Mottingham Road has been narrowed by about 0.6m to ensure that the eastbound lane can continue through at almost exactly the same width. In fact, the improved lane will be 0.2m wider than it is now. The footway, while narrower, is still over 2m wide which is the UK standard.</p>
4	<i>The issue of the disappearing street lamp</i>	<p>The repositioned street lamp has not currently been shown on the general arrangement drawing because its final location is a matter for the council's street lighting design team to agree at detailed design stage. The column could simply be moved back towards the back of footway in its current position, or it could be sited a minimum of 0.45m from the new edge of carriageway, or it could move closer to the roundabout and the crossing. It will definitely be retained as part of the Mottingham Road improvement scheme and there is no inherent design flaw in the submitted general arrangement drawing that would prohibit the street lighting column from being repositioned.</p>
5	<i>The issue of the utilities and mains</i>	<p>The issue of utilities and mains services under footways when widening the road will be picked up at detailed design stage. Both the adopting</p>

	<p><i>services under the pavement where re-alignment would take place.</i></p> <p>highway authority and the affected utility company will insist upon sufficient depth of carriageway construction to ensure that the area of new carriageway can cater for the heaviest vehicles allowed on UK roads without affecting underground services. Where necessary, if utilities have to be lowered to cater for increased construction depth, or diverted away from the running carriageway into the retained footway at their current depth, the costs of such alterations will be borne by Lidl. This is standard practice in the detailed design of new or improved roads in the UK and technical approval from the adopted highway authority will not be forthcoming until Lidl have proved that utility diversions have been properly allowed for.</p>
6	<p><i>The effect of increased demand for parking and the potential reduction of local parking spaces.</i></p> <p>The sufficiency of Lidl's parking proposal was accepted by the inspector into the 2015 appeal. He agreed with Lidl that there was enough parking both on and off-site to cater for Lidl's requirements. The appeal was supported by parking-beat surveys undertaken across an area defined as being within an easy walking distance of the site. These parking-beat surveys were repeated for the 2018 application across an identical area and the same results were obtained. At peak times for Lidl, there were a sufficient number of spaces available on-street and within a suitable walking distance of the store.</p> <p>There is therefore no doubt that parking provision both on site and within the local area is sufficient for Lidl's and the community's needs.</p>

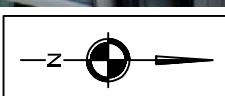
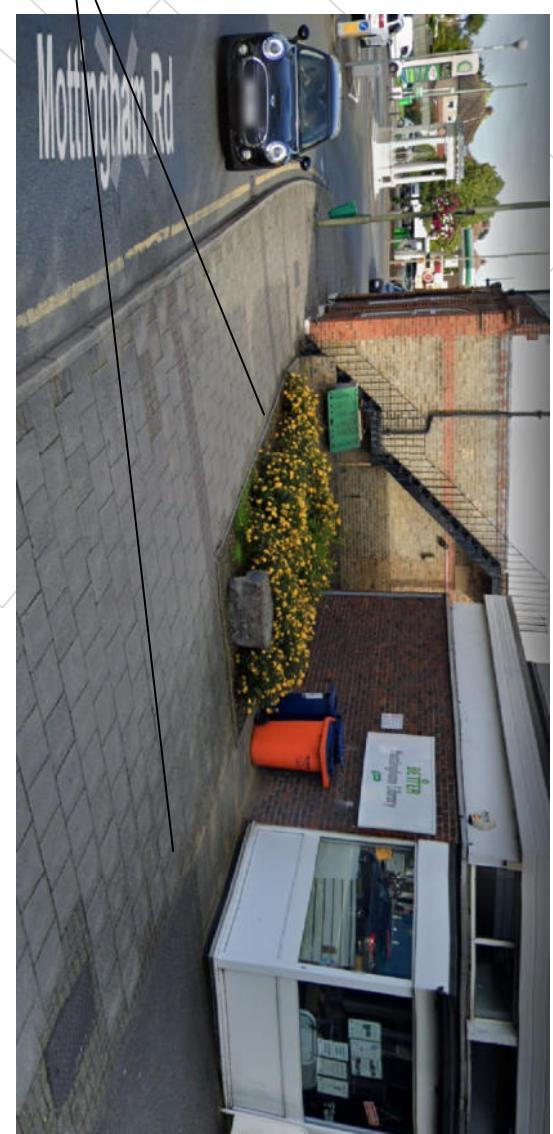
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## War Memorial



WEST PARK

AREA IN  
FRONT OF  
LIBRARY AND  
FLOWER BED  
UNAFFECTED  
BY FOOTWAY  
ALTERATIONS



Mottingham Road Northern Footway Alterations

Location	Existing Width (m)	Proposed Reduction (m)	Proposed Width (m)
1	2.810	-0.610	2.200
2	2.930	-0.830	2.100
3	3.190	-0.990	2.200
4	3.310	-1.290	2.020
5	2.980	-0.830	2.150
6	3.760	-0.530	3.230

## REVISIONS

REV	DESCRIPTION	DATE	BY

# S | C | P

Transportation Planning : Infrastructure Design

Riverdale Studio, 32 The Calls, Leeds LS2 7EW, Tel 0113 867 3323

Client Name:



Project Title:

LIDL, MOTTINGHAM RD, BROMLEY

Drawing Title:

PROPOSED IMPROVEMENTS TO  
PEDESTRIAN CROSSING FACILITIES  
ALONG MOTTINGHAM ROAD &  
CLARIFICATION OF EXISTING AND  
PROPOSED FOOTWAY WIDTHS

Drawn By:

JH Date: 16.01.19

Checked:

JRB Scale: 1:250 @ A3

Status:

PLANNING

Approved/Unapproved:

Drawing No.

SCP/18047/SK12

Rev:

NOTES

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# Agenda Item 7

<b>Committee Date</b>	May 21 <sup>st</sup> 2020	
<b>Address</b>	Old Town Hall 30 Tweedy Road Bromley BR1 3FE	
<b>Application number</b>	<b>19/03545/FULL and 19/03546/LBC</b>  <b>Joint report</b>	<b>Officer</b>  <b>Karen Bradshaw</b>
<b>Ward</b>	Bromley Town	
<b>Proposal (Summary)</b>	<p>Application for planning permission and listed building consent to enable minor demolitions, conversion, restoration and extension of the Old Town Hall (OTH) Building (extensions no greater than 3 stories in cumulative height) to provide office space (Class B1), ancillary hotel bedrooms (x 24) (Class C1), and a food and drinking establishment within the Old Courthouse (Class A4), and</p> <p>Five storey residential scheme consisting of 53 apartments (18 x 1 bed, 34 x 2 bed and 1 x 3 bed) (Class C3) with basement parking for 26 cars upon the former South Street Car Park Site (SSCP), along with provision of 160 cycle spaces across both sites. (72 spaces - Old Town Hall, and 88 spaces - South Street Car Park), landscaping, public realm improvements and ancillary development.</p>	
<b>Applicant</b>	<b>Agent</b>	
Mr Henry Webber Winger Ltd 36 Dover Street London W1S 4NH	Mr Mark Hoskins NTR Planning Ltd Clareville House 26-27 Oxendon Street London SW1Y 4EL	
<b>Reason for referral to committee</b>	Exceeds Delegated Authority for AD (Planning)	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	<b>Planning Granted subject to a Section 106 Agreement (see separate report for 19/03546/LBC)</b>
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## **SUMMARY**

### **KEY DESIGNATIONS**

- **Bromley Town Centre Conservation Area (OTH only)**
- **Adjacent to Conservation Area (SSVP)**
- **Listed Building Grade II (OTH)**
- **Building at Risk (OTH)**
- **Adjacent to Locally Listed Buildings (both sites)**
- **Bromley Town Centre Area Action Plan Opportunity Site C**
- **Air Quality Management Area**
- **London Distributor Road**
- **Flood Zone 1**
- **PTAL 6a**

### **Land use Details**

	Use Class or Use description	Floor space (GIA SQM)
Existing – Old Town Hall	Class B1(a) Office	6,677 sqm (GIA) (7,088 sqm GEA)
Proposed – Old Town Hall	Class B1(a) Office Class A4 Drinking Establishment Class C1 Hotel	6878 sqm GIA 251 sqm GIA 742 sqm GIA (24 bedrooms) Total 7871 sqm (GIA)

### **Residential Use**

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	18	34	1	0	53
Total	18	34	1	0	53

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	OTH - Nil SSCP - 98	OTH – Nil SSCP - 27	OTH Neutral SSCP -71
Disabled car spaces	OTH - 1 SSCP - 6	OTH – 1 on-site (2 relocated to eastern side of Court St) SSCP - 6	OTH Neutral SSCP -71
Cycle	OTH – informal spaces in courtyard SSCP – informal spaces in car park	OTH– 52 long stay and 20 short stay SSCP - 88	OTH +72 SSCP +88

<b>Electric car charging points</b>	20% active/80% passive
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<b>Representation summary</b>	Neighbour letters were sent 30.1.2020 A Site Notice was displayed on 3.10.2019 A press advert was published on 2.10.2019
Total number of responses	15
Number in support	0
Number of objections	14
Number of general comments	1

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Carbon offset OTH	£57,078	Agreed
Carbon offset SSCP	£69,930	Agreed
Affordable Housing	£175,398	Agreed
Car Club contribution for cost of markings and making an order to add car club space to the highway	£2500	Agreed
Car Club Membership	£4000	Agreed
Highway contribution for making orders for coach parking space and relocation of disabled parking spaces	£3000	Agreed

Stopping up Order for new ramped access in Court Street	£2000	Agreed
Monitoring Fee	£2000	Agreed
Viability Review Mechanism		To Be Agreed
Highways works to be secured under S278 of the Highways Act: - Flexible coach parking space on south side of South Street and relocation of disabled parking bays on Court Street Car Club parking space and road markings - Kerb radii adjustments - New ramped pavement in Court Street	Works to be carried out at the developers expense	Agreed
Residential Public Landscaping Scheme	Works to be carried out at the developers expense – details to be agreed with LBB and TfL	Agreed

**The total financial contribution will be £315,906**

#### **JOINT REPORT WITH 19/03546/LBC**

#### **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development for the Old Town Hall would deliver a scheme for the reuse of this vacant Grade II listed building and lead to the removal of the building from the Building at Risk Register.
- The proposed Old Town Hall development will preserve and enhance the character and appearance of the Bromley Town Centre Conservation Area.
- The proposed development of the long vacant South Street Car Park site would create good quality residential accommodation that would make a positive contribution to the borough's housing stock.
- The proposed South Street Car Park scheme would be of an appropriate mass, scale, form and design that would be in keeping with its context, making a positive contribution to the appearance of the site and surrounding area.
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers.
- No unacceptable Highways impacts would arise.

## 1. LOCATION

1.1 This 0.7ha site comprising the Old Town Hall (0.49ha) and the South Street Car Park (0.21ha) lies on the north side of Bromley Town Centre just to the south of Bromley North Station. The two sites are separated by part of South Street.

1.2 The Old Town Hall comprises the original Bromley Town Hall fronting Tweedy Road (1907 element) and the later Bromley Town Hall fronting Widmore Road (1939 element). The first floor element at the corner of South Street and Court Road was added in the 1960's.

1.3 To the north and east the site is bounded by the A21 Tweedy Road dual carriageway. On the opposite side of the road is Bromley North Station and substantial commercial buildings with a converted residential building opposite the Old Town Hall known as The Clockhouse, which is locally listed.

1.4 East Street sits beyond the NW boundary and comprises a mixture of retail and leisure uses on the ground floor of 3 storey Victorian/Edwardian buildings with commercial and residential units on the upper floors with some directly backing onto the site. Immediately to the west and adjoining the site, is locally listed Bromley Fire Station.

1.5 To the west of the Old Town Hall is Court Street with locally listed Community Hall on the corner of South Street and Court Street.

1.6 To the south of the Old Town Hall is Widmore Road which comprises a mix of commercial and retail premises, with some residential units on the upper floors of the property at the corner of Widmore Road and Court Street

1.7 Widmore Road and Tweedy Road are heavily trafficked and busy roads. South Street is one way from west to east with traffic only entering from Tweedy Road. Both Court Street and South Street are less heavily trafficked and provide local access and a minor through route between Tweedy Road and Widmore Road.

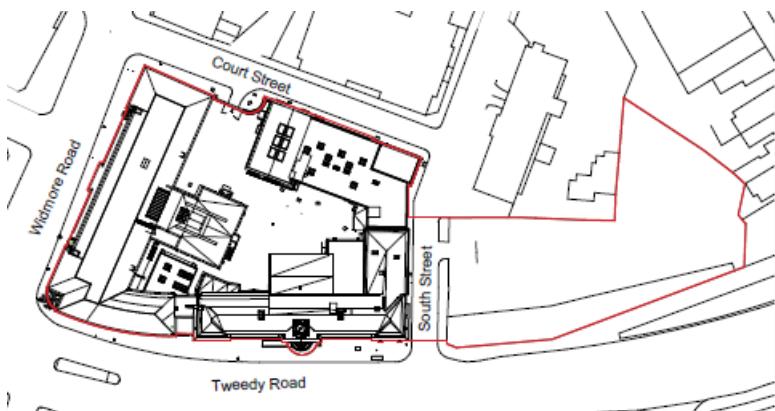


Fig 1 Existing Site Location Plan

## 2. PROPOSAL

2.1 The application site comprises 2 plots on the north and south side of South Street and these elements are known as the Old Town Hall (OTH) and South Street Car Park (SSCP).

2.2 Whilst these are physically separate sites, the agent advises that they are component parts of the Opportunity Site C in the Bromley Town Centre Area Action Plan (BTCAAP) with a recognition that the delivery of development on the SSCP will contribute to the viable conversion and reuse of the listed OTH buildings.



Fig 2 OTH Proposed Ground Floor Plan

### Old Town Hall

2.3. The OTH element will incorporate 3 separate forms of development, namely co-working offices, an hotel and an Class A4: drinking establishment.

#### 2.4 Proposed Co-working offices element

- Use of the building for Class B1(a) offices as co-working serviced office facility which will accommodate a total of 871 desks. The internal layout will be designed for use as different types of office space with private offices, dedicated desk spaces or hot desking/flexible desks. The proportion of each use has not been specified but it is anticipated that the majority of the floorspace will be used for private offices. A reception is provided on the ground floor and access to the building will be 24hrs a day/365 days per annum.

- Office floorspace will be provided at basement, first and second floor levels. In addition the existing roofspace of both the 1907 and 1937 elements, which do not provide any useable floorspace at present, will be converted to provide office floorspace.
- The principle access to the offices will be via Court Street and through the internal courtyard at ground floor level with a secondary entrance via the existing entrance door facing Tweedy Road. Disabled access to the building will be provided a ramp within the internal courtyard.
- There will be opportunities for members of the public to hire meeting rooms for between 6 and 16 people on the first floor of the 1939 Annexe.

## 2.5 Proposed Hotel element

- The hotel use will be located in the part of the building at the junction of Court Road and South Street. The existing ground floor element will be retained and an existing 1960's first floor extension above will be removed. This will be replaced with a first and second floor extension to be used for hotel accommodation providing 24 bedrooms which falls within Class C1. The applicant advises that the hotel will be primarily to support the primary office use but will be available to members of the public. Two of the rooms will be fully accessible.
- The main entrance to the hotel will be via an existing entrance on Court Street.

## 2.6 Proposed Class A4: drinking establishment.

- This proposed food and beverage use will occupy the former Courthouse building and will be available to members of the public as well as office employees in the building. The main entrance will be via Court Street with level access provided by a ramp within the existing pavement.
- The applicant has proposed hours of operation for the new bar from 07:00 to 00.30 with no customer entry after 23:00. This is consistent with the approved hours of operation for the proposed restaurants that were approved under condition 37 of permission 16/01175.

## 2.7 Quantum of development for the Town Hall site (0.49ha)

The applicant has submitted details of the quantum of development which is summarised below:

- Total existing floorspace of the OTH is 6677 sqm GIA (7088 GEA)
- Existing floorspace demolished (ref 19/04544/LBC) is 581 sqm GIA (620 GEA)
- New build floorspace 1775 sqm GIA (1810 sqm GEA)
- Total resultant floorspace is 7871 sqm GIA (8278sqm GEA)

- Total additional floorspace is 1194sqm GIA (1190GEA)

(It should be noted that the total additional floorspace for works to OTH for the 2016 hotel scheme, was 8,103 sqm)

Proposed physical alterations to the Old Town Hall that require planning permission and listed building consent

2.8 There is a considerable amount of work that is required to convert the OTH to the proposed uses and erect an extension for the hotel element. These works are briefly summarised below and relate to physical changes to the fabric of the building. Full details of the exact works can be found in submitted documents and plans and will be discussed elsewhere in this report:

- Removal of existing 1960's existing first floor extension and erection of two storey extension at the corner of Court Street and South Street.
- Addition of a dormer extension to the rear of the roof of the 1939 element to enable use of the roof space area.
- Provision of conservation skylights on the front roof slope of the 1939 element facing Widmore Road.
- Roof level glazed 'link' corridor that will join the 1907 and 1939 elements to enable uninterrupted internal pedestrian movement at this upper level.
- Single storey extension within the internal courtyard in a pavilion/conservatory style with a roof terrace above that will provide outdoor space for users of the proposed 'Members Lounge' (hot desking area) which will be located in the former 1907 Council Chamber.
- Removal of mezzanine floor in 1939 Council Chamber to create double height room.
- Removal of mezzanine gallery in the former Courthouse element
- Re-use of the entrances off Widmore Road and Tweedy Road to provide secondary 'fob' access.
- Replacement of windows in the rear of the proposed Reception area to provide a new Main Entrance from the internal courtyard.
- Alterations to other window and door locations within the internal courtyard
- Provision of 52 long stay cycle parking spaces within the courtyard and a further 20 short stay/visitor cycle parking spaces adjacent to the courtyard entrance.
- One dedicated on-site accessible parking bay within the courtyard area.
- Relocation of an existing pair of tandem disabled parking spaces from the western side of Court Street to the eastern side of the road close to the junction of Court Road and Widmore Road.
- Flexible coach parking/delivery parking bay in South Street.
- Courtyard landscaping scheme

- Refuse and recycling facilities
- New substation

2.9 It should be noted that the existing ramp to the Tweedy Road entrance will not be replaced.

Proposed physical alterations to the Old Town Hall that do not require planning permission and listed building consent

2.10 Since the summer of 2019, the owner of the site has been carrying out works to the OTH which do not require planning permission or listed building consent. These have included internal works to remove modern fixtures and fittings. Also scaffolding has been erected around the building in preparation of future works.

2.11 In addition demolition work has been carried out to remove various modern additions to the building in the internal courtyard. This work required listed building consent which was approved in January 2020.

2.12 In addition to the proposed change of use and physical alterations to the Old Town Hall there are other proposals to support the OTH and South Street Car Park elements of the scheme as follows:

- Provision of a car club parking space on South Street
- Flexible coach parking/loading bay on the south side of South Street
- Relocation of disabled parking bays
- Access ramp to Court Street hotel and café/bar entrances
- Car club bay

South Street Car Park

2.13 This element comprises a 0.21ha vacant site on the north side of South Street which was most recently been used as a public car park. This use has now ceased.

2.14 The applicant advises that the proposed residential development retains the fundamental principles of the form and extent of development previously approved in 2015 and 2016. Alterations to the current scheme include the addition of a new substation and minor alterations to the size of one unit adjacent to the proposed substation plus updates to other units to reflect current building control and planning regulations.

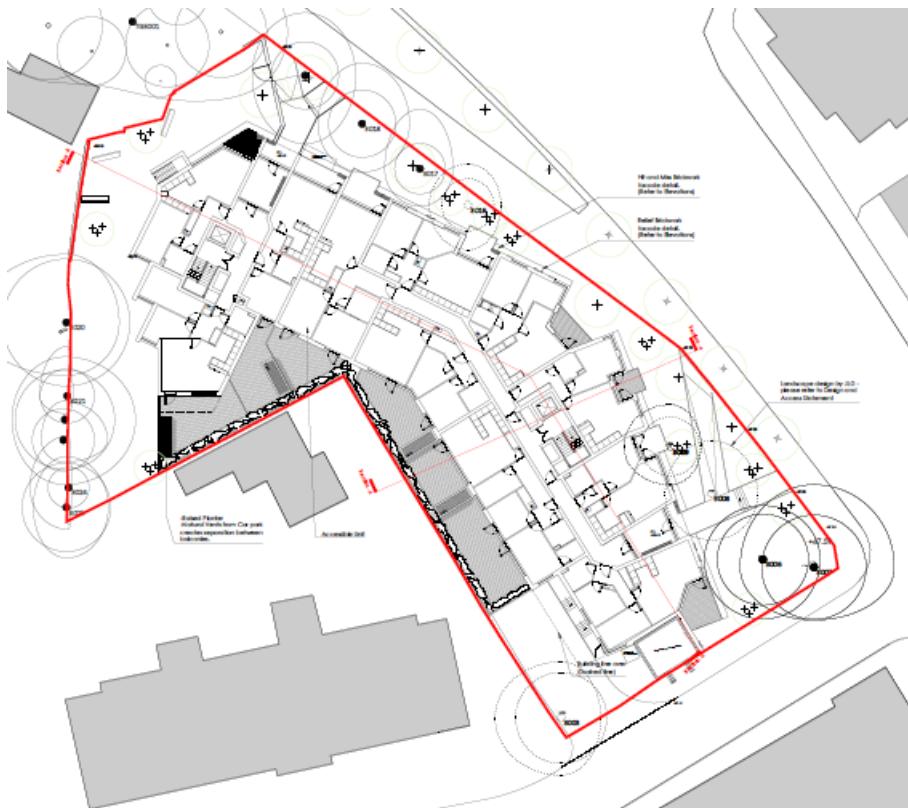


Fig 3 SSCP Proposed Ground Floor Plan

2.15 The proposal comprises the following elements:

- Erection of a 5 storey, flat roof building with basement. The fifth floor will be set back from the lower floors.
- A total of 53 residential units (144 habitable rooms) comprising
  - 18x1 bedroom units
  - 34x2 bedroom units
  - 1x3 bedroom unit
- The total new building floorspace will be 4177sqm GIA (4544sqm GEA)
- Six units will be wheelchair accessible to Building Regulations Part 4(3)(2a)
- No affordable housing is proposed.
- 26 car parking spaces (including 6 disabled parking spaces) will be provided in a semi basement parking area.
- 88 bicycle parking space will be provided in the basement.
- Refuse and recycling storage areas will also be provided in the basement with service lift on collection day.
- A full height basement plant room will be provided.
- A new substation will be provided on the southern elevation with access from South Street.
- All units will have private balconies or terraces.
- A communal private residential amenity area including children's playspace will be provided on the western side of the building to the rear of properties in East Street.

- Trees along the frontage of the site facing Tweedy Road will be removed with the exception of the retention of 5 existing trees.
- A new landscaped buffer, including replacement tree planting will be provided along the Tweedy Road frontage.
- Ramps to front entrances to provide disabled access.
- Provision of a green roof on the building and substation.

### Listed Building Consent Application

2.16 A separate listed building consent application has been submitted under ref 19/03546/LBC to accompany the planning application. It is considered that the issues assessed in this report deal with the requirements of the LBC. A separate report setting out details of relevant conditions specifically relating to the LBC is also on the Agenda.

### **3. RELEVANT PLANNING HISTORY**

15/00140/FULL3 - Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 94 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pickup/drop off in Tweedy Road and South Street and Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1bed, 34 x 2-bed, 1 x 3 bed), with basement parking for 26 cars and 118 cycle parking spaces upon the neighbouring South Street Car Park, together with associated landscaping and public realm improvements. Approved subject to legal agreement on 6.11.2015.

15/00141/LBC – accompanying LBC application approved 16.12.2015

16/01175/FULL1 - Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 99 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pickup/drop off in Tweedy Road and South Street and Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1bed, 34 x 2-bed, 1 x 3 bed), with basement parking for 26 cars on the South Street Car Park site, together with associated car parking for the Old Town Hall site, 118 cycle parking spaces across both sites, landscaping and public realm improvements. Approved subject to legal agreement on 8.11.2016.

16/01174/LBC - accompanying LBC application approved 8.11.2016

The 2016 application made minor internal and external alterations and increased the number of proposed hotel bedrooms from 94 to 99

All of these applications are now expired.

19/04544/LBC - Demolition of original WC block and minor modern extensions within central courtyard and remediation works to exposed facade to match existing, removal of external staircases, metre housing and existing drainpipe diversion also within internal courtyard and removal of temporary ramp serving the main entrance of the 1907 Town Hall Building. Approved 7.1.2020

19/04820/TREE - Magnolia in raised planter at junction of Tweedy Road and Widmore Road - Reduce height by 3m. Reduce lateral limbs in lower 3m of crown (i.e. 2-5m above planter soil level) by 1.5m. Tip prune remainder of crown.

#### **4. CONSULTATION SUMMARY**

##### **A) Statutory**

###### 4.1 TfL – No Objection

Any proposals for landscaping and tree planting on the TLRN will need to be agreed with TfL and will need to be considered in accordance with TfL Streetscape Guidance and future maintenance liability.

TfL request that a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) are secured by condition in consultation with TfL.

The Framework Travel Plan should be updated to reflect the proposed amendments in line with Policy 6.3.

The comments draw attention for the need of the applicant to obtain approval from TfL for any works on the Transport for London Road Network (TLRN) including landscaping and tree planting, any stopping up required, highway works under S278, compliance with parking requirements for construction traffic, temporary obstructions, skips and scaffolding.

Subject to addressing the transport issues identified and the necessary approvals for any proposed highway works on the TLRN, TfL believes the application is capable of being acceptable in transport terms and in accordance with the London Plan.

###### 4.2 Historic England – no objection

Historic England broadly supports these proposals and has the following comments:

- Extension less visually intrusive than approved design and would prefer setting back of upper storey and use of lighter materials to complement historic slates
- Proposed roof link – original design too unsympathetic and would prefer simpler design and retention of as much of existing roof detail as possible
- Loss of ramp at Tweedy Road entrance would be preferable
- Benefits include public access to Old Courthouse and reinstatement of double height space in this structure, reinstatement of sash windows to full height in 1939 Chamber and opening public gallery in 1907 Chamber.
- Harm from glazed roof link and proposed ramp and other moderately harmful aspects should be weighed against public benefits including the renovation of the OTH and potential removal from the Buildings at Risk Register.
- No substantive comments on SSCP but request high quality cladding materials to complement the OTH and other historic buildings ibn the vicinity.

#### 4.3 Historic England (Archaeology) – no objection

On this occasion it is concluded that the archaeological potential is low and so can be secured by condition. Further field work is required and this is required by the recommended condition.

#### 4.4 Environment Agency – no comment

We have no comments to make on the proposed development. The previous use does not pose a risk to groundwaters.

#### 4.5 Thames Water – no objection

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

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

#### 4.6 Metropolitan Police Design Out Crime – no objection

Subject to conditions requiring each phase of development to achieve Secure by Design, the Met Police Designing Out Crime Officer raises no objections to the development.

#### 4.7 Advisory Panel for Conservation Areas – general support but some objections

APCA generally welcome the proposals but raise concerns about adverse impact of rooflights facing Tweedy Road, hotel is less intrusive than permitted scheme but an uncomfortable intervention in the street scene, request public access to the building.

### **B) Local Groups (s)**

4.8 The Bromley Civic Society provide the following comments:

#### Old Town Hall (OTH)

1. Alterations are less damaging than the approved scheme
2. Landscaping and removal of mezzanine floors welcomed
3. No objection to rear, inward facing dormer windows
4. Proposed rooflights on front elevations detrimental to architectural integrity (6.2.24)
5. Proposed extension overbearing and uncomfortable in this location (6.2.11-20)
6. Awkward junction of new and proposed roof slopes (6.2.14)
7. Window size in extension emphasise overbearing impression of upper storey (6.2.16)
8. Loss of public access to OTH, especially former public areas i.e Council Chambers, staircases and lobbies is regrettable and does not make a positive contribution to local character. (6.2.45-47)
9. Only area retained for public access is the Old Court House.(6.2.45-47)
10. Key public areas should be available often and regularly for events (6.2.45-47)
11. Retention of tree at corner of Tweedy Rd ad Widmore Rd is preferred. (6.13.7)

#### South Street Car Park (SSCP)

12. No objections in principle
13. Request red brick rather than grey brick (6.2.26)
14. Loss of existing trees regrettable (6.13.7)

4.9 The Bromley Local Group of the RSPB request the provision of swift nest boxes or integral swift bricks to encourage growth of swift population. (condition 16)

### **C) Interested Parties**

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

## Objections

1. OTH should be an upmarket hotel or residential units (6.1.8, 6.1.13, 6.1.20)
2. Vehicle access to SSCP should be off Tweedy Road not South Street (6.11.2)
3. Conversion to offices will lead to conversion to residential (6.1.17)
4. Negative impact of plans for OTH on conservation area, other protected buildings nearby and building itself (6.2)
5. Loss of daylight from SSCP west elevation to adjacent flat (6.10.1-7)
6. Increase in traffic
7. Bromley has enough offices (6.1.4)
8. Insufficient car parking for flats and no parking for offices will have detrimental impact on existing residents parking (6.11.2)
9. Concern about how the building will be serviced. (6.11.4 & 8)
10. SSCP building will not complement the conservation area (6.2)

*These objections have been considered and addressed in the sections in brackets in the Assessment section below.*

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

## **5. POLICIES AND GUIDANCE**

5.1 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:

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

5.2 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.

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

5.4 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.

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

## 5.6 The London Plan (2016)

- Policy 2.6 Outer London: vision and strategy
- Policy 2.7 Outer London: economy
- Policy 2.8 Outer London: transport
- 2.15 Town Centres
  - Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.6 Children and young people's play and informal recreation facilities
  - Policy 3.8 Housing choice
  - Policy 3.9 Mixed and balanced communities
  - Policy 3.10 Definition of affordable housing
  - Policy 3.11 Affordable housing targets
  - Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
  - Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
  - Policy 4.7 Retail and Town Centre Development
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.9 Heritage-led Regeneration
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving acoustic environments and promoting appropriate soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

## 5.7 Mayor Supplementary Guidance

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Housing Supplement Planning Guidance (2016)
- Energy GLA Energy Guidance 2018
- Mayors Affordable Housing and Viability Supplementary Guidance SPG 2017
- Shaping Neighbourhoods: Character and Context (2014)

## 5.8 Draft London Plan (2019)

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

## 5.9 Bromley Local Plan (2019)

- Policy 1 Housing Supply
- Policy 2 Affordable Housing
- Policy 4 Housing Design
- Policy 8 Side Space
- Policy 30 Parking
- Policy 31 Relieving Congestion
- Policy 32 Road Safety
- Policy 33 Access for all
- Policy 37 General Design of Development
- Policy 38 Statutory Listed Buildings
- Policy 34 Locally Listed Buildings
- Policy 41 Conservation Areas
- Policy 42 Development adjacent to Conservation Areas
- Policy 43 Trees in Conservation Areas
- Policy 46 Ancient Monuments and Archaeology

Policy 71 Additional Nature Conservation Sites  
Policy 73 Development and Trees  
Policy 74 Conservation and Management of Trees and Woodlands  
Policy 79 Biodiversity and Access to Nature  
Policy 88 Hotels  
Policy 90 Bromley Town Centre Opportunity Area  
Policy 92 Metropolitan and Major Town Centres  
Policy 98 Restaurants, Pubs and Hot Food Takeways  
Policy 113 Waste Management in New Development  
Policy 116 Sustainable Urban Drainage Systems  
Policy 118 Contaminated Land  
Policy 119 Noise Pollution  
Policy 120 Air Quality  
Policy 121 Ventilation and Odour Control  
Policy 122 Light Pollution  
Policy 123 Sustainable Design and Construction  
Policy 124 Carbon reduction, decentralised energy networks and renewable energy  
Policy 125 Delivery and Implementation of the Local Plan

## 5.10 Bromley Town Centre Area Action Plan (BTCAAP)

BTC1 Mixed Use Development  
BTC2 Residential Development  
BTC3 Promoting Housing Choice  
BYC5 Office Development  
BTC17 Design Quality  
BTC28 Car Clubs  
OSC Former Town Hall and South Street Car Park

## **6. Assessment**

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

### **6.1 Principle of development**

### **6.2 Old Town Hall (OTH)**

- **Design and Heritage matters**

### **6.3 South Street Car Park (SSCP)**

- **Design – layout , height, massing and scale and appearance**

### **6.4 South Street Car Park - Density**

### **6.5 South Street Car Park - Unit mix and size**

### **6.6 South Street Car Park - Tenure including affordable housing and financial viability**

### **6.7 South Street Car Park - Wheelchair dwellings**

**6.8 South Street Car Park - Amenity space and play space provision for**

**6.9 South Street Car Park - Standard of outlook and amenity for future occupiers**

**6.10 South Street Car Park - Impact of neighbourhood amenity of existing residents**

**6.11 Transport and Highways for OTH and SSCP**

**6.12 Archaeology for OTH and SSCP**

**6.13 Trees and landscaping for OTH and SSCP**

**6.14 Ecology and Protected Species for OTH and SSCP**

**6.15 Environmental Health matters for OTH and SSCP: contamination, noise, air quality, ventilation, odour control, new plant and equipment, external lighting**

**6.16 Drainage and flooding for OTH and SSCP**

**6.17 Sustainability and Energy for OTH and SSCP**

**6.18 Secure by Design for OTH and SSCP**

**6.19 S106 Heads of Terms for OTH and SSCP**

**6.20 Community Infrastructure Levy for OTH and SSCP**

## **7 Conclusion**

### **6.1 Principle of development – Acceptable**

6.1.1 The Old Town Hall was last used for offices in 2013 by the Council and the South Street Car Park has recently been used for staff and public car parking until it was closed.

6.1.2 The application site is identified in the BTCAAP as Opportunity Site C. Policy OSC which states that the Council will work with developers to secure a mixed use development comprising offices and/or hotel uses. The site is identified as suitable for up to 5,000 sqm of B1 offices, a 150 bed hotel and small scale residential development.

#### Office Use

6.1.3 In terms of the proposed use, the emphasis of this current application is the retention of the OTH for office use.

6.1.4 The retention of the existing use is compliant with the requirement for office use on the site in the BTCAAP. Under the previous application the office

use would have been wholly lost and, at that time, the prospect of retaining the use of a building with unmodernised offices in a large number of small rooms was unattractive and unrealistic given the prevailing climate for office development in the town centre.

6.1.5 As previously mentioned the proposed operation of the offices will be for co-working purposes which will involve a variety of meeting rooms, private office, flexible working and hot desking resulting in a total of 871 desks. As such the desire to provide a flexible working environment that can accommodate and support a variety of contemporary working patterns and demands for office space has led to the current proposal. This will add significant employment potential to the town centre which will complement the core retail function.

6.1.6 This format of use of the building also provides the opportunity to retain the historic layout of the building and improve the rundown condition of this identified 'Building at Risk'.

6.1.7 The Local Plan recognises the need to protect the Borough's employment land and office accommodation for future business needs while encouraging improvements to the existing stock and quality of environment. This will require nurturing growth of the office market in the Borough's Town Centres and Office Clusters over the short, medium and long term given the anticipated demand for such floorspace. It should be noted that the use of the premises for any use other than the approved use will require planning permission.

6.1.8 Taking these factors into account it is considered that the continued use of the OTH for office purposes protects an existing, compatible use for the building and is acceptable in policy terms.

#### Hotel Use

6.1.9 Policy OSC envisages the provision of a substantial hotel on this site and this element was delivered by the previous planning application which approved a 99 bed hotel in 2016. It is, therefore, necessary to consider whether the provision of a much reduced hotel of 24 bedrooms is acceptable in policy terms.

6.1.10 At the time of approving the site allocation in the BTCAAP, it was recognised that there was an underrepresentation of hotel accommodation in Bromley. Since that time 2 hotel developments have been approved and are operating in the town centre, namely the Premier Inn at St Marks and the Travelodge in Elmfield Road, which have delivered a total of 189 additional bedrooms. A Travelodge with 92 bedrooms has also been permitted and is operational in London Lane, just outside the Town Centre. As such a total of 281 additional hotel bedspaces have been provided in or near the town centre since the BTCAAP was approved.

6.1.11 In addition permission has been granted for a 50 bed hotel at the Royal Bell site in the town centre which has not commenced.

6.1.12 The BTCAAP envisaged the provision of 350 hotel bed spaces in the town centre during the plan period. Taking into account the operational bed spaces (total 281), the approved 50 beds at the Royal Bell and the proposed 24 beds on the OTH site, the overall potential provision in and around the town centre will be 355 bed spaces.

6.1.13 As such it is considered that the reduced hotel provision on the OTH site would not have a significant adverse impact on the level of hotel bedspaces envisaged in and around the town centre and is acceptable in policy terms.

#### Drinking Establishment use

6.1.14 The proposal also includes a Class A4: drinking establishment use in the part of the site that is the former Old Courthouse.

6.1.15 The applicant advises that the proposed bar/café will primarily be used by workers in the serviced offices and hotel but will also be open to the public. Regardless of the intended clientele the proposal will be assessed against the requirements of Policy 98 of the Local Plan which deals with restaurants, pubs and hot food takeaways. The policy advises that the Council will permit proposals for a new establishment where the proposal will not detract from the vitality and viability of the town centre, the proposals would not result in an overconcentration of food and drink uses, there is no harm or loss of amenity to nearby residents through noise, disturbance, smell, fumes, litter or unneighbourly opening hours and the proposal would not create undue traffic congestion.

6.1.16 While the OTH is not within the designated Primary or Secondary retail frontages, it is considered that the site is located in the town centre and relates to the retail functions in the vicinity of the site. The introduction of the proposed drinking establishment use in this location is considered to make a positive contribution by providing an active use that would help draw visitors to an underused part of Widmore Road. Its location on the edge of the town centre would not result in an overconcentration of food and drink uses in this part of the town centre.

6.1.17 Subject to the submission of details relating to measures to control smells and fumes, which can be secured by condition, it is anticipated that the use can operate without having a significantly adverse impact on the amenity of nearby residents in this respect.

6.1.18 In terms of noise and disturbance for patrons, a condition limiting the hours of operation of the bar/café is recommended plus a condition restricting the use of the rear courtyard for café/bar use to no earlier than 07.30 and no later than 23.00 on any day. The proposed operating hours will be restricted to no earlier than 07.30 and no later than 23.00 on Sundays to Thursdays and no earlier than 07.30 and no later than 00.30 on Fridays and Saturdays with last customer entry no later than 23.00.

6.1.19 It is considered that the users of the bar/caf   are likely to be associated with general entertainment as part of shopping journeys and less likely to be visiting the premises for primary or sole use. As such it is considered that the bar/caf   use is unlikely to result in excessive generation of car borne traffic.

6.1.20 Taking into account the town centre location of the proposed bar/caf  , the proposed conditions relating to the hours of operation and safeguarding the use of the rear courtyard area, it is considered that the Class C4 is acceptable subject to recommended relevant conditions.

#### South Street Car Park (SSCP) site

6.1.21 Turning to the provision of residential units on the SSCP site, there is general policy support for the provision of new housing in town centres in Policy 1 of the Local Plan with the site included in the housing trajectory in Appendix 10.1 for 53 units.

6.1.22 In addition BTCAAP Policy OSC envisages the provision of around 20 units and the development would provide a total of 53 new residential units.

6.1.23 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. In addition the proposed units will contribute to the supply of housing required in Policy 1: Housing Supply of the Bromley Local Plan.

6.1.24 In addition, the proposal for 53 housing units on the SSCP was supported by Members during consideration of previous planning applications in 2015 and 2016 which were approved.

6.1.25 As such it is considered that the proposed residential use meets policy requirements in the Local Plan and the BTCAAP and is acceptable in principle.

#### Housing need

6.1.26 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'.

6.1.27 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.

6.1.28 This application includes the provision of 53 dwellings, which would represent a significant 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.

6.1.29 In summary and taking account of all of the proposed uses for the OTH and SSCP elements and the consideration of each aspect from a planning point of view it is considered that the proposed development is acceptable in principle.

## **6.2 Old Town Hall (OTH) - Design and Heritage Matters – Acceptable**

6.2.1 This section provides an assessment of proposed alterations to the OTH and considers the impact on heritage assets comprising the existing listed building, locally listed Fire Station and Community House and the Bromley Town Centre Conservation Area.

6.2.2 The applicant has submitted a Heritage Building Report dated August 2019 which provides an Assessment of Significance of all aspects of the OTH complex. This assessment finds the street facades of 'highest significance.' Areas of high significance include the original plan form and detailing in general and the public used areas such as the entrance, former council chambers and anterooms, former first floor committee rooms, original fenestration and the courtrooms. Many of the other elements have been lost or heavily modified and these are of moderate or low significance. The report also identifies elements that detract from the special interest of the building. The impact of each element of the proposals for the OTH is then assessed in detail.

6.2.3 The Heritage Building Report concludes that although some harm has been identified within the proposal, it is overall considered as 'less than substantial' and easily outweighs the many benefits offered by the scheme and considers that the proposals may be considered the type of sustainable development for which the National Planning Policy Framework establishes a strong presumption.

6.2.4 Turning to the assessment of the proposed alterations to the OTH, the sections below discuss each element of the alterations and additional works to the Old Town Hall to facilitate the future use of this element of the planning application.

6.2.5 In considering the following interventions to building, both individually and collectively, paragraphs 194 and 196 of the NPPF provide guidance to determine whether proposals will lead to less than substantial harm to the significance of this designated heritage asset. Any harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In addition Policies 38: Statutory Listed Buildings, Policy 39: Locally Listed Building, Policy 41: Conservation Areas of the Local Plan are also relevant.

6.2.6 This report recognises the importance of this significant civic building, its protected status, its location within the Bromley Town Centre Conservation Area and its inclusion on the Historic England Buildings at Risk Register. This application presents the opportunity to ensure that the building continues to contribute to the surrounding heritage environment, the local streetscene and character and appearance of the area.

#### Demolition works to the Old Town Hall

6.2.7 As part of this application a series of drawings have been submitted setting out internal and external demolition works that will be required to facilitate the proposed development.

6.2.8 Much of the demolition relates to modern extensions and alterations that have been made to the building. Some of the more intrusive demolition works require listed building consent and planning permission such as the removal of the first floor extension at the junction of Court Street and South Street and the removal of much of the mezzanine floor in the 1907 Council Chamber. Other work, including internal ‘soft stripping’ modern fixtures do not require listed building consent or planning permission. The Council’s Conservation Officer has been supervising the removal of modern internal fixtures and fittings to ensure that these works do not require listed building consent

6.2.9 To facilitate removal of some of the modern structures and paraphernalia in the internal courtyard and the ramp serving the Tweedy Road entrance a separate listed building consent was granted under ref 19/04544/LBC for these works on 7.1.2020. It concluded that the proposed works would have a neutral impact on the significance of the listed building and would cause no harm.

6.2.10 The impact of the more interventionist demolition is discussed in more detail in the relevant sections below. The Conservation Officer does not raise any concerns about the individual elements discussed.

### Extension to the Old Town Hall at Court Street/ South Street junction

6.2.11 The provision of a new extension requires the demolition of the existing modern first floor extension in this location. The existing extension is poorly designed and does not contribute to the appearance of the OTH or the conservation area and its demolition is considered acceptable.

6.2.12 The new extension will accommodate the 24 bedrooms for the proposed hotel and a private office.

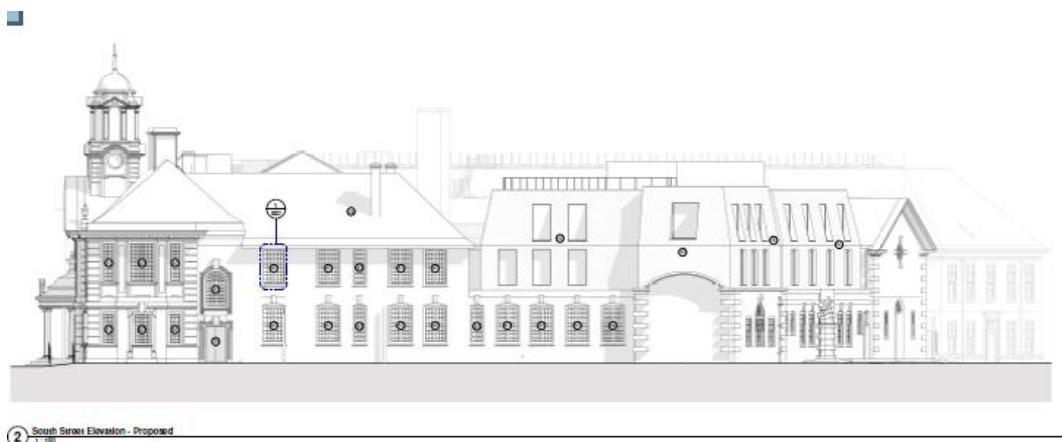


Fig 4 OTH - Proposed South Street and part Court Street elevation

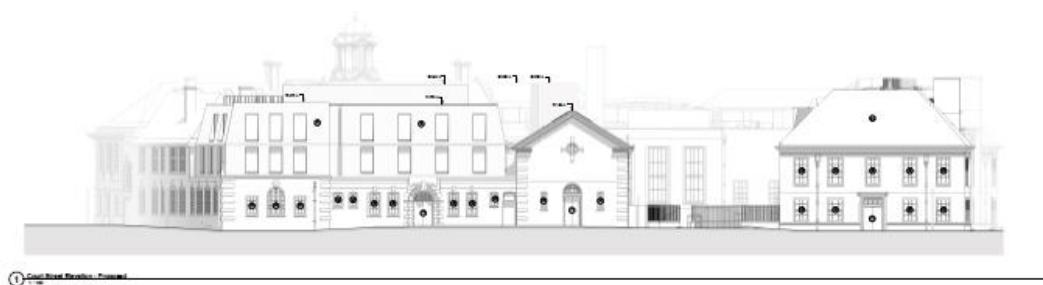


Fig 5 OTH - Proposed Court Street elevation

6.2.13 The proposal has a distinctly modern appearance and sits above the existing first floor on this corner and will be 2 storeys in height. The barrel façade to South Street will be retained along with the existing Portland pediment and banding detail. The existing parapet details will be reinstated with a concealed gutter to prevent water staining in the future.

6.2.14 The proposed façade will comprise a simple form so as not to compete with the original details and materiality of the existing historic building to which it is attached. There will be a gap between the proposed extension and the adjacent hipped roof planes of the existing Courthouse building in Court Street and the 1907 OTH in South Street which is similar to the relationship between the old and new buildings previously approved in 2015.

6.2.15 The design of the extension reflects a roofscape with the long views of the extension reading as a roof form. The first floor is vertical with a ‘raked’ second floor which reinforces the ‘roofscape’ approach to the design. The cladding material will be seamless to harmonise the contemporary new form and complement the existing heritage materials.

6.2.16 The extension elements facing both Court Street and South Street will have a vertical glazed break midway along each façade to avoid a continuous form and this helps to add depth and interest in the elevation when viewed straight on and obliquely. In addition the façade will contain deep recessed windows which will also break up the horizontal form of the extension.

6.2.17 In terms of materials, it is proposed to use zinc colour coated panels. The panels will be square and hung in a diamond formation and will appear as a form of shingle. This will be applied in a continuous plane wrapping the entire extension as a roofscape over the first floor and would emphasise the simple, modern design of the extension. The original submission shows a grey finish for the tiles and samples of the tiles have been submitted to demonstrate the actual colour of the tiles.

6.2.18 In terms of acceptability of the proposed extension, Historic England (HE) has commented as follows:

*“The proposed extension on the corner of Court Street and South Street would be a bold intervention, (and) we consider this double mansard-style extension to be a less visually intrusive solution when compared to the approved 2015 scheme. We also welcome the refinements that have been made following pre-application discussions including the setting back of the upper storey to break down the mass and improve its proportions, and the lighter roofing material which should complement the historic roof slates.”*

6.2.19 The Council’s Conservation Officer advises that:

*“This important listed building has been empty for a number of years and is a long-term entry on the Historic England heritage at risk register.*

*Previous proposals at the site were supported in principle and this current scheme is further to those permissions.*

*It is considered that although the proposed roof extension for the hotel on the corner of Court Street and South Street would be a bold intervention, in this case, and bearing in mind the history and previously approved schemes , it is acceptable. The exact material for the external cladding will need to be agreed.”*

6.2.20 On the basis of the information submitted by the applicant in the Historic Building Report and the comments from Historic England and the Council’s Conservation Officer, it is considered that the proposed replacement extension of the OTH is acceptable subject to a condition requiring the

detailed design of the windows and final details of materials to be submitted and approved.

Creation of office floorspace in the roof space and associated external alterations

6.2.21 To facilitate this part of the proposal the following works are required:

- Removal and replacement of existing roof tiles

6.2.22 The applicant advises, in the Design and Access Statement, that the original roof of the 1939 building needs re-roofing due to the poor condition of the existing tiles and roof structure. It is proposed to salvage as many of the original slates as possible for reuse on the roof. It is anticipated that there will be a percentage of the existing slates which will not be able to be reused. The intention is to use existing slates for the most visible and significant roof elevations with replacement slates in other locations where new tiles will be needed. The applicant has sourced a replacement tile to indicate that a suitable replacement material can be found.

6.2.23 To ensure that the replacement of the roof using existing and new tiles is carried out in a sensitive and acceptable manner, also taking account of other interventions to the existing roof of the OTH, a condition requiring the submission of a Roof Replacement Strategy is recommended.

- Conservation rooflights to Widmore Road roof elevation

6.2.24 This is a new proposal and the roof plan shows that a total of 11 proposed rooflights will be positioned just below the ridge of the roof elevation facing Widmore Road. These will be located between the existing chimneys and the Design and Access Statement shows conservation style roof lights which will be flush with the existing roof plane.

6.2.25 It should be noted that 10 roof lights are also proposed on the courtyard facing roof elevation of the 1907 element.

6.2.26 The Council's Conservation Officer considers that the insertion of the roof lights is a relatively minor feature and when balanced against the entire scheme are acceptable. A condition requiring the submission of the detailed design of the rooflights and their fitting in the roofslope is recommended to minimise their impact and on the fabric of the listed building.

- Dormer extension to the courtyard roof of the 1939 extension and part of the 1907 building

6.2.27 This involves intervention into a secondary roof slope to facilitate the opening up of this void area to provide office floorspace.

6.2.28 The roof plan shows several dormer structures set into the existing roof plane along the extent of the 1939 building. There will also be a dormer extension in part of the 1907 roof which includes a new 'link' extension

between the 1939 and 1907 buildings at roof level (this is discussed below). The extensions will be constructed using modern materials in the form of aluminium metal cladding with an inclined wall between the dormers. There will be glazing along the full extent of the dormer interspersed with vertical uprights in anodised aluminium. The colour of the material is to be determined.

6.2.29 Under the previous application a full dormer for the rear roofslope of the 1939 element was proposed and approved.

6.2.30 Subject to the submission of the detailed design of the proposed dormer structure it is considered that the opening of the roof void will provide access to a timber roof construction which helps to understand the listed buildings significance. In addition, while the dormer windows will be visible from outside the site, it is considered that they will not significantly detract from the heritage value of the OTH.

6.2.31 A condition requiring the submission of the detailed design of the dormer windows and their fitting in the roofslope is recommended.

- Roof level ‘link’ extension between the 1907 and 1939 elements

6.2.32 This is a new proposal and will provide internal access around the whole building at second floor level.

6.2.33 The design of the original linked extension showed a ‘wave’ shaped structure in elevation and it was considered that this was not a suitable design in this location.

6.2.34 The design has been amended to provide a much simpler glass and metal structure. This element will sit below the ridge height of the roof and will be set back as far as possible. It will be visible from Tweedy Road and it is considered to be sufficiently subservient to blend well and not compete with the existing roof landscape while adding an interesting, modern feature.

6.2.35 Detailed design of the treatment of the junction of the linked extension and the roof slopes on either side will be required by condition to ensure the intervention to the roof slopes is minimised. This will tie in to the Roof Replacement Strategy condition recommended above.

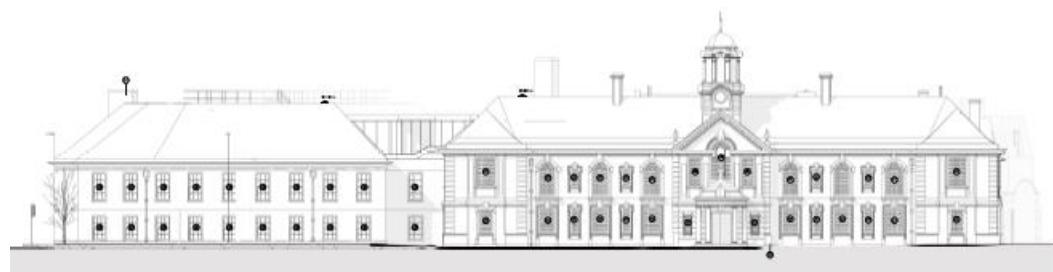


Fig 6 OTH - Proposed Tweedy Road elevation

### Other alterations to the 1907 element

6.2.36 The main entrance for the whole development will be via the internal courtyard into the ground floor of the 1907 council chamber. This will also provide a visual link between the existing Tweedy Road entrance and the courtyard. The loss of 3 original windows to facilitate this is acceptable in the light of improvements to access between the Tweedy Road entrance and the neglected rear courtyard and the new entrance would not be highly visible from street and conservation area views.

- New ‘conservatory’ style extension with roof terrace above in the rear courtyard area

6.2.37 This will replace a previous modern addition which blocked views of parts of the OTH from the courtyard and will reinstate views into and out of an internal corridor into the courtyard that have been blocked up for many years. A new door opening will be formed in the 1907 building to link the former Members Room on the first floor to the roof terrace. The interior face of the new door will be clad in the existing timber panels taken from the upper floor so that when the door is closed the original appearance of the Council Chamber will be retained.

- Removal of internal modern infills to the public gallery of the 1907 Chamber

6.2.38 This involves the removal of infills in the opening to the second floor public galleries which would reinstate this original design feature which would be of substantial heritage benefit.

### Internal Alterations to the 1939 former Council Chamber and offices

6.2.39 Removal of a modern mezzanine floor in the former Council Chamber will to create a double height space for dedicated desk spaces. A small internal gallery will be provided. In addition the full height windows will be reinstated into the east facing elevation of this part of the building which will be visible from Court Street. The resultant improvements to the existing layout and appearance are welcomed.

### Conversion work to the Courthouse to provide for a Class C4 use

6.2.40 This will principally involve the removal of the existing mezzanine floor and refurbishment of the panelled interior of this space. The resultant internal layout will be based around a double height space together with improvements to the existing wood panelling (which is in poor conditions) and this is welcomed.

6.2.41 A new modern rear door to the courtyard will also be provided to link the café/bar with the courtyard, landscaped area. It is considered that this

element would not have a significant impact on the listed building and construction and appearance details will be subject to a relevant condition.

#### Improvements to the internal courtyard

6.2.42 The quality of the existing space that lies in the centre of the site, and was previously used as a car park, is poor and unattractive and has been long neglected. Listed building consent has been granted for the removal of modern extensions in this area and this work has been carried out. The proposal for a new 'conservatory' extension with roof terrace and a new entrance door for the proposed office element have been discussed above.

6.2.43 In addition a landscaping scheme for this area is proposed. This will include hard and soft landscaping elements and will provide a terraced seating area which incorporates level access to the proposed main entrance. The applicant advises that the space can also be used for special events and social gatherings. The possible impact of the use of this space is discussed in the section of the report relating to noise.

6.2.44 It is considered that the proposed landscaping scheme will considerably enhance the setting of the OTH buildings and details of the proposed hard and soft landscaping works will be secured by condition.

#### Court Street pavement alterations

6.2.45 It is proposed to use the two existing entrances on Court Street for the proposed hotel and proposed Class C4 use respectively. In order to gain level access to these doors it is proposed that an elevated pavement will be provided in this part of Court Street. This feature is acceptable in principle from a highways and heritage point of view and details of the extent and appearance of the elevated pavement and any associated street furniture (railings for example) will be dealt with under S278 of the Highways Act secured by the S106 legal agreement.

#### Public Access to the Old Town Hall

6.2.46 Concern has been raised in consultation responses that the former public parts of the building, such as the Council Chambers, staircases and lobbies, will not be available for public access as a result of the proposed development.

6.2.47 In response the applicant has advised that:

- There will be an opportunity to hire three panelled rooms on the first floor of the 1939 annex.
- The intended office use will be accessible on a commercial basis for local businesses.
- The hotel use will be a public facility.
- The new bar and café in the Courthouse will permit public access to this building and the rear courtyard.

- The courtyard gardens will also permit public access to be controlled by the building management.
- The scope for private tours of the buildings (including the office space) for local interest groups where appropriate.
- The applicant has agreed to provide access to Council Chambers and main entrances lobbies in the OTH as part of the annual Open House Scheme which is part of the London Festival of Architecture.

6.2.48 Access to the previous public spaces in the building has not been freely available for some time and any future user of the building for lawful purpose as offices would only provide public access to any parts of the building at their discretion. Under the current application, the developer has provided several scenarios where some public access to the building would be provided.

#### Summary for this section of the report

6.2.49 Taking into account the submissions in the Historic Building Report August 2019, submitted by the applicant and the comments of Historic England and the Council's Conservation Officer, it is considered that the proposed internal and external works to the Old Town Hall element of the site will not result in significant harm to the fabric and heritage value of the building. The physical works and proposed uses of the building will provide a means to refurbish the building and secure its removal from the Buildings at Risk Register and help secure the long term future of the building.

6.2.50 In addition the proposed changes would preserve and enhance the character and appearance of the conservation area and would not result in harm to the setting of the nearby locally listed buildings

### **6.3 South Street Car Park – Design including layout, scale, height, massing and appearance – Acceptable**

6.3.1 In respect of design, as defined above, the Old Town Hall and South Street Car Park elements of this application will need to be considered separately as they are very different elements of a single scheme.

6.3.2 In this section of the report the design of the proposed development for South Street Car Park will be assessed and cross referenced to proposals for the OTH where necessary.

6.3.3 In terms of the quantum of development on this vacant site, policies in the NPPF, London Plan, Bromley Local Plan and BTCAAP apply. Local Plan Policy 4 refers to issues of housing design that are required to provide a high standard of design and respect local character, spatial standards, physical context and density. Policy 37 refers to aspects of general design and layout that development is expected to meet.

6.3.4 In this instance the site has constraints from its location adjacent to the Bromley Town Centre Conservation Area, locally listed buildings and the Old Town Hall which is a Grade II listed building. This requires a sensitive

approach to physical site coverage as well as the design of the proposed building.

6.3.5 It is helpful to note, at this stage, that the design of the building is largely unchanged in comparison with the scheme for this element of the site approved in 2015 (amendments approved in 2016 related to the OTH element only).

6.3.6 The proposed building comprises a 4 storey block with a recessed fifth floor and a basement. A new substation, that was not part of the previous scheme, is proposed on the South Street frontage. The basement provides 26 car parking spaces (including 6 disabled spaces), refuse and recycling storage, 88 cycle parking spaces and all plant and meter rooms. Vehicle access to the basement will be from South Street and there will be 2 pedestrian entrances to the block from Tweedy Road.

### Layout

6.3.7 In terms of layout the proposal comprises a single building placed centrally on the site. The applicant advises that considerable design work has been undertaken to determine the actual position of the building and the primary constraint was to retain views of the Old Town Hall from the north of the site, as many of the trees along the Tweedy Road frontage and ensure satisfactory boundary separation with neighbouring properties.

6.3.8 To this end the front elevation, facing Tweedy Road, is 'cranked' with part of it facing primarily north east and part facing primarily east. It is also set back from the boundary of the site to Tweedy Road between 2m and 11m. The NE facing end will broadly align with the side elevation of No 48/50 East Street. The east facing end will be set back from the front elevation of the Old Town Hall, broadly in line with the position of the existing fence to the car park.

6.3.9 The resultant layout of the building to Tweedy Road provides visual interest and articulation to the building elevation which generates attention in the building itself and in the wider street scene.

6.3.10 On the western (rear) elevation the building is approximately 4.3m from the boundary with the Fire Station and a minimum of 8m from the East Street boundary.

6.3.11 To South Street there is a separation of 3m with the exception of the proposed new substation which will be located in front of the main block close to the entrance to the basement. The structure will measure 4m deep by 4.5m wide and 3.8m high with its front elevation at the back edge of pavement. The structure will be brick built with 'hit and miss' brick design to reflect this feature used elsewhere on the building and to add visual interest to the structure.

6.3.12 The reuse and recycling and plant and meter rooms are all at basement level which means that there is no need for external buildings to accommodate these uses. In addition there is no need for rooftop plant

enclosures. The only rooftop addition is the lift overrun and this is set centrally on the top of the fifth floor.

6.3.13 In terms of layout, it is considered that the separation distances to neighbouring buildings and public footpaths will provide a setting that will limit the impact of the development on the streetscene and to pedestrians using Tweedy Road and South Street. In addition the separation distances will provide a degree of separation and privacy for new residents from passing pedestrians.

#### Height, massing and scale

6.3.14 The area surrounding the site includes buildings of varying height and mass. Opposite the site on Tweedy Road there are numerous buildings rising to 3 and 4 storeys. To the south, the Old Town Hall is equivalent to a 3 storey building in height and the Fire Station to the west is equivalent to 4 storeys. To the north-west there are 5/6 storey building fronting Tweedy Road with 3 storey buildings at the junction of East Street and Tweedy Road.

6.3.15 The proposed building rises from 12m fronting the rear of the East Street properties to 12.6m fronting South Street at 4<sup>th</sup> floor level, reflecting the local change in land levels.

6.3.16 The fifth floor rises to a total of 16.5m (from existing ground level) but it is set back between 5.6m and 8m from these respective elevations and between 2 and 3.5m from the Tweedy Road elevation.



Fig 7 SSCP - Proposed Tweedy Road elevation

6.3.17 As previously discussed above, the mass of the building is broken up on the Tweedy Road elevation by following the building line from the side of 48/50 East Street for part of the frontage then sharply 'cranking' back so that the building is set significantly back from the back edge of pavement closest to the OTH. This avoids views of an uninterrupted, single plane frontage when viewed from the south and north. In addition the set back of the building allows significant landscaping and tree planting opportunities and the retention of existing trees at the South Street Tweedy Road junction and close northern part of the site.

6.3.18 In addition, the 'set back' of the fourth floor level helps to reduce the impact on the massing of the building. At close proximity the additional storey

will not be clearly visible from ground floor level. From a distance the impact of this storey will be viewed in the context of other taller buildings that are in close proximity providing a setting for the building which will help to minimise its impact on the streetscene

6.3.19 Other features that relate to the appearance of the building (which are discussed below) include the choice of materials for the building, use of 'hit and miss' brick detailing, the provision of different styles of balconies and these can help mitigate the impact of the scale of the building.

6.3.20 Turning to the impact of the proposed substation, the structure will be a significant feature in South Street and it will be visible from Tweedy Road. Following discussion with the applicant, further information has been submitted which sets out requirements for the location and access to the substation by UK Power Networks (UKPN). They require a prescribed set back distance from the kerb line and the edge of the footpath. In this instance the proposed location of the structure means the required distance from the kerb line is met.

6.3.21 If the structure is setback further into the site the impact on the design of the new building is and will make the bin-store below the substation inaccessible due to a reduction in head height, will reduce the number of car parking spaces and will reduce the size of one of the flats.

6.3.22 The substation has been the subject of much discussion and the applicant has researched alternative locations for a structure that will meet UK Power Networks requirements prior to the submission of this application. The current location meets these requirements where other suggested locations do not.

6.3.23 While the location of the substation on the back edge of pavement is not ideal, the applicant has reduced the height of the structure from 3.8m to 3m. In addition the structure will be constructed in materials to match the rest of the block and its reduced height will be set against the overall height of the main building, thereby helping to reduce the impact on the street scene. On balance it is considered that the substation is a necessary measure and all efforts have been made to reduce its impact on the streetscene.

### Apearance

6.3.24 The building will be a traditional construction using a form of brick. The fifth floor will be a mix of flush glazing and pressed metal panels. The Design and Access Statement submitted shows some elevations in grey brick but these relate to the original materials for the previous 2015 scheme. At the time a revised palette of materials was submitted which mixes different shades of brown, red and light red bricks to provide an overall finish which will complement other buildings in the area but provide a distinctive appearance to the building. It is envisaged that the same palette of materials will be used.

6.3.25 Other features that contribute to the overall appearance include the following;

- Balconies – these are provided to each flat and are mainly inset into the building rather than bolted on the external face. There are some balconies on the front elevation that also protrude and these help to add interest and articulation to this elevation. The submitted plans indicate that the balcony railings will be bronze finish metal.
- ‘Hit and Miss’ brickwork panels will be used as part of the balconies and relief brickwork is proposed as a vertical feature on the elevation facing Tweedy Road.
- Timber panels are proposed to frame the windows and emphasise their vertical appearance.

6.3.26 To achieve the best appearance for this building, the use of high quality materials is paramount. As such a condition is recommended to secure the submission of materials and samples for approval for all external finishes. In addition a condition requiring detailed sections to show the window setting is recommended.

6.3.27 It is considered that the appearance of the proposed building includes features and materials that respect the range of materials that are found in the locality and on the listed and locally listed buildings. The building is modern in design and is expected to include modern features such as balconies and finishes such as ‘hit and miss’ brickwork. As such, it is considered that the use of baseline materials that relate to the materials found in the vicinity will make a positive contribution to this part of the town centre.

#### Summary for this section of the report

6.3.28 The proposed building on the SSCP will be a substantial building but, for the reasons set out above, it is considered that the development will result in an attractive new development that would complement the existing streetscene and add to the local character of the area. It is considered that the layout, height, scale and massing of the building would have a preserve the setting of the adjoining Bromley Town Centre Conservation Area and would not detract from views into or out of the area.

6.3.29 In addition it is considered that the proposed building would preserve the special interest and character and setting of the Grade II listed Old Town Hall and locally listed Fire Station and Community Hall buildings. .

#### **6.4 South Street Car Park - density – Acceptable**

6.4.1 Density standards are based on the number of habitable rooms, the Public Transport Accessibility Level of the site and the setting of the site and are set out in London Plan Policy 3.4. It is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations.

6.4.2 For this application it is necessary to calculate the density of development for the South Street Car Park element of the development only.

6.4.3 On this basis the site is within PTAL zone 6a (where 1 is the lowest and 6b is the highest) and has a site area of 0.21ha. The development results in a density of 676 habitable rooms per hectare. The density threshold ranges in the London Plan Table 2: Density Matrix indicates a range of 650-1100 habitable rooms per hectare. On the basis of this empirical evidence the density of development is within the acceptable ranges expected for an urban town centre location.

## **6.5 South Street Car Park - Unit mix and size - Acceptable**

6.5.1 The development will provide a mix of 18x1 bedroom units, 34x2 bedroom units and 1x3 bedroom units. In terms of housing provision, this part of the town centre is characterised by buildings of a similar scale with flats of a varying mix of units and the mix of units proposed in the current proposal is appropriate for this location.

6.5.2 In terms of the size of the units, the units meet the requirements set out in the Technical Housing Standards – Nationally Described Space Standard 2015 and the London Plan and are considered to be acceptable in this respect.

## **6.6 South Street Car Park – Tenure, Affordable Housing and Financial Viability – Acceptable**

6.6.1 Local Plan Policy 2 states that the Council should seek the provision of 35% affordable housing units on development capable of providing 10 or more units. Policy 2 makes provision for payments in lieu for off-site affordable housing subject to the submission and scrutiny of a Financial Viability Assessment (FVA).

6.6.2 In this instance the viability of the development is determined by the assessment of both the OTH and SSCP elements as the applicant advises that the delivery of the OTH site is dependent on the inputs from the SSCP element, without which the OTH scheme could not viably proceed.

6.6.3 On this basis, the applicant has submitted an FVA which assesses the viability of the whole development and concludes that it will not achieve a surplus in planning terms and cannot support provision of affordable housing units on the SSCP site or a payment in lieu.

6.6.4 The Council has appointed an independent consultant to assess the applicants' FVA. Taking account of all of the aspects of both the OTH and SSCP development in viability terms the Council's consultant advises that the scheme cannot deliver affordable housing.

6.6.5 Notwithstanding the conclusion above the cost appraisal submitted by the applicant did make an allowance for financial contributions and an overall sum of £315,906 has been agreed with the applicant. This comprises the following payments:

- Carbon Offset - £128,008
- Affordable Housing - £175,398
- Car Club parking space £2,500
- Car Club Membership £4,000
- Highway contribution for making orders for coach parking space and relocation of disabled parking spaces £3,000
- Stopping up Order for new ramped access in Court Street £2,000
- Monitoring fee - £2,000

6.6.6 In line with current policy guidance in the Local Plan Policy 125, London Plan Policy 8.2D and the draft London Plan Policy DF1D, it is necessary for the Council to consider the priority for spending the financial contribution.

6.6.7 In this instance the monies secured for carbon offset, the car club membership and the traffic orders are considered to be first priority as they are directly necessary for the implementation of the development itself.

6.6.8 The plan policies above provide guidance for expenditure and affordable housing is placed as highest importance. In addition the Council's draft Housing Strategy sets out a strategic approach to increasing the provision of affordable housing in the borough and is relevant in policy terms.

6.6.9 In this instance the applicant made allowance for health and education contributions totalling £175,398.

6.6.10 Taking account of policy guidance above. it is proposed to allocate the combined total of contributions for health and education for affordable housing amounting to £175,398.

6.6.11 The London Plan Policy 3.12 includes reference to the re-appraisal of viability schemes prior to implementation and other scheme requirements. In addition the Intend to Publish draft London Plan Policies H4 and H5 set out draft policy guidance to review the viability of development to maximise the provision of affordable housing for each development.

In this instance, where limited affordable housing contribution is made, it is considered appropriate to seek a mechanism for assessing the viability of the residential scheme once development is underway.

6.6.12 At the time of writing this report, discussions are continuing with the applicant on this matter and it is intended to update Members at Committee on the outcome of these discussions.

## **6.7 South Street Car Park - Wheelchair dwellings - Acceptable**

6.7.1 All new housing will be required to meet the standards set out in London Plan Policy 3.8 which seeks 90% of all new housing to meet Building Regulations 2010 M4(2) and 10% to achieve Building Regulations 2010 M4(3)(2)(a) for wheelchair accessible market dwellings.

6.7.2 The submitted plans show that there will be 6 wheelchair adaptable market units provided. This meets the 10% threshold for wheelchair adaptable units. There will be 1 unit of each of the ground, first, second and third floors and 2 units on the 4<sup>th</sup> (roof) floor. All of the units will exceed the minimum room size standards set out in the Technical Housing Standards – Nationally Described Space Standard 2015.

6.7.3 A total of 6 disabled car parking spaces are shown in the basement. A condition securing the wheelchair units and permanent availability of dedicated disabled car parking spaces is recommended.

## **6.8 South Street Car Park - Amenity space and play space provision – Acceptable**

### Amenity Space

6.8.1 The submitted documents advise that the amount of green space on the site will be increased by 108sqm. At present the site accommodates 538 sqm of hardstanding and 559 sqm of green space. The proposed block of flats and ancillary hardstanding will take up 1430 sqm with 657sqm left as green space.

6.8.2 This will be provided in the form of a communal green/play space on the west side of the building to the rear of properties in East Street and along the frontage of the site facing Tweedy Road.

6.8.3 In terms of access to private amenity space for residents each of the flats has access to a private balcony or terrace with level access to the living space. The dimensions of the balconies meet the London Plan space standards for each unit size.

6.8.4 The flats that have balconies facing Tweedy Road will be subject to road noise – this matter is discussed below. In order to minimise the noise nuisance and maximise the use of the balcony for residents, a condition is recommended seeking measures to protect the balconies from road noise is recommended but the provision of private amenity space will still be met.

### Play space provision

6.8.5 In addition to private balconies the applicant has submitted information advising that the proposed communal space along part of the eastern boundary is 297 sqm in size. This will be used jointly for communal amenity and children's playspace.

6.8.6 In terms of playspace provision the London Plan Child Yield calculator for the SSCP element indicates that 145 sqm of play space is required to meet the projected child population for the proposed number of units.

6.8.7 At 297 sqm the proposed communal area significantly exceeds the land required to be available to meet the playspace requirements. As previously mentioned each unit also has access to a private balcony which, cumulatively, adds a further 196.7sq of amenity/play space

6.8.8 While the play space is adjacent to a tall building and subject to shadowing, the orientation will take advantage of being south facing and it will benefit from sunlight at varying times of the day. In addition the space is set back from Tweedy Road and the building will protect it from noise to some extent. These factors will increase the quality of the space for play and communal use by residents

6.8.9 On the basis of the information above it is considered that there is sufficient amenity and children's playspace to support this development. A condition requiring the submission of the layout and equipment for the play space provision is recommended.

## **6.9 South Street Car Park - Daylight and Sunlight for future occupiers Acceptable**

6.9.1 The applicant has submitted a Daylight and Sunlight Report which assesses the impact of the building on both residents of neighbouring properties the proposed flats.

6.9.2 With regard to daylight and sunlight levels to the new residential accommodation, the report analyses all habitable rooms and finds that 130 of the 144 rooms assessed (90% of rooms) meet the recommended standard for the average daylight factor (ADF) target values with many rooms achieving far in excess of the recommended minimum.

6.9.3 Of the 14 rooms that would transgress the guidance, 12 are lounge/kitchen/diners (LKD) and two are bedrooms, serving different types of flats on all floors.

6.9.4 To qualify this further, the report states that;

"The BRE Report guidance suggests a minimum value of 2% for family kitchens (and rooms containing kitchens); 1.5% for living rooms; and 1% for bedrooms. However, The Building Research Establishment ('the BRE') have previously given the following guidance with reference to the ADF values within rooms that combine uses:

6.9.5 For housing, BS8206 Part 2 recommends minimum values of ADF of 2.0% for kitchens, 1.5% for living rooms and dining rooms, and 1% for bedrooms. The standard states that where a room has a shared use, the higher target value should apply. However, in practice, many local authorities will accept the target values for living rooms/dining rooms in a shared kitchen space, as small kitchens may not be considered habitable rooms.

6.9.6 Using the above guidance for a revised ADF target value for LKDs, a total of 137 (95%) rooms would now comply and the number of transgressing LKD's would be reduced from 12 to five."

6.9.7 Finally, turning to the daylight distribution analysis, the results in the report show that 134 (93%) of the 144 rooms assessed will comply fully with the BRE Report guidance for daylight assessment. The ten transgressing rooms are bedrooms, which the BRE Report considers to be of lesser importance. Nevertheless, these rooms will receive sky visibility to at least 62% of the room area.

6.9.8 Based on the information supplied it is considered that the transgression in the BRE standard for some of the units is minimal and would not have a significantly adverse impact on the amenity of future occupiers.

## **6.10 South Street Car Park - Impact on neighbourhood amenity of existing residents - Acceptable**

### Daylight and Sunlight

6.10.1 The applicant has submitted a Daylight and Sunlight Report which assesses the impact of the building on residents of neighbouring properties and closest units.

6.10.2 The only existing properties in the vicinity of the residential scheme that could be affected by the proposed development in daylight and sunlight amenity terms are Nos. 38 East Street, 50 East Street and Bromley Fire Station.

6.10.3 Based upon its analysis, GL Hearn confirm that 'using the Vertical Sky Component (VSC) and Annual Probable Sunlight Hour (APSH) tests, daylight and sunlight analysis shows all assessed windows for No 38 East Street will adhere to the BRE Report guidance for daylight and sunlight amenity.

6.10.4 No. 50 East Street is situated to the west of the application site and comprises five flats split across the first and second floors, above the commercial premises at 46-48 East Street. GL Hearn confirm within its analysis that through using the VSC daylight assessment methodology, analysis shows 15 of the 16 windows assessed will comply fully with the BRE Report guidance for daylight. The one transgressing window (W8 at first floor level) falls marginally below the suggested VSC value at 25.14% and a reduction of 0.68 times its former value. However, the respective room will continue to receive VSC compliant levels from two other windows.

6.10.5 Further work has been commissioned for window W8 in a first floor flat at 50 East Street which is a window for a living room. The additional analysis shows that the area of deficit corresponds with a circulation area at the back of the living room between the internal hall and the bedroom and not within the main habitable part of the room. In addition the readings are marginally lower than the BRE report requirement for this room. On this basis the report

concludes that the living room will still continue to receive good level of daylight penetration.

6.10.6 In terms of daylight distribution (DD), GL Hearn confirms that analysis shows that all rooms will continue to receive daylight levels compliant with the BRE Report guidance.

6.10.7 With regard to Bromley Fire Station the only ‘habitable’ rooms are bedroom dormitories and analysis shows that of the 15 windows analysed, 12 meet the recommendation. The remaining 4 windows that have transgression are only marginally below the recommended target.

### Overlooking

6.10.8 The residential scheme has been carefully designed to ensure that no direct overlooking will arise between the windows upon the northern-western flank elevation of the new residential block and the rear windows of properties in East Street. Where sensitivities could potentially arise due to proximity and orientation, the new residential block has been designed with angled and hooded windows to prevent direct overlooking. The building footprint to the rear of the East Street properties has been designed to maintain an adequate separation distance along the extent of this north-western facing elevation.

6.10.9 Taking account of the information supplied above it is considered that the proposed development of the SSCP would not have a significantly adverse impact on the daylight and sunlight enjoyed by existing residents in the vicinity. In addition the orientation of the building and windows in this western elevation is such that overlooking from the development to windows of existing neighbours is minimal and will not have a significantly adverse impact on nearby residents.

## **6.11 Transport and Highways for OTH and SSCP - Acceptable**

6.11.1 The applicant has submitted a Transport Assessment (TA) to support the erection of the block of flats on SSCP and the proposed changes of use for the Old Town Hall. The proposed highways aspects for consideration are summarised below:

- At present the SSCP provides 68 car parking spaces and there are 30 spaces within the OTH car park.
- The site has a PTAL of 6a and is well served by bus and rail services.
- The OTH element will be car free with the exception of 1 disabled parking space on site. Should the need for employee parking arise the report demonstrates that there is sufficient capacity within town centre car parks.
- The SSCP element will have 26 car parking spaces in the basement, including 6 disabled parking spaces and vehicle access will be from South Street.
- Cycle parking for the OTH – there will be 50 long stay cycle parking spaces and 9 short stay space. The majority of long stay for all uses will be in the basement with associated showers and changing rooms. A staircase with integrated ramp will be provided to this area. Short stay will

be provided at ground floor level in the courtyard including adapted cycles for disabled cyclists.

- Cycle parking for SSCP – 88 spaces are provided within the basement car park.
- Deliveries for the OTH uses will be undertaken on-site by vehicles up to and including 7.5 tonne vehicles and submitted plans show that vehicles of this size can manoeuvre on-site to enter and leave in a forward direction.
- Refuse and recycling collection will be collected from the street for both sites. For the SSCP element refuse and recycling containers will use a service lift that will bring the bins to street level on collection day.
- The development proposes highway improvements comprising the relocation of 2 disabled parking bays in Court Street, provision of a car club bay and a coach parking/loading bay on South Street. The provision of a separate dedicated loading bay within the OTH site has been removed as the requirement for loading at this location is no longer required.

#### Trip generation information for the OTH and SSCP elements

6.11.2 The report calculates trip generation for each of the uses that are proposed (offices, hotel, Class A4 and residential) for each of the travel modes that visitors to the site will use.

#### Old Town Hall

- The proposed office floorspace will generate approximately 1,751 trips per day and of these will comprise 18 car drivers, 4 taxis, 14 motor cyclists and 44 cyclists. The remainder will use public transport or walk. This reflects the accessibility of the site and the lack of on-site car parking facilities. In addition a co-working use provides a more flexible form of working which is likely to spread out travel time across the day.
- It is anticipated that the hotel use will generate a total of 184 trips with 2-3 vehicle trips per day. The report advises that this reflects the intended use of the hotel primarily in collaboration with the office use and accessibility of the site.
- For the proposed café/bar use, the intended use of the premises is office workers and hotel guest but it will be open to the public. The majority of the users of the premises will already be in the town centre and the bar is not expected to be a significant primary destination. As such it is not likely to generate many primary trips. The TA concludes that the café/bar use will not have a material impact on the surrounding transport network.

#### South Street Car Park

- For the residential use, the data shows that of the 254 forecast daily trips to and from the SSCP flats, 84 will be by car with the remainder by public transport, walking or cycling.
- Included in this figure are a total of 26 deliveries per day for the OTH and SSCP elements of which 20 will utilise the servicing yard of the OTH.

- The existing access to the site is from South Street which is continued for this development.

6.11.3 It can be seen from the figures presented that the significant majority of the trips for all uses will be by public transport or on foot.

6.11.4 A Framework Travel Plan for the OTH and SSCP and a Draft Delivery and Servicing Plan have also been submitted.

- The overall projected level of servicing vehicle activity is a total of 52 movements a day.
- For deliveries the report estimates a total of 26 deliveries per day with 6 for the residential and the remainder for the OTH site. The OTH has a delivery bay that can be accessed by vehicles up to 7.5 tonnes.
- A coach parking/loading bay will be provided on South Street.
- The draft Delivery and Servicing Plan advise that deliveries for the OTH will be schedule for outside peaks hours

6.11.5 The Council's Highways Officer has reviewed the report and advises that the development is acceptable in principle in highway terms. He asks that for the following matters to be taken into account:

- The raised pavement in Court Street should be raised for the full depth of the pavement (the current drawings show a 20cm slither not raised) and a guard rail should be provided for pedestrian safety.
- The applicant must be aware that all works on the highway should be funded by them. This includes that Traffic Road Order as well as hard engineering measures.
- The residential units will not be permitted to obtain parking permits within the controlled parking zone.

6.11.6 Transport for London have also reviewed the submissions and raise no objections subject to consulting TfL on the proposed Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP), the need for the applicant to obtain relevant approval for works on the TfL Road Network including landscaping and tree planting, any stopping up required, highway works under S278, compliance with parking requirements for construction traffic, temporary obstructions, skips and scaffolding.

6.11.7 Subject to addressing the transport issues identified and the necessary approvals for any proposed highway works on the TLRN, TfL believes the application is capable of being acceptable in transport terms and in accordance with the London Plan.

6.11.8 Relevant conditions are recommended relating to provision of car and cycle parking spaces, refuse storage, Service and Delivery Plan, Travel Plan, EVCP spaces, Construction, Environmental and Logistics Plan (CELP) and restriction on parking permits for new residents.

6.11.9 In addition the following works are recommended for inclusion in the proposed S106 legal agreement:

- Highways works to be carried out under S278 of the Highways Act
  - Relocation of disabled parking bays on Court Street
  - Kerb radii amendments
  - Dedicated car club bay and loading/coach bay on South Street
  - Necessary Traffic Regulation Orders in respect of the above
  - New pavement ramp in Court Street
- Car club contribution (£2,000) and membership (£4,000).

6.11.10 From a planning policy point of view the loss of the car parking spaces was agreed with the inclusion of the site as part of Opportunity Site C in the BTCAAP and it is considered that the principle of the loss of these spaces is acceptable. Each element of the development meets policies in terms of the level of provision for car and cycle parking and is consistent with the 2015 and 2016 consented schemes. In terms of relieving congestion, the development site is located in an accessible area with access to a range of transport modes, a draft Travel Plan and draft Service and Delivery Plan has been submitted and a condition recommended to secure final version of these documents. A Construction, Environmental and Logistics Plan is recommended. The proposed highway works will limit the significant impacts of the development. In addition the site will be fully accessible for disabled travellers living and working in the SSCP element and OTH element respectively.

6.11.12 In summary and on the basis of the submission documents and the comments from the Council's Highways Officer, it is considered that the trip generation resulting from the proposals for the OTH and SSCP will not have a significantly adverse impact on the highway network or the public transport network that serves the town centre.

6.11.13 The proposed highways works, to be secured in a S106 agreement, will enable the development to be accommodated in the local highways network. Conditions and S106 contributions relating to the car club, parking permit restrictions, provision of cycle parking and car parking spaces and Travel Plan secure appropriate measures to minimise car borne travel to and from the sites are recommended.

## **6.12 Archaeology for OTH and SSCP - Acceptable**

6.12.1 The site does not lie within an Archaeological Priority Area.

An archaeological desk-based assessment report by RPS dated 2 August 2019 has been submitted as part of the application.

6.12.2 The report suggests that while there is an on-going archaeological potential on the site and recommends that the implementation of further mitigation in the form of targeted archaeological evaluation can be secured by an appropriate condition.

6.12.3 The Historic England Archaeology Advisor has reviewed the submitted document and considers that 'the development could cause harm to

archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed by a full investigation if this is considered necessary. ‘

6.12.4 A condition using to wording provided by the Historic England Archaeology Advisor is recommended.

## **6.13 Trees and Landscaping for OTH and SSCP - Acceptable**

### South Street Car Park element

6.13.1 In terms of proposed landscaping the submitted plans and documents show that the amount of green space on the SSCP element will be increased by 108sqm. At present the site accommodates 1538 sqm of hardstanding and 559sqm of green space. The proposed block of flats and ancillary hardstanding will take up 1430 sqm with 657sqm left as green space. This will be provided in the form of a communal green/play space on the west side of the building to the rear of properties in East Street and along the frontage of the site facing Tweedy Road.

6.13.2 The Tweedy Road landscaping provides an important visual context within the street scene and defensible space between the busy road and the frontage of the properties provides some privacy for residents and a landscaped setting for the building.

6.13.3 In addition, the previous permission included a clause in the S106 legal agreement agreeing to design and implement a landscaping scheme on land outside the red line area and in the control of TfL which sits between the site boundary and Tweedy Road along the frontage of the SSCP site. The applicant has advised that this proposal will be brought forward to this application and secured by legal agreement,

6.13.4 A Tree Survey report submitted with the application shows that 17 of a total of 31 trees will be lost as a result of the SSCP element. One of these trees to be lost is ‘unclassified’, with 14 classified as Grade B trees and 2 classified as Grade C with the rest classified as Grade U. With regard to potential mitigation the report advises that new planting is included within the proposal, with the site plan showing 23 trees. This represents a net gain in the number of trees on the site and gives the opportunity for species choice that will be optimised for both the site and the end user.

6.13.5 With regard to those trees proposed for retention upon the SSCP site, the report concludes that ‘Our review of the proposals does not identify

material risks to retained trees and, as such, it appears to us that the level and detail of proposed tree retention is in fact deliverable (assuming protection is applied per current best practice).

6.13.6 It should be noted that South Street Car Park element remains unchanged in terms of the site coverage of the building and impact on the retention of trees and that the previous application was approved.

#### Old Town Hall element

6.13.7 As previously mentioned in this report, the applicant proposes to provide a new landscaped courtyard area for the OTH to replace the existing car park in this space. The layout of the scheme is designed to provide access to the primary entrance of the development as well as provide a landscaped setting for the building and an attractive outdoor space for proposed users of the building. It should be noted that the exiting tree at the corner of Tweedy Road and Widmore Road will be retained.

6.13.8 The key feature is an amphitheatre form of paving in the centre of the courtyard with paths and planting around it. One of the circular paths will directly lead from the courtyard up to the level of the main entrance. Planting will include trees and shrub planting. All of the paving will be permeable.

6.13.9 Access to the courtyard will be for office workers, hotel residents and users of the bar/café.

6.13.10 The Council's Tree Officer has reviewed the submissions for both elements of the development and provides the following comments:

*"Looking at the scheme for the Old Town Hall section of the application, tree retention has improved and the absence of a new main entrance (at the junction of Tweedy Road and Widmore Road) has allowed the retention of a Magnolia that received initial public objection. I have recently consented to necessary maintenance pruning.*

*The South Street aspect of the development appears unaltered in footprint and tree constraints are much the same.*

*Landscaping concepts have been submitted. Greater detail can be submitted under condition.*

*Due to the scale of the development, supervision will form an important part of the delivery of the scheme. I would also make it compulsory that Council officers attend pre-commencement meetings.*

*Previous comments made in respect of past applications remain valid. I therefore recommend the following conditions be applied to any forthcoming planning permission:*

*1 Submission of details for Tree Protection, pre-commencement meeting for tree protection and site supervision of tree works*

*2 Submission of details for hard and soft landscaping details.”*

6.13.11 In summary, it is accepted that the loss of existing trees on the SSCP site is unavoidable to deliver the proposed development. The submissions for both the OTH and SSCP sites demonstrates that there are opportunities to provide a significant scale of landscaping and tree planting on both sites with the chance to incorporate species that are appropriate and relate well to the environment and will enhance the setting of the proposed flats and the OTH site.

6.13.12 It is recommended that conditions to secure the full extent of tree planting and hard and soft landscaping is proposed.

**6.14 Ecology and Protected Species for Old Town Hall and South Street Car Park - Acceptable**

6.14.1 The applicant has submitted a Preliminary Ecological Assessment (PEA) relating to both the OTH building and SSCP elements of the development. In addition a Preliminary Bat Roost Assessment has been submitted for both elements.

6.14.2 The PEA report considers the impact of the development of the 2 elements of the site. The key issues identified relate to:

- The loss of habitat – compensation for the loss of habitat resulting from the development under the principle of ‘net gain’ in line with national planning policy. The report recommends the use of native shrub and tree planting, climbing plants and good horticultural practise to achieve ecological enhancement on the site.
- Further reports to determine the presence/likely absence of bats in the OTH buildings. In addition the potential for roosting bats in the trees around the SSCP site.
- The development should undertake works to trees to protect the potential impact on breeding birds in the trees by avoiding removal of trees and other trees works from March to August as required by legislation.
- If protected species are identified during works, the works should cease and advice from a professionally qualified ecologist should be sought.

6.14.3 The initial Bat Survey recommended further surveys of the OTH building. No further surveys are required to assess the impact of the development on potential for bats or breeding birds in trees on the site.

6.14.4 As a result a Preliminary Bat Roost Assessment – Updated Report was submitted in October 2019.

- Internal building inspections of the OTH and two dusk emergence surveys and one dawn re-entry survey were carried out July, August and September.
- The surveys recorded low numbers of common pipistrelle bats in a day roost of low conservation significance in the OTH.

- The site provides a function as a commuting and foraging resource used by the common pipistrelle bat.
- The value of the population of bats is of ‘site level’ and the impact of works is defined as ‘low.’
- However, in the absence of mitigation, the works on both elements of the development has the potential to have a ‘significant’ impact on the bats, their roosts and supporting habitats.
- In order that works can progress within the legislative framework a EPSM licence (to disturb bats) will need to be obtained from Natural England prior to the start of works once planning permission and/or listed building consent has been granted.
- Measures to compensate for the loss of bat roosting through the provision of wall mounted bat boxes on site to be installed prior to the soft strip of the works to the roof and possibly, bat access roof tiles. In addition 1:1 replacement of lost trees is recommended.

6.14.5 A condition recommending the submission of measures to enhance the ecological value of the site and to compensate for disturbance to roosting and commuting bats as recommended in the Preliminary Ecological Assessment dated 13.8.2019 and the Preliminary Bat Roost Assessment – Updated Report dated 14.10.2019 is recommended.

6.14.6 The applicant has advised that the EPSM licence has now been obtained from Natural England to undertake necessary roof works and the Ecology Consultancy will be working with the project managers in this regard.

## **6.15 Environmental Health matters for OTH and SSCP**

- **Contamination – Acceptable**

6.15.1 Local Plan Policy 118 requires the submission of desktop and detailed site investigation reports to include a proposed remediation strategy and closure report. Land should be remediated to a standard such that there is no appreciable risk to end users or other receptors once the development is complete.

6.15.2 The applicant has submitted Phase 1 Geo-Environmental Assessments for the OTH and SSCP sites which conclude that there is a low-level of risk of contamination of both sites via made ground; a risk heightened by the sensitive residential use of the SSCP.

6.15.3 Whilst the contamination risks are low, the Assessment requires further investigation consisting of an assessment of soil quality to consider the impact of possible contamination on future residential occupiers and ground water.

6.15.4 The report suggests the imposition of a suitable safeguarding condition requiring further investigation and potential mitigation.

6.15.5 The Council’s Environmental Health Officer has been consulted and advises that the reports submitted to date are acceptable and further

recommends a condition agreeing to the content of the above reports and requesting further investigative work to be identified, carried out and verified.

- Unexploded Ordnance

6.15.6 A Preliminary Unexploded Ordnance Report was undertaken which confirmed that the risk of discovering unexploded World War I or World War II ordnance on site is low (unlikely) and therefore no further action is required.

- **Noise - Acceptable**

6.15.7 The applicant has submitted Noise and Vibration Assessment reports for both the OTH and SSCP elements of the scheme to establish the impact of external noise, primarily from road traffic, on future occupants of the buildings.

#### South Street Car Park element

6.15.8 The report for the SSCP concludes that:

- The report finds that the projected vibration levels are within acceptable limits.
- For windows facing Tweedy Road a mechanical ventilation system is required to meet WHO and BS guidance on noise levels.
- Noise levels for the balconies facing Tweedy road will exceed WHO guidelines but the windows are the rear are below WHO levels.  
Attenuation of some of the noise can be achieved with solid side panels to the balconies or the provision of winter gardens. There is a pragmatic view that it is not unreasonable to hear road noise in this type of location.
- Initial calculations on likely plant noise emissions indicate that tonal noise is not expected to affect future residents.
- The construction specification for the substation is such that any substation noise can be controlled so that it is inaudible to residents.

6.15.9 The Council's Environmental Health Officer has considered the submission and recommends a condition that requires the OTH and SSCP elements to be implemented in accordance with the Noise and Vibration Assessments submitted for each site.

6.15.10 Specific to the SSCP a condition setting a measured background noise level is recommended.

6.15.11 In addition, a condition requiring the submission of details to minimise the impact of road noise on the proposed balconies of the SSCP element is recommended.

6.15.12 Subject to these conditions the Council's EHO has no objections to the proposed development.

6.15.13 On this basis it is considered that the SSCP is acceptable in terms of the impact of noise on the amenity of future occupants of the residential development.

## Old Town Hall element

6.15.14 The submitted noise assessment report for the OTH concludes that:

- The projected vibration levels are within acceptable limits.
- Secondary glazing is expected to increase the performance of the existing glazing to required sound insulation performance.
- Initial calculations on likely plant noise emissions indicate that the tonal noise is not expected to affect future residents.
- Bar Noise – the bar will be adjacent to 2 of the hotel rooms. It is recommended that the sound insulation between the 2 areas is upgraded to 55dB and noise level set on the operator of the bar should they intend to generate anything more than ambient noise. The bar is well screened from other noise receptors. It is expected that the noise from the proposed bar would not negatively impact any nearby noise sensitive receptors. A Noise Management Strategy to control patrons leaving at the end of the night is recommended.

6.15.15 The Council's Environmental Health Officer has considered the submitted report and its recommendations regarding the impact of the use of the bar on the sound insulation for the hotel rooms abutting the proposed bar/café. A condition relating to the submission of technical details of soundproofing is recommended.

6.15.16 In terms of the impact of the use of the bar/café on residential neighbours it is noted that the closest neighbours are the retail unit and offices above at 33-37 Widmore Road (on the corner of Court Street and Widmore Road) and community hub at Community House on the corner of South Street and Court Street. The closest residential properties are above 31 Widmore Road which is beyond 33-37 and set back from the rear elevation.

6.15.17 The entrance to the proposed C4 use will be from Court Street and the applicant has agreed to operational hours of 07.30 to 23.00 Sunday – Monday and 07.30 to 0.30 on Friday and Saturday only with last guests entering at 23.00 on any night. These are amended hours from those previously approved for the operation of 2 restaurants in the Widmore Road frontage of the OTH and are considered appropriate for the proposed location of the main entrance to the bar/café.

6.15.18 In addition a condition limiting the use of the rear courtyard is recommended with no use permitted after 23.00 on any day of the week.

6.15.19 The Council's Environmental Health Officer agrees with the proposal to restrict the hours of operation of the bar/café both within the building and in the rear courtyard area.

6.15.20 In summary it is considered that the noise generation relating to the OTH, which is in a town centre location, will not be so excessive as to cause significant harm to nearby receptors and can be controlled by the imposition of appropriate conditions.

- **Ventilation and odour control and new plant and equipment - Acceptable**

6.15.21 Regarding the provision of plant and equipment for the operation of the OTH site, the applicant has advised that the basement and rooftop of the new extension have been identified to minimise the visual impact of this infrastructure on the roofs. There are some existing locations where existing redundant plant was located and it is intended to utilise these areas as well. The plant on the roof of the extension will be screened and acoustically attenuated and set back from the edge of the roof. The applicant advises that key views have been tested to determine visibility from street elevation and the location adjusted to its current position to minimise the visual impact.

6.15.22 In terms of ventilation and odour control, the proposals for the OTH show the provision of a Class A4: drinking establishment and this unit may require the provision of equipment to deal with ventilation and odour control. No details for this particular aspect have been submitted.

6.15.23 The OTH will be provided with new mechanical ventilation and secondary glazing for those windows that are facing Tweedy Road and Widmore Road in order to address air quality and to improve acoustic performance. Natural ventilation is proposed for those rooms facing the courtyard where air quality and acoustics have not been identified as substantial issues.

6.15.24 Plant and equipment for the SSCP element will be provided in the Plant room shown in the basement area. The intrusions on the roof will be a short overrun for the 2 lifts which will be set back from the edge of the roof level structure and PV panels to meet the site wide energy by renewable means.

6.15.25 The Council's Environmental Health Officer advises that a condition requiring details of the ventilation for the bar/café is recommended.

6.15.26 A condition requiring details of the installation of any mechanical plant in the future is also recommended.

- **Air quality - Acceptable**

6.15.27 The applicant has submitted separate Air Quality Assessments for the OTH and SSCP elements of the site.

6.15.28 The Council's Environmental Health Officer advises on both reports as follows:

#### Old Town Hall

- In relation to the submitted MVHR system for the Old Town Hall, this is satisfactory.

- It is accepted that site-specific NO<sub>2</sub> monitoring at the OTH site is not necessary.

### **South Street Car Park**

- In terms of the South Street Car Park site, the applicant will undertake a three-month period of NO<sub>2</sub> monitoring in accordance with best practice guidelines and with methodology submitted to and approved in writing by the local planning authority in order to establish existing baseline concentrations and determine the requirement for any mitigation measures to reduce exposure.
- In relation to the SSCP basement car park the IAQM guidance indicates that emissions from underground car parks (with extraction system) should be given further consideration where ‘the ventilation extract for the car park will be within 20 m of a relevant receptor coupled with the car park having more than 100 movements per day (total in and out)’. The transport consultant has estimated that the scheme will result in 84 trips per day.

6.15.29 Conditions for the following aspects of air quality assessment are recommended:

- Air Quality Neutral Assessment
- Construction and Environmental Management Plan to include dust mitigation measures
- Non Road Mobile Machinery compliance during construction
- Combustion Plant regulation
- **External lighting - Acceptable**

6.15.30 At the present time full details of proposed external lighting for the OTH or SSCP elements has not been submitted for consideration. As it is expected that external lighting will be provided for both elements a condition requiring full details of the location and impact of proposed lighting fixtures is recommended.

### **6.16 Drainage and flooding for OTH and SSCP - Acceptable**

6.16.1 In terms of policy context the relevant Local Plan policies relating to drainage include Policy 116 Sustainable Urban Drainage Systems (SUDS) and Policy 117 Water and Wastewater Infrastructure Capacity. The site lies in Flood Zone 1.

6.16.2 The Council’s Drainage Officer advises that it is acceptable for the Old Town Hall to use the same drainage network for the proposed development on this part of the site. A condition is recommended that secures the provision of permeable paving for all hard surfaces on the site.

6.16.3 For the South Street Car Park element, a condition requiring the submission of a surface water drainage strategy is recommended which is consistent with the conditions applied on the 2015 application. This will

include measures for sustainable drainage including permeable paving and green roofs which are shown on the submitted documents.

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

### **6.17 Sustainability and Energy for OTH and SSCP - Acceptable**

6.17.1 The applicant has submitted an Energy Statement for both the OTH element and SSCP element of the site that sets out measures to meet Local Plan Policy 124 and London Plan policies 5.2: Minimising carbon dioxide emissions and Policy 7.7: Renewable energy.

6.17.2 These policies require residential development to provide zero carbon emissions with at least 35% on-site reduction beyond Building Regulations Part L 2013 using building efficiency and renewable energy measures.

6.17.3 The OTH commercial scheme has to demonstrate at least 35% on-site reduction beyond Part L 2013.

6.17.4 Development proposals should make the fullest contribution to minimising carbon dioxide emission in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

#### South Street Car Park element

6.17.5 In terms of energy efficiency the first stage of assessment is to consider the baseline energy model which has been calculated in the report for this new build element of the development. This is based on the building form that was approved 2015.

6.17.6 The second stage is to improve energy efficiency measures to reduce demand for heating, cooling and lighting to minimise carbon emissions (Be Lean).

6.17.7 In terms of using less energy the approved building has been updated to meet current building control requirements but the internal and external layout is largely unchanged. The assessment from the building efficiency measures finds that the SSCP element achieves a 1.03% reduction in CO<sub>2</sub> emissions.

6.17.8 In terms of improvements in efficiency from Be Clean measures to supply energy efficiently, the report advises that the scheme will not use district heating but will use a centralised/communal high efficiency gas communal boilers providing under floor heating and domestic hot water. This further reduces emissions by 9.46%.

6.17.9 In terms of the renewable energy contribution to the scheme (Be Green), the report explores varying options that are available. The report concludes that the provision of 116 Photovoltaic panels is a realistic option that can be accommodated at roof top level.

6.17.10 Taking account of all the measures proposed in the report for the SSCP element, the final emission calculation shows that overall emissions have been reduced by 20.2% over and above the baseline model (the approved 2015 building) with a 19.8% reduction in emissions directly from the use of energy generating (Be Clean) and renewable technologies (Be Green). The total cumulative carbon savings reduction equates to 37.39% above Part L 2013.

6.17.11 This results in a carbon shortfall of 38.85 tonnes resulting in the need for a carbon offset payment of £69,930. This will result in a scheme that meets the current policy requirements in the London Plan in terms of site-wide energy.

6.17.12 It should be noted that the draft London Plan will introduce more stringent targets for reducing carbon emissions but this has not been adopted at the time of writing this report.

6.17.13 The submission has been assessed by the Council's Carbon Programme Officer to determine whether the proposed building meets policy requirements and advises that the Be Lean element only achieves a 1.03% carbon reduction (building efficiency). Since the new London Plan requires a minimum 10% reduction in carbon emissions for energy demand, I would request that the applicant improves upon the current proposal.

6.17.14 The applicant has responded and requested that the following matters be taken into account:

- The overall approach for the energy strategy for the residential building is based on the previously approved building.
- The current London Plan doesn't seek the 10% betterment through the building efficiency that the Draft London Plan seeks as this plan has not been adopted. The development has been assessed against current development plan documents and, as such, the current strategy is compliant with adopted planning legislation.
- To increase the % improvement for the Be Lean element would require significant changes to the building fabric which are not required by current policy and would not reflect the previously approved scheme.
- The scheme viability is balanced at best and requirements to increase the building efficiency would delay the delivery of the project and should be balanced against competing material considerations.

6.17.15 In response the Carbon Programme Officer recognises the possible precedent arising from the approved building and remains concerned that the development is relying on carbon offset payments to meet the requirements for CO<sub>2</sub> emissions rather than improving the efficiency of the building through design.

6.17.16 The assessment of the current scheme shows that the Be Lean element of the scheme is not reducing the carbon emissions to the full extent that should be required. This is largely due to the baseline energy assessment being set against the previously approved building.

6.17.17 The applicant has requested that the factors above are taken into account when considering the acceptability of the method of reducing carbon emissions for the SSCP element.

6.17.18 In this specific instance it is recognised that the requirements is to meet current planning policy requirements in terms of targets. The draft London Plan does have material weight at this stage of its development but it is not yet fully part of the approved development plan.

6.17.19 In addition it is recognised that the approved building sets a precedent for the form of development that is acceptable on the site and that the application seeks to progress this form of development rather than present a new scheme for consideration.

6.17.20 In addition this report takes account of the significant benefits that will result from the refurbishment of the OTH element of the application in heritage and economic terms.

6.17.21 This combination presents a unique situation where the 2 elements are linked together to present an overall scheme that will regenerate the OTH and the vacant SSCP site. Without this relationship the current refurbishment of the OTH would not go ahead.

6.17.22 In view of the circumstances outlined above , on balance it is considered that there are material considerations that outweigh the requirement to redesign the proposed building to improve the energy efficiency (Be Lean) element of the Energy Strategy for this site and that the payment of a carbon offset payment is acceptable.

#### Old Town Hall element

6.17.23 In terms of energy efficiency the first stage of assessment is to consider the baseline energy model which has been calculated in the report for this part of the development which is primarily refurbishment of a listed building.

6.17.24 The second stage is to improve energy efficiency measures to reduce demand for heating, cooling and lighting to minimise carbon emissions. The report advises that the scheme will not use district heating or a centralised/communal combined heat and power boiler system but will use high efficiency gas condensing boilers for heating and hot water for the hotel with hot water for the office and bar/café provided by instantaneous point of use systems.

6.17.25 In terms of the renewable energy contribution to the scheme, the report explores varying options that are available. The report concludes that the provision of an air source heat recovery VRF system utilising roof mounted condensing units located in the roof top plant area (above the proposed extension) with centralised branch selector boxes and wall mounted fan coil units is a realistic option that can be accommodated at roof top level.

6.17.26 Taking account of all the measures proposed in the report the final emission calculation shows that overall emissions have been reduced by 17.46% over and above the baseline model with a 2.5% reduction in emissions directly from the use of energy generating and renewable technologies. The final reduction equates to 25.24%.

6.17.27 In order to fully comply with the London Plan requirements and the GLA guidance relating to zero carbon development the development will need to make a payment of £57,080 to offset the carbon emissions that cannot be achieved by energy efficiencies during the process of refurbishment and building of the new extension and the use of renewable energy options.

6.17.28 The Council's Carbon Programme Officer has reviewed the submitted information for the OTH and advises that in light of the existing restrictions (a Grade II listed building and minimal roof space) and the number and variety of measures considered a carbon reduction of 25.24% only can be achieved

6.17.29 It is considered that the proposed measures for reducing carbon emissions for the OTH and the proposed payment in lieu, the development will meet the requirements on the London Plan.

6.17.30 The carbon offset payments for the OTH and SSCP will be secured by S106 agreement.

## **6.18 Secure by Design for OTH and SSCP - Acceptable**

6.18.1 The Met Police Secure by Design Officer advises that there are measures that will need to be addressed for both the OTH and SSCP elements of the scheme.

6.18.2 He considers that for, both elements of the scheme, should the development be approved and proceed, then it will be possible to achieve the security requirements of Secured by Design. A condition requiring the submission of Secure by Design measures for each element and for the elements to achieve SBD accreditation is recommended.

## **6.19 S106 Heads of Terms for OTH and SSCP**

6.19.1 In accordance with Local Plan Policy 125, London Plan Policy 8.2 and the draft London Plan Policy DF1, the Council has secured the following S106 contributions and measures to mitigate the impact of the proposed development.

6.19.2 Details and justification for the individual contributions are discussed in the relevant sections of the report above.

6.19.3 The total financial contribution for the OTH and SSCP elements will be £315,906.

6.19.4 The individual contributions are as follows:

Carbon offset OTH	£57,078
Carbon offset SSCP	£69,930
Affordable Housing	£175,398
Car Club contribution for cost of markings and making an order to add car club space to the highway	£2500
Car Club Membership	£4000
Highway contribution for making orders for coach parking space and relocation of disabled parking spaces	£3000
Stopping up Order for new ramped accesses in Tweedy Road and Court Street	£2000
Monitoring Fee	£2000
Viability Review Mechanism	To Be agreed
Highways works to be secured under S278 of the Highways Act: - Flexible coach parking space on south side of South Street and relocation of disabled parking bays on Court Street Car Club parking space and road markings - Kerb radii adjustments - New ramped pavement in Court Street	Works to be carried out at the developers expense
Residential Public Landscaping Scheme – details to be agreed with LBB and TfL	Works to be carried out at the developers expense

## 6.20 Community Infrastructure Levy

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

## 7. Conclusion

7.1 The two elements of this application are adjacent to each other and the proposals for each element have been assessed separately in this report with the exception of the financial viability of the entire development which is considered across the whole red line area.

7.2 The proposed use of the Old Town Hall for a mixed use co-working office with separate hotel and cafe/bar elements is considered to be acceptable in principle land use terms.

7.3 The building has been on the Buildings at Risk Register for some time and vacant for several years. The works required to accommodate the proposed uses involve removing modern, unsightly additions, renovating the remaining elements and introducing new forms of development.

7.4 The removal of modern fixtures and fittings is acceptable and makes way for improvements to the internal layout and will reveal historic areas of the building unseen in the recent past, for example to removal of the mezzanine floor of 1939 Council Chamber. The proposed office use lends itself to retaining the historic internal layout of small offices with larger, civic spaces that can be used for flexible working and entrance/reception areas. The refurbishment of the Courthouse for a café/bar will introduce a new public space into this part of the town centre. In addition the opening up of the internal courtyard will result in a new landscaped area that will enhance the setting of the building and provide an attractive view into the site from South Street.

7.5 The scheme proposes significant external interventions to provide additional office floorspace including within the currently unused roof space with new dormer windows and a roof level link extension. The proposed hotel will be accommodated in a new modern extension, replacing an existing dilapidated 1960's extension, bringing interest to the Court Street/South Street corner of the site.

7.6 The proposed works are considered to be acceptable in technical terms including site-wide energy, air quality, drainage, impact on neighbours in terms of noise (from future users of the site and equipment), ventilation, plant and equipment and odour control. The trip generation data for travel to and from the site identifies that the vast majority of users will arrive on foot which supports a car free development for this element.

7.7 In summary, it is considered that the proposed works to the Old Town Hall will compliment the heritage assets of the building and preserve and enhance the Bromley Town Centre Conservation Area by bringing the building back into active use provide it with a long terms future.

7.8 The proposed use of the South Street Car Park for residential use reflects expectations in the Local Plan and the Bromley Town Centre Area Action Plan and is acceptable in principle.

7.9 The proposed building is largely unchanged from the scheme that was approved in 2015 and 2016 and remains acceptable in terms of its layout, height, bulk, massing and appearance. The loss of some of the trees along the Tweedy Road frontage is regrettable but provides an opportunity for the provision of a high quality landscaping scheme along this highly visible frontage. It is expected that these proposals will result in a net gain in terms of biodiversity for this element of the application. Communal and private amenity space will be provided for proposed residents and housing standards are largely met. Technical aspects such as air quality, noise, site-wide energy and drainage are considered to be acceptable as the impact of the development

on future occupiers and adjoining neighbours in terms of noise, overlooking and daylight.

7.10 In summary it is considered that the proposed scheme for the South Street Car Park is acceptable in terms of the impact on the street scene and character and appearance of the area and will provide much needed housing for the borough.

7.11 Following detailed submission and discussions regarding financial viability, the development will provide mitigation measures to secure the implementation of both the OTH and SSCP elements including in the provision of financial contributions for a payment in lieu for affordable housing. These measures will be secured by a S106 legal agreement.

7.12 The development will be subject to conditions to deal with detailed elements of both developments and to ensure that agreed elements are implemented in accordance with submitted information.

## **RECOMMENDATION: PERMISSION SUBJECT TO S106 LEGAL AGREEMENT**

### **SUMMARY OF CONDITIONS AND INFORMATIVES**

#### **Standard Conditions**

1. Time limit of 3 years
2. Approved plans

#### **Pre-Commencement Conditions:**

3. Written Scheme of Investigation for archaeological works for Old Town Hall (OTH) South Street Car Park (SSCP) phases
4. Drainage Scheme for SSCP phase
5. Construction and Environmental Management Plan for OTH and SSCP phases
6. Land Contamination Assessment for OTH and SSCP phases
7. Tree Protection measures for OTH and SSCP phases
8. Trees - pre commencement meeting and ongoing site supervision for OTH and SSCP phases
9. Air Quality Neutral Assessment for OTH and SSCP phases
10. Conservation Specialist for OTH phase
11. Slab levels for SSCP phase
12. Details of Central Heat and Power (CHP) system for SSCP phase
13. Roof Replacement Strategy for OTH phase

#### **Above Ground conditions:**

14. Materials or the external surfaces of the OTH and SSCP phases
15. Secure by Design for OTH and SSCP phases
16. Landscaping (hard and soft) details for OTH and SSCP phases

17. Roof top plant screening for OTH and SSCP phases
18. PV panels on the roof of the SSCP phase
19. Barrel Roof/new extension junction details for the OTH phase
20. Design of rooflights for the OTH roof phase
21. Dormer roof extension to the OTH phase
22. Detailed drawings for roof level glazed link for OTH phase
23. Refuse and Recycling details of enclosure for OTH phases
24. Cycle storage provision for the OTH phase
25. Noise Management Strategy for OTH phase
26. Sound insulation for hotel rooms from bar/café use for the OTH phase
27. Balcony Noise for the SSCP phase

**Prior to first occupation conditions:**

28. Ventilation and Extract details for OTH phase
29. Combustion Plant for OTH and SSCP phases
30. Car Park Management Plan for SSCP phases
31. Delivery and Servicing Plan for OTH and SSCP phases
32. Travel Plan for OTH and SSCP phases
33. No parking permits for residents of SSCP phase
34. Electrical Vehicle Charging Points for SSCP phases
35. Installation of mechanical plant for OTH and SSCP phases
36. External lighting for OTH and SSCP phases
37. Biodiversity in the OTH and SSCP phases
38. Public Art Installation for the OTH phase
39. Privacy screening on balconies of the SSCP phase

**Compliance conditions:**

40. Uses and hours of operation for OTH phase
41. Side Wide Energy Statement for OTH and SSCP phases
42. Provision of wheelchair units for SSCP phase
43. Car Parking for OTH and SSCP phases
44. Disabled parking spaces for OTH and SSCP phases
45. Cycle parking for SSCP phase
46. Refuse and Recycling for SSCP phase
47. Wash down facilities for construction vehicles for OTH and SSCP phases
48. New machinery for OTH and SSCP phases
49. Emission standards for Non Road Mobile Machinery (NRMM) for OTH and SSCP phases
50. Acoustic measures for OTH and SSCP phases
51. Plant noise limitation for OTH and SSCP phases
52. Transmission of structure borne sound for OTH and SSCP phases
53. Rainwater Goods for the OTH phase
54. Satellite dishes for the OTH and SSCP phases
55. Daylight and Sunlight for SSCP phase
56. Infiltration of Surface Water and Piling for OTH and SSCP phases

Any other conditions considered necessary by the Assistant Director (Planning)

**Informatives**

1. Mayoral CIL.
2. Archaeology – advice on content of Written Schemes of Investigation
3. Thames Water will aim to provide customers with a minimum pressure.
4. Approval from TfL for works on the Transport for London Road Network (TLRN)

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# Agenda Item 8

<b>Committee Date</b>	May 21 <sup>st</sup> 2020	
<b>Address</b>	Old Town Hall 30 Tweedy Road Bromley BR1 3FE	
<b>Application number</b>	<b>19/03545/FULL and 19/03546/LBC</b>  <b>Joint report</b>	<b>Officer</b>  <b>Karen Bradshaw</b>
<b>Ward</b>	Bromley Town	
<b>Proposal (Summary)</b>	<p>Application for planning permission and listed building consent to enable minor demolitions, conversion, restoration and extension of the Old Town Hall (OTH) Building (extensions no greater than 3 stories in cumulative height) to provide office space (Class B1), ancillary hotel bedrooms (x 24) (Class C1), and a food and drinking establishment within the Old Courthouse (Class A4)</p> <p>and</p> <p>Five storey residential scheme consisting of 53 apartments (18 x 1 bed, 34 x 2 bed and 1 x 3 bed) (Class C3) with basement parking for 26 cars upon the former South Street Car Park Site (SSCP), along with provision of 160 cycle spaces across both sites. (72 spaces - Old Town Hall, and 88 spaces - South Street Car Park), landscaping, public realm improvements and ancillary development.</p>	
<b>Applicant</b>	<b>Agent</b>	
Mr Henry Webber Winger Ltd 36 Dover Street London W1S 4NH	Mr Mark Hoskins NTR Planning Ltd Clareville House 26-27 Oxendon Street London SW1Y 4EL	
<b>Reason for referral to committee</b>	Accompanies planning application which exceeds Delegated Authority for AD (Planning)	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	<b><u>Grant Listed Building Consent</u></b>
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### **Summary**

#### **KEY DESIGNATIONS**

- **Bromley Town Centre Conservation Area (OTH only)**
- **Adjacent to Conservation Area (SSVP)**
- **Listed Building Grade II (OTH)**
- **Building at Risk (OTH)**
- **Adjacent to Locally Listed Buildings (both sites)**
- **Bromley Town Centre Area Action Plan Opportunity Site C**
- **Air Quality Management Area**
- **London Distributor Road**
- **Flood Zone 1**
- **PTAL 6a**

<b>Representation summary</b>	Neighbour letters were sent 30.1.2020 A Site Notice was displayed on 3.10.2019 A press advert was published on 2.10.2019
Total number of responses	15
Number in support	0
Number of objections	14
General Comments	1

### **JOINT REPORT WITH 19/03545/FULL**

Listed Building Consent is sought for works to the Old Town Hall that are required to implement the development proposed under planning application ref 19/03545/FULL.

The detailed description and analysis of the acceptability of the scheme and the impact on the listed building is set out in the accompanying planning application report ref 19/03545/FULL.

The proposed works are to the internal and external fabric of the building and include partial demolition of elements of the Old Town Hall and replacement with new extensions including a:

- 2 storey extension at the corner of South Street and Court Street;
- A roof level link extension between the 1907 and 1939 Town Hall buildings and;
- Extensions within the internal courtyard area.

The roof of the building needs to be removed, due to its poor condition, and it replaced to include a dormer extension on the courtyard roof elevation. Existing tiles will be used to reroof the building with additional newer slates where required. A condition requiring the submission of a Roof Replacement Strategy to secure full details of this work is recommended under ref 19/03545.

Internal works are proposed to remove modern additions and reinstate previously lost historic elements.

These works will facilitate a the use of the building for co-working office use, a 24 bedroom hotel and a cafe/bar use in the former Courthouse. In addition planning permission is sought for the erection of a 5 storey residential block with basement parking containing 53 units on the site of the South Street Car Park.

### **Recommendation**

Based on the conclusions of the above report, it is considered that listed building consent should be granted for the proposed works to the Old Town Hall and relevant conditions are recommended.

## **SUMMARY OF CONDITIONS**

### **Standard Conditions:**

- **Time Limit**
- **Approved plans**

### **Pre-commencement**

- **Works to secure the safety and stability of the retained elements of the building**

### **Prior to any works to the external works to the building**

- **Materials for external surfaces of the building and proposed windows**
- **Matching materials for internal and external works for retained fabric of the building**

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# Agenda Item 9

<b>Committee Date</b>	21 <sup>st</sup> May 2020	
<b>Address</b>	Wells House, 15-17 Elmfield Road, Bromley, BR1 1LS	
<b>Application number</b>	19/03620/FULL1	<b>Officer Jessica Lai</b>
<b>Ward</b>	Bromley Town	
<b>Proposal (Summary)</b>	Demolition of Wells House building and the re-development of the site to provide a part 7 and part 8 storey, comprising of 10,598.8sq.m office floor space (Use Class Order Class B1(a)) with associated landscaping, cycle and parking spaces.	
<b>Applicant</b>	<b>Agent</b>	
Mr. Christopher Cradock	Mr. Gardiner Hanson and Mr. Tim Sturgess, Avison Young Ltd.	
<b>Reason for referral to committee</b>	Outside Delegated Powers	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	<b>PERMISSION SUBJECT TO LEGAL AGREEMENT</b>
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## KEY DESIGNATIONS

- Biggin Hill safeguarding Area
- Bromley Town Centre Area
- London City Airport safeguarding
- Smoke Control

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Office (Class B1)	3,788.2sq.m
Proposed	Office (Class B1)	10, 598.8sq.m (net increase of 6,810.6sq.m)

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	34	14	-20
Disabled car spaces	0	2	+2
Cycle	0	158 long-stay; 14 short-stay	+ 172
Servicing and Delivery	0	3 (Off-street bays)	+3

<b>Electric car charging points</b>	14
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<b>Representation summary</b>	A site notice was placed and the application was also advertised in the press (News Shopper dated 20 <sup>th</sup> November 2019). The neighbouring properties were consulted and the number of responses received are as follows:
Total number of responses	14
Number in support	2
Number of objection	10
Number of comments	2

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Bromley Town Centre Improvement Scheme	£24,300	Yes
Total	£24,300	

## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The site is located within the Bromley South Business Improvement Area (BIA) in Bromley Town Centre and is designated as an Opportunity Area in the London Plan. There is no land use issue within this designated business improvement area. The proposal would provide a significant uplift of office and employment floor space within a designated business improvement area where large scale and high quality purpose built office accommodation should be located in the designated part of the Town Centre
- The proposal would replace the existing dated office building with an high and contemporary office building. The proposal would strengthen the competitiveness and business character of the BIA, creating a high quality office layout and making a positive contribution to the Borough's employment opportunities and quality of office stock.
- The design quality of this pure office development is high. The proposed building would be stepping down towards the south, east and west reducing its massing and bulk. The external finishes of the building would be mainly glazed providing a lighter weight appearance. Timber louvres would be incorporated to articulate the external elevations and break down the overall massing of the building. The proposal would also incorporate multiple terraces with planting on the upper floor providing a degree of visual interest and relief.
- The quantum of the proposed office floor space including the massing of the proposed building has been reduced with an office floor area measuring 10, 598.8sq.m metres within a part 7 and part 8 storey building. The proposed development would be of an appropriate mass, scale, form and design. Whilst the proposal would have an impact to its surrounding area and residential amenities, the impacts would be limited and would not cause unacceptable harm due to the existing and proposed use and distance to the neighbouring properties.
- The proposal would provide adequate parking, cycle storage facilities, access and servicing and delivery arrangements without causing adverse impacts upon the transport network. Adequate sustainability measures would be incorporated achieving the required carbon reduction without causing unduly harmful environmental impacts. Overall, it is considered that the proposal would be acceptable and subject to the recommended planning conditions, it is considered that planning permission be granted.

## **2. LOCATION**

- 2.1 Wells House is a part 4 and part 5 storey office building constructed in the 1980s with 30 dedicated off-street parking spaces. The building is located on the eastern edge of Bromley Town Centre and is designated

as a Business Improvement Area (BIP) with an Article 4 direction in the Bromley Local Plan (BLP). The site is also designated as an Opportunity Area in the London Plan (LP).

- 2.2 The site is located on the east side of Elmfield Road and measures approximately 2,520 square metres (0.25 hectares). The site is mainly surrounded by commercial buildings with offices located to the west and south of the site. The Bank of America Building Crosby House is a four storey mixed use building with residential flats above. Kentish Way (A21) is in an elevated position, is a designated Red Route and is located to the east/rear of the site and under Transport for London (TfL) management. Kentish Way was constructed in 1985 as a relief road extending around the eastern edge of Bromley Town Centre. The ground level of Kentish Way is elevated against the application site.
- 2.3 There is an incline along Elmfield Road and across the site from West to East. The ground level of the site is approximately 1.8 m lower than Crosby House to the north and is approximately 1.9 metres higher than the ground level of Prospect House to the east.
- 2.4 The site is located within flood zone 1 and is subject to medium risk of surface water flooding. The site is located within Elmfield Road Controlled Parking Zone which operates 8am to 8pm on Monday to Saturday, 10am to 5pm on Sunday. The public transport accessibility of the site is rated at 6b on a scale between 0 to 6b where 0 is (Worst) and 6b is (Best). Bromley South railway station is located approximately 250 metres south from the site, served by Thameslink and Southeastern services. There are no existing cycling links in the area. The TfL's Quietways cycle route between Lower Sydenham and Bromley is located approximate 336 metres from the site.



*Site location*



*Existing Building – East Elevation*

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for the demolition of the existing office building and the erection of a part 7/part 8 storey office building to provide 10,598.8sq.m of new office floorspace (Use Class Order Class B1).
- 3.2 The proposal would provide an uplift of 6,810.6sq.m modern office floorspace. As part of this proposal, a new pedestrian access would be introduced, via Kentish Way.
- 3.3 The quantum of the proposed office floor space has been reduced from 11,464sq.m to 10,598.8sq.m. The massing of the proposed building has also been reduced from part 8 and part 9 storey to part 7 and part 8 storey with a maximum height reduced from 32 metres to 28 metres when measured from Elmfield Road.
- 3.4 The existing office building is part 4 and part 5 storeys and has a floor area which measures 3,788.2sq.m with 30 off-street parking spaces located to the rear of the building. The existing building measures approximately 26 metres wide, 20 metres deep, 16.6 metres high when measured from Elmfield Road and 20.4 metres high when measured from Kentish Way.
- 3.5 The footprint of the proposed part 7 and part 8 storey office building would be broadly rectangular in shape. The proposed building would measure approximately 53.6 metres wide and 30 metres deep. The floor plate of the proposed building would be gradually reduced from

the second floor and progressively reduced from the fourth floor with outdoor terraces and landscaping areas on the upper floors. The maximum height of the proposed building would measure approximately 28 metres from Elmfield Road and 32 metres when measured from Kentish Way.

- 3.6 Two internal lifts would be installed within the building with a reception, break out area and toilet facilities provided on each floor.
- 3.7 Fourteen parking spaces including two disabled parking spaces would be provided at the lower ground floor level. Four further dedicated servicing and delivery parking spaces, a communal cycle storage area with a capacity for 168 bicycles and showering facilities would be located at lower ground floor level.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 There is no recent planning application or planning enforcement record at this site.

#### **5. CONSULTATION SUMMARY**

##### **a) Statutory**

###### **5.1 GLA (Dated 17<sup>th</sup> February 2020; see Appendix 1) – Unacceptable**

GLA considers the proposal does not comply with the London Plan, in its current form. Details of affordable employment floor space, climate change and highway related measures should be provided. A summary of comments are as follows: -

Principle of development: The principle of the redevelopment of this site for replacement office led development in the Bromley Opportunity Area and the Bromley Metropolitan Town Centre is strongly supported. The applicant should provide further detail regarding provision of affordable employment floor space in compliance with the Mayor's London Plan Policies E1, E2 and E3.

Design: The approach to the building height, massing and scale is supported and the design is of a good quality.

Sustainable development: Further work is required and evidence submitted in relation to energy, flood risk, and green infrastructure.

Transport: The applicant should provide clarification and information regarding to trip generation impact, car parking, cycle parking and healthy streets. A delivery, travel plan and servicing plan and construction logistics plan should be secured by condition.

## 5.2 Transport for London (Received on 21<sup>st</sup> Feb 2020) - Unacceptable

Trip generation: Whilst the assessment of trips and mode share is lacking details, given the nature and scale of the development and its location the work is acceptable to TfL at a strategic level.

Cycle parking: 168 long-stay and 14 short-stay cycle parking spaces are proposed and would comply with the minimum standard in the draft London Plan. However, the cycle parking arrangement does not comply with the London Cycling Design Standards and the use of two-tier racks storage should be used in combination with more accessible cycle stands, such as Sheffield stands. A minimum of 5 percent of Sheffield stands and an additional 5 percent of stands should be provided for larger cycles such as cargo bikes.

TfL welcome the provision of shower, changing and locker facilities for staff. Six short-stay spaces would be provided to the rear of the site and should be located at a location with good surveillance.

Car parking: Eighteen parking spaces and two disabled parking person spaces are provided. In line with the draft London Plan, the proposal should be car free due to its public transport accessibility. The Draft London Plan requires ten percent of disabled parking spaces be provided. The provision of two disabled spaces would be in excess of the ten percentage requirement at eleven percent. TfL would accept a reduction of parking provision or on-street disabled bays in the event that the parking spaces are removed. Disabled parking should be secured by planning condition or S106 agreement. Ten active electric vehicle charging points (EVCP) and 8 passive EVCP would be provided and comply with the draft London Plan. TfL would encourage EVCP be provided for all parking spaces including both disabled bays.

Healthy Streets: An updated travel assessment including a pedestrian environment review survey (PERS) and an Active Travel Zone (ATZ) Assessment including mitigation measures should be provided.

Vision Zero: The proposed long-stay cycle parking would be located in the basement car park. The applicant should demonstrate the proposed arrangement would comply with the Mayor's Vision Zero approach to provide a safe and convenient cycle storage area.

Delivery and Servicing: Four delivery bays will be sufficient to serve the proposed development.

Travel Plan (TP): An updated travel plan is required and should take into account the number of proposed parking spaces. The range of measures to encourage walking and cycling is considered acceptable. TfL would strongly encourage on-site bicycle maintenance equipment such as tyre-pumps, puncture repair kits and repair stands be provided.

Construction Logistic Plan (CLP): The estimated construction vehicle movements have not been provided and should comply with TfL's CLP guidance. It is unclear whether vehicles can leave the site in a forward gear during the demolition period and this should be clarified. Loads relating to demolition and construction works should not use the A21 and an appropriate over-sailing and hoarding licence would be required from TfL. The applicant is encouraged to consider off-peak construction deliveries to minimise the impact of congestion in Bromley town centre and the TLRN during peak hours.

CIL: This development will be liable for the Mayor of London's CIL based on the recently revised (MCIL2) charging rates at £60 per square metres.

### **5.3 Drainage – Acceptable**

The proposal would incorporate permeable paving, rain water harvesting green roofs/planting and an attenuation tanks to restrict surface water run-off to 2/l/s for all events including the 1 in 100 year plus 40 percent climate change which is in principle acceptable. The measures outlined in the Surface and Foul Waster Strategy should be secured by planning condition.

### **5.4 Thames water – Acceptable**

No objections regarding to the water network and water treatment infrastructure capacity including foul water sewerage and surface water network infrastructure capacity. Site is located within 15 metres of a strategic sewage network. No development shall take place until the details of a piling method statement are submitted and approved by the LPA in consultation with Thames Water. Thames water has also recommended the following informatics be attached: -

- Petro/oil interceptors be fitted in the car park;
- In line with Building Regulations, a positive pumped device should be installed to prevent sewage flooding;
- Any discharge of ground water to the public network will require a Groundwater Risk Management Permit from Thames water;
- There are water mains crossing or close to the site and the developer is advised to read their guide relating to working near or diverting their pipes; and,
- Thames water must be notified of the use of mains water for construction purposes.

### **b) Local groups**

No comments were received from local groups.

### **c) Adjoining Occupiers**

**5.5** Ten letters of objection, two letters of support and two letters of comment were received. The grounds of support and objection are summarised as follow: -

#### **Objections**

##### **5.6 Impact on residential amenities (addressed in paragraphs 6.18 to 6.31)**

- Overlooking to the residential properties and there would be a “feeling of eyes in the sky” as quoted by a previous Planning Inspector.
- Impact on skyline;
- 8 Storey building would have adverse impact on privacy;
- Loss of outlook and sunlight.

##### **5.7 Building height (addressed in paragraphs 6.4, 6.5, 6.6 and 6.16)**

- The proposed building height would have a detrimental effect to the residential properties in Rafford Way. There were two appeal decisions which relate to tall buildings at the former conservative club and both appeals were dismissed.
- The proposed building height would be excessive and there is no need for its height.

##### **5.8 Contrary to development plan policy (addressed in paragraphs 6.10 to 6.16)**

- The proposal would not comply with the Bromley Town Centre Action Plan and the existing buildings on the eastern side of Elmfield Road. Any significant change that deviates from the BTCAC would not be appropriate and planning permission should be refused.
- The proposal would set a precedent for tall buildings. The submitted document appears to suggest the properties between 7 and 31 Elmfield Road could be under a single ownership and this is unclear in the submission.
- It is noted that GLA supported the general height principle of stepping down towards the low rise context to the East. GLA Stage 1 comment made reference to the need for a tall building strategy and a masterplan covering this “Bromley Commercial Park” site should be agreed with the Council. It would be inappropriate to consider the proposal if there were a masterplan being prepared at the present time.

## **Support**

### **5.9 Improvement to the office provision**

- The proposal would revitalise the employment quarter in Bromley Town Centre. Whilst the concerns raised by the residents living on Rafford Way are understandable, the building would be occupied during office hours and would not be fully occupied during the weekend when residents are generally more active in the gardens. The existence of trees would provide a degree of screening for the residential dwellings during the summer.

### **5.10 Good building design**

- The proposed building would be more attractive than the existing building and provide a more aesthetically pleasing skyline.

### **5.11 Comment**

- The owners of 7-13 Elmfield Road have advised that reference of a masterplan being prepared and in agreement with the neighbouring site is inaccurate. The owners of 7-13 Elmfield Road have also advised that there was no agreement and the applicant has no control of 7-13 Elmfield Road.
- Bromley is in need of new flexible office space and this creative and memorable design could attract investors and would contribute to the local economy.
- The design of the proposed building is a brave and iconic piece of architecture that would replace a tired 1980s block.
- The proposal building would be 3 floors taller than the existing. The design of the proposed building incorporates curves and angled beam and the incorporation of planting on the upper floor would provide a kind of eco feeling.

### **5.12 Other**

#### *Councillor Rutherford*

The proposal would positively contribute to the office district on Elmfield Road. The scale of the office development would not be imposing and would be consistent with the Local Plan.

## **6. POLICIES AND GUIDANCE**

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.

## **6.1 National Policy Framework 2019**

### **6.2 NPPG**

### **6.3 The London Plan 2016**

- 2.6 Outer London; vision and strategy
- 2.7 Outer London: economy
- 2.8 Outer London: transport
- 2.13 Opportunity area and intensification areas
- 2.15 Town centres
- 3.1 Ensuring equal life changes for all
- 4.1 Developing London's economy
- 4.2 Offices
- 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
- 5.13 Sustainable drainage
- 5.16 Waste net-self-sufficiency
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.13 Safety, security and resilience to emergency
- 7.14 Improvement air quality

- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

#### **5.4 Draft London Plan 2019**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD1 Opportunity areas
- SD6 Town centres and high streets
- SD7 Town centres: development principles and development plan documents
- SD8 Town centre network
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D9 Tall buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- E1 Office
- E2 Providing suitable business space
- E3 Affordable workspace
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodland
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.2 Office parking

- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

## **5.5 Mayor Supplementary Guidance**

- Accessible London: Achieving an inclusive environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Town Centres (July 2014)
- Character and Context (June 2014)
- Sustainable Design and Construction (April 2014)

## **5.6 Bromley Local Plan 2019**

- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 37 General Design of Development
- 47 Tall and Large Buildings
- 48 Skyline
- 84 Business Improvement Areas (BIA)
- 90 Bromley Town Centre Opportunity Area
- 113 Waste Management in New Development
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy
- 125 Delivery and Implementation of the Local Plan

## **5.7 Bromley Supplementary Guidance**

- Planning Obligation Supplementary Planning Guidance
- Bromley Town Centre Area Action Plan

## **6. Assessment**

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

- Land Use;

- Design and layout;
- Neighbourhood amenity;
- Transportation and highway;
- Land contamination;
- Air quality;
- Trees;
- Climate change and sustainability; and,
- CIL and planning obligation.

### **Land use - Acceptable**

- 6.2 There is no land use issue arising from this proposal as the proposal would not result in a loss of existing office use (Use Class B1) or a reduction of the existing office floor space within the site or Bromley South Business Improvement Area (BIA). As such, it is considered the proposal would be acceptable in land use terms and would comply with Bromley Local Plan Policy 84.
- 6.3 Bromley Town Centre remains as a prime location for office and employment. Despite the site benefiting from public transport and being within the M25 office market in London, there was a continued decline in office stock in the Borough due to a number of factors, including permitted development rights which was introduced by the Government in 2013.
- 6.4 The London Office Policy Review 2017 published by the GLA indicates that there was a substantial loss of office stock in Bromley between 2000 and 2016 at around 70,000sq.m. This is equivalent to 20 to 30% of the Borough's office stock. This report also indicates that there is a general burden of dated office accommodation in Bromley. This is consistent with the planning application records of this site and planning application records within Bromley South Business Improvement Area.
- 6.5 Whilst there are vacant offices of varying building sizes scattered within Bromley Town Centre, there are no large scale pure office developments under construction in the Borough and the availability of large scale modern offices in the short, medium and long terms is low in Bromley Town Centre.
- 6.6 The London Office Policy Review 2017 report also indicates that there is a net 122,009sq.m office projected demand in Bromley between 2016 and 2041. The proposal would provide 10,598.8sq.m new office space representing an uplift of 6,810.6sq.m of office floor space. Given that the availability of modern office stock in Bromley Town Centre is low at present, officers consider that the principle to introduce new office floor space would be acceptable at this location. The proposal would also strengthen the office environment by replacement of a dated office block with a high quality and attractive office building. The

proposed office accommodation would also contribute to the competitiveness of Bromley Town Centre bringing much needed jobs and employment. It is considered that the proposal would positively transform the attractiveness of Bromley South Business Improvement Area and meet the demand for modern office accommodation in the Borough.

- *Affordable workspace*
- 6.7 Draft London Plan Policy E2.D states development proposals for new B Use Class business floor space greater than 2,500sq.m should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprise.
- 6.8 The applicant considered that the affordable workspace policy has been conceived principally to address imbalance in Central London and prime office locations where rents in many cases have increased exponentially over the last decade. Bromley is the south-eastern most borough of London and whilst its connectivity to Central London is good, it does not attract business in the same way that other more centrally located boroughs or established office locations do. The current office market rent level in Bromley ranges from £16 per sq.ft to £27.5 per sq.ft and this is considerably more affordable and lower than central London, including the neighbouring borough in Croydon. The proposal would provide high quality Grade-A office accommodation in Bromley which include the provision of essential amenities including shower and changing facilities that are deemed necessary for the current market. The build cost of this proposal will need to be achieved with a lease term certain of 10 years or more. The affordable workspace occupiers are unlikely to be in a position to commit to anything more than a three to five year term. The applicant is in discussion with potential occupiers preparing to take the building as a self-contained headquarters office. The potential occupiers are likely to discount the site as an option should an affordable element be enforced as part of the scheme.
- 6.9 The current office market in Bromley is relatively more attractive for small and medium sized business as the rental value is lower and more affordable when compared with the neighbouring boroughs. There is a continued supply and availability of small and medium scale traditional office accommodation in Bromley Town Centre and the Borough. However, the supply of Grade-A modern office accommodation in Bromley is low and there are no other large scale Grade-A office developments in Bromley at the present time. Given the current status of the draft London plan and that there is no adopted or emerging local planning policy for the provision of affordable workspace and in the absence of high quality modern office accommodation in Bromley Town Centre at present, officers consider the proposal to provide high quality office accommodation would strengthen the competitiveness of

the office market in Bromley at the present time. As such, the lack of affordable workspace is considered acceptable in this instance.

### **Design and layout – Acceptable**

- 6.10 Development plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places.
  - Site layout
- 6.11 The proposed building is designed to follow contours across the site and provide a direct connection to Kentish Way (A21) with a new pedestrian access. The main entrance to the proposed building including vehicular access would be via Elmfield Road, which is the same as the existing arrangement. The new pedestrian entrance would provide an active frontage along Kentish Way and improve the permeability and connectivity of the site. The submitted drawings indicate that the boundaries along Kentish Way (A21) and Elmfield Road would be landscaped providing a more attractive connection to its surroundings. Subject to the planting details and specification of boundary treatment, it is considered that the proposed site layout would be acceptable. It should also be noted that dedicated cycle storage areas, locker and showering facilities would be located at the lower ground floor level. This arrangement would encourage and provide an alternative and more sustainable access route for the future users including cyclists to access the site via Kentish Way
  - Office layout
- 6.12 The layout of the proposal is designed to follow the British Council for Offices (BCO) Guide with devisable primary and secondary grids to allow for optimal efficiency and future cellularisation. The proposed building would contain two cores with an adequate number of office utilities including lockers, cycle and showering facilities. The atrium would be centrally and strategically sited to draw light into the office spaces (See figure 1 to5). The BCO guidance indicates that the floor to ceiling height for modern offices is generally higher than the traditional office buildings or residential buildings with a recommended height up to 3.2 metres for deep plan offices. The proposed layout would enable more efficient use of the floor and enable more natural light penetration into the office and better air circulation. As such, it is considered that the proposed office layout is of high quality.

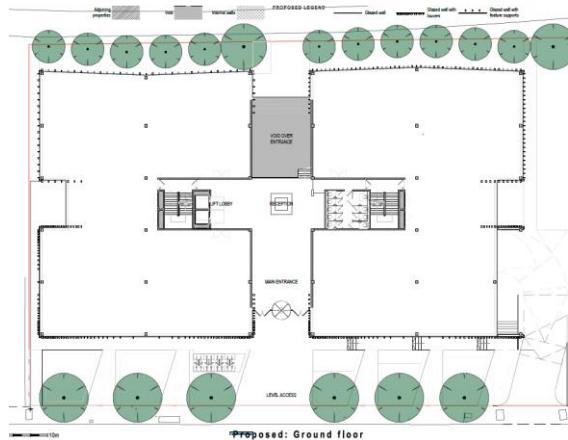


Figure 1. Proposed Ground Floor Plan

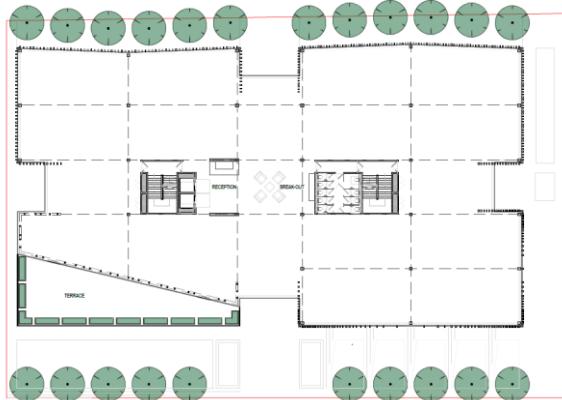


Figure 2 Proposed Second Floor Plan

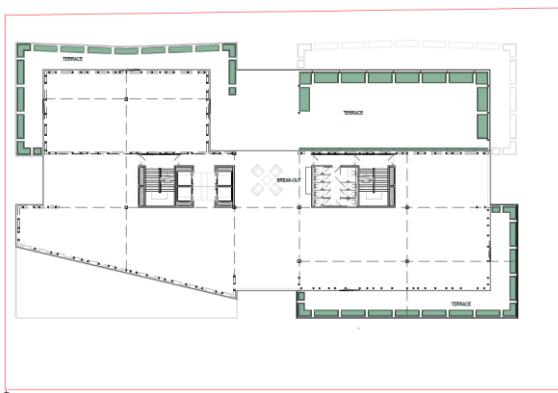
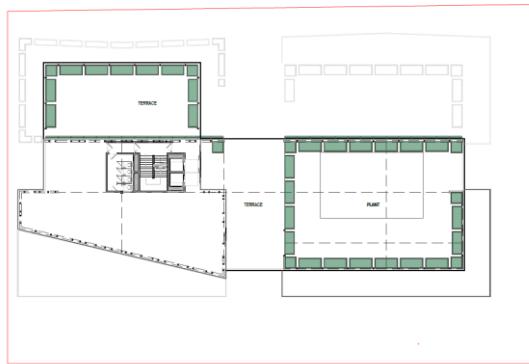
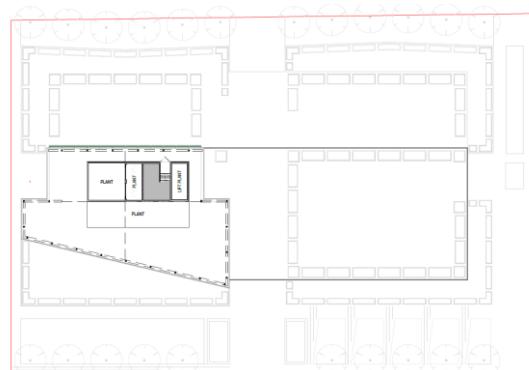


Figure 3 Proposed Fifth Floor



*Figure 4. Proposed 6<sup>th</sup> floor plan*



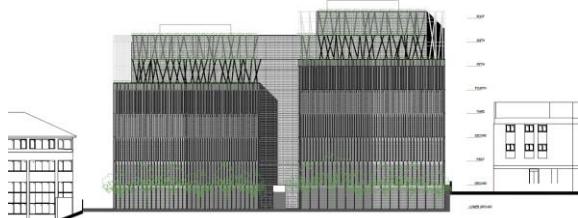
*Figure 5. Proposed 7<sup>th</sup> floor/roof plan*

○ Tall building

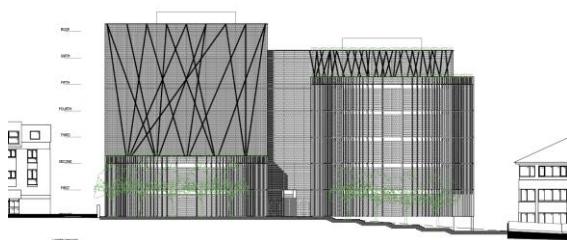
- 6.13 The existing buildings in Elmfield Road currently range from around 4 to 10 storeys, with the taller Bank of America office buildings on the west side of the road. The prevailing building height on the eastern side of Elmfield Road is mainly 5 storeys in height. The proposal building would be part 7 and part 8 storeys in height and would be higher than the prevailing building height on the eastern side of Elmfield Road. Officer's note that Conquest House (No. 25 Elmfield Road) is located approximately 74 metres south from the site and there were two planning appeals dismissed in 2014 and 2017 for the redevelopment of Conquest House for a mixed use development with residential flats. However, it should be noted that the design, use and distance between the proposal and the houses on Rafford Way are materially different.
- 6.14 Whilst the proposed building would be higher than the adjoining properties to the north and south, it should be noted that the proposal would replace a dated office block with a visually distinctive and more attractive building within the town centre. The design of the proposed building is of high quality. The proposed building would be stepping down towards the south, east and west. This approach would assist to reduce the massing and bulk of the proposed building. The external finishes of the proposed office building would be mainly glazed providing a lighter weight appearance. Timber louvres would be incorporated to articulate the external elevations and break down the overall massing of the building. The proposal would also incorporate

multiple terraces with planting on the upper floor providing a degree of visual interest and relief. It is considered that the design quality of this pure office development is high (See figures 6 and 7).

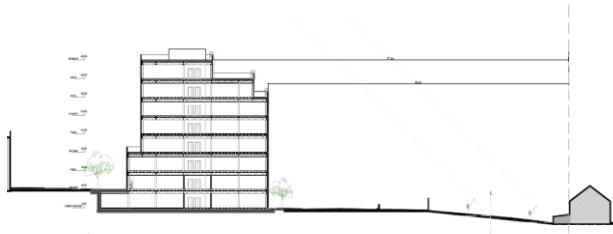
- 6.15 The proposal would provide a significant uplift of office and employment floor space within a designated business improvement area where large scale and high quality purpose built offices should be located in the designated part of the Town Centre. It is considered that the proposal would positively strengthen the business character and primary function of the BIA and would comply with Bromley Local Plan Policy 84. With regard to master plan and tall building strategy, the Council is in the process preparing supplementary planning documents to guide future development for Bromley and Orpington Town Centres.
- 6.16 Furthermore, it should be noted that the distance between the proposed building and the houses on Rafford Way is approximately 60 metres (See figure 8). Due to the layout of Kentish Way, the distance between Conquest House and the houses in Rafford Way is approximately 32 metres. As such, it is considered that there are material differences and each proposal should be assessed on its merits.



*Figure 6. Proposed East Elevation (Kentish Way)*



*Figure 7. Proposed West elevation*



*Figure 8. Proposed cross section towards Rafford Way*

- Secure by design
- 6.17 The proposed development has been designed with well-defined entrances and a good degree of natural surveillance at the street levels. The Designing Out Crime Officer considers that the proposals are acceptable from a security perspective subject to the Secured by Design 2015 “Commercial Guide” being followed. As such, it is considered that details confirming the proposal would achieve the secured by design accreditation should be secured by a planning condition.

#### **Neighbourhood Amenity - Acceptable**

- 6.18 Crosby House is the nearest residential building and there are habitable room windows facing the site. The residential houses on Rafford Way would also be affected by the proposal. These houses are located approximately 60 metres east from the site beyond Kentish Way (A21). Nexus Apartments is located approximately 130 south from the site. The impacts are assessed and outlined as follows: -
- Sunlight and daylight
- 6.19 Guidance relating to daylight and sunlight is contained in the Building Research establishment handbook “Site Layout Planning for Daylight and Sunlight (2011)”. For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The guidance recommends that the VSC should be 27%, or should not be reduced by more than 20% of the former value, to ensure the distribution of daylight within the room. Any VSC values below 10% indicate that the availability of direct light from the sky will be poor.
- 6.20 Twenty-four of the closest windows on the south, east and west elevations of Crosby House are identified and would be likely affected by the proposal. These windows are tested in the sunlight and daylight report. It should be noted that there are eight windows on the south

elevation of Crosby House that would be directly facing the site. These windows serve as a second bedroom window and a secondary living and kitchen room to two of the existing two bed flats and two studio units.

- *Vertical Sky Component (VSC)*

6.21 The use and location of these six windows with the new VSC values are tabled as follows:-

- First floor studio unit: W1/11 and W3 /11;
- First floor second bedroom window: W4/11;
- First floor secondary living, kitchen and dining room window;
- Second floor studio unit: W7/12 and W1/12;
- Second floor second bedroom window R4/12;
- Second floor secondary living, kitchen and dining room window R5/12.

<b>Location</b>	<b>Window numbering</b>	<b>Existing VSC %</b>	<b>New VSC % (+/-difference)</b>
<b>First floor studio unit</b>	W1/11	19.91	16.19 (- 18.7%)
<b>First floor studio unit</b>	W3/11;	21.62	15.31 (- 29.2%)
<b>First floor second bedroom window</b>	W4/11	23.94	12.13 (- 49%)
<b>First floor secondary living, kitchen and dining room window</b>	W2/11	27.78	9.71 (- 65%)
<b>Second floor studio unit</b>	W7/12	24.11	18.46 (- 23.4%)
<b>Second floor studio unit</b>	W1/12	26.38	17.39 (- 34.1%)
<b>Second floor second bedroom window</b>	R2/12	28.5	14.01 (- 50.8%)
<b>Second floor secondary living, kitchen and dining room window</b>	W8/12	31.2	11.43 (- 36.6%)

6.22 The sunlight and daylight report indicates that none of the windows would be below 10%, except a first floor secondary living, kitchen and dining room window (W2/11) which would be 9.71%. It should be noted that this living, kitchen and dining room also benefits from a primary east facing window. As such, it is considered that the availability of light of this habitable room remains acceptable in this instance.

6.23 The majority of the tested windows would achieve mid-teens VSC values or above. Two second floor studio windows (W7/12 and W12) would experience a noticeable difference. However, the VSC values of

these windows would be maintained at 17.39% and 18.46%. Given that the site is located within a town centre location and the number of units that would be affected would be limited to 2 studio units, it is considered acceptable within an urban context.

- *No-sky line (NSL)*

- 6.24 The studio flat on the first floor (W1/11 and W3/11) would experience a 20.44% reduction of existing NSL. This marginally exceeds (at 0.44%) the recommended 20% reduction in the BRE guidance and is considered acceptable. The studio flat on the second floor (W7/12 and W1/12) would experience an unnoticeable 19.22% reduction of existing NSL.
- 6.25 The second bedroom on the first floor (W4/11) and second floor would experience a noticeable reduction of light with a reduction of 45% and 66.13% of existing NSL respectively. Whilst the reduction of light would be noticeable, it should be noted that 26.6% of NSL valued would be retained and is considered acceptable at this town centre location.
- *Annual probable sunlight hours (APSH)*
- 6.26 BRE guidance recommends that the APSH received for the subject windows should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, the proposed value should not be less than 0.8 times their previous value in each period.
- 6.27 Three windows would be below the recommended guidance. However, it should be noted that the affected units are designed to be dual aspect with more than one window serving the unit and this is considered acceptable. The use and location of the windows below the recommended APSH value are as follows:-

<b>Location</b>	<b>Window Numbering</b>	<b>Value</b>
<b>Primary living room window of the first floor two bedroom flat</b>	W5/11	4%
<b>Secondary living room window of the first floor two bedroom flat</b>	W2/11	3%
<b>Primary living room window of the second floor flat</b>	W3/11	3%

- 6.28 The proposal would have an impact on sunlight and daylight to the studio units and the two bedroom flats in Crosby House. However, the impact would be limited and would not be beyond an acceptable level.
- 6.29 A total of 48 windows on Rafford Way are also tested and the VSC values would comply with the BRE guidance with no noticeable loss of

daylight. A ground floor room at 15 Rafford Way (R1/100) and 21 Rafford Way (R1/70) would experience a difference of 30.19% and 38.38% reduction of NSL and this is not considered unacceptable as over 60% NSL would be retained. Due to the distance to the proposed building and its proximity to the Town Centre, it is considered that the impact would be limited and is acceptable.

- 6.30 Officers note that objections are raised on the ground of overlooking, loss of privacy and loss of outlook issues. Officers would point out the land use of the site would remain identical as existing and there are office windows facing Rafford Way. The existing dated office building would be replaced by a well-designed and attractive building within Bromley Town Centre. Furthermore, the office would be mainly occupied during the office hours and would not be used in the same way as a residential building. The proposed building would be located approximately 65 metres from the houses on Radford Way. The separation distance to the Palace Estate is greater than the dismissed schemes at Conquest House, 25 Elmfield Road. On balance, it is considered that the proposal would not have an adverse impact on residential amenities in terms of loss of outlook and loss of privacy due to its proposed use and separation distance.
- 6.31 Nexus apartment is located approximately 130 metres south from the site. Due to its location and distance from the site, it is considered that the proposal would not have an adverse impact on the residential amenities.
- Noise and vibration
- 6.32 An environmental noise survey has been carried out to assess the impact upon the residential flats in Crosby House. The survey indicates that road and traffic noise is the main source of noise during day and night hours. This report establishes the lowest and highest background noise level over a 24 hour period, allowing noise emission limits to be calculated and set in compliance with the Borough's noise criterion providing that the mitigation measures are completed. It is recommended that the location of plantroom and ducts should be sited away from the northern end of the building and the details of mechanical ventilation systems including external plants and equipment should be submitted and approved prior to any installation. These details will be secured by planning conditions. Subject to the planning conditions, it is considered that the proposal would not have an adverse impact or greater impact to the neighbouring properties.
- Wind/microclimate
- 6.33 A wind assessment in line with the Lawson methodology is submitted which indicates that the prevailing winds blow from the south-west during the year, with secondary winds blowing from the north-east especially during the spring season. The wind condition of the site

would remain suitable and acceptable for pedestrians. However, the terraces on the upper levels would expect to be windier than desired and the proposed terraces should be screened by a 1.5 metres high shrub in planter. Subject to the planting details, it is considered that the proposed office layout would be acceptable and safe for the intended use.

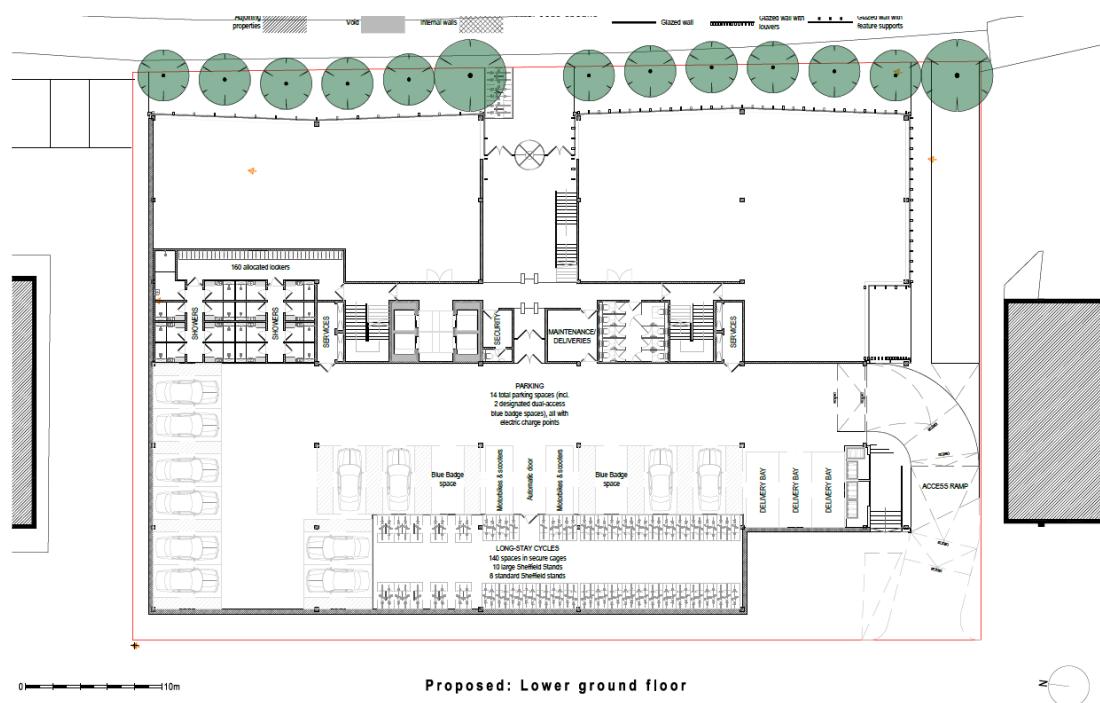
- Construction impacts

- 6.34 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with the development, a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of a Construction Environmental Management and Logistic Plan. The estimated construction vehicle movements, frequency and confirmation vehicles can leave the site in a forward gear on Elmfield Road should be provided. An appropriate over-sailing and hoarding licence would also be required from TfL.

### **Transportation and highway - Acceptable**

- Access

- 6.35 The existing vehicular access to the surface level car park is located at the south-western corner of the site, via Elmfield Road. The existing vehicular access would be utilised to provide access to the proposed car park in the lower ground floor (See figure 9). A minimum of 2.4 m x 43m visibility splays for drivers leaving the site will be maintained.



*Figure 9. Proposed Lower Ground floor plan – car park level*

- 6.36 A new pedestrian access is proposed connecting the site to Kentish Way (A21). This proposed access would not be accessible by motorists, except cyclists or visitors arriving on foot or public transport. TfL and the Council's Highways Department were consulted and no objection was raised regarding to the proposed pedestrian access connecting the site to Kentish Way. Subject to the boundary treatment and way finding details, it is considered that the proposed new access would improve the permeability and connectivity of the site to its surrounding highway network and as such, this part of the proposal is considered acceptable.
- Parking
- 6.37 In line with draft London Plan (Policy T6.2), a car free development should be provided as the site has an excellent accessibility rating by public transport. However, officers note that the on-street parking spaces are mostly occupied during the office hours. Officers consider the provision of parking should be considered on a case by case basis and weight should also be given to the proposed use and scale of the proposal. Officers also consider that there should be a provision for disabled person parking. As such, a car free development is not considered suitable when considering the existing and local context in Bromley.
- 6.38 Table 10.4 under Policy T6.2 sets a maximum office parking level standard for the Outer London Opportunity Area as 1 space per 600sq.m for office development and up to a maximum of 18 parking spaces could be provided. The proposal would provide 14 parking spaces and would comply with the policy requirement.
- 6.39 Furthermore, it should be noted that the proposed parking ratio would be reduced from 1 space per 111.4sq.m (34 spaces / 3,788.2sqm) to 1 space per 757.1sq.m (14 spaces /10,598.8sq.m). It is considered that the parking provision would be acceptable.
- 6.40 Table 10.6 under Policy T6.5 requires 10 percent of disabled parking spaces to be provided. Two disabled person parking spaces (14.3%) would be provided and would exceed the 10 percent policy requirement. However, it should be noted that this policy requirement is neither maximum nor minimum. On balance, it is considered that the provision of 2 disabled parking spaces would be acceptable in this instance.
- 6.41 Policy 6.13 of the current London requires 1 in 5 parking spaces (both active and passive) be provided with an electric charging point. The applicant has confirmed electric charging points would be provided for all parking spaces and would comply with the policy.

- Trip generation
- 6.42 The trip generation (person trips per 100sq.m) would be increased from 119 to 361 during the AM peak hours (08:00 -09:00) and from 103 to 313 during the PM peak hours (17:00- 18:00). However, the proposal would result in a significant reduction of off-street parking spaces and the lack of parking opportunities in the surrounding area would suggest there will be a reduction in vehicle trips associated with the site. As such, it is considered that the proposal would not result in demonstrable harm to the operation of the highway network.
- 6.43 A workplace travel plan including a range of measures and initiatives are provided and is considered acceptable. The proposed measures would promote walking, cycling and use of public transport. The travel plan would be reviewed on a regular basis by a travel plan coordinator. Transport for London recommends on-site bicycle maintenance equipment should be available and an updated travel plan should be provided in line with the reduction of parking spaces. This detail can be secured by a planning condition.
- Cycle
- 6.44 Table 10.2 under Policy T5 of the draft London plan sets the standards for long-stay and short-stay cycle storage provisions. Policy T5 requires cycle parking be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
- 6.45 The proposal would provide 158 long-stay cycle storage spaces in the lower ground level including 10 large Sheffield stands for larger bicycles and 8 standard size Sheffield stands. This level of provision slightly exceeds the minimum requirements of current standards.
- 6.46 The short-stay cycle storage would be located at the street levels with 8 cycle storage spaces located adjacent to the main building access on Elmfield Road and a further 3 Sheffield Stands for 6 cycles located adjacent to the Kentish Way entrance to the building.
- Healthy Streets and vision zero
- 6.47 TfL have introduced the Healthy Streets approach aiming to improve air quality, reduce congestion and help make London's diverse communities greener, healthier and more attractive places to live, work and play. The Healthy Street approach prioritises walking, cycling and public transport over car use.
- 6.48 A Healthy Street and Active Travel Zone Assessment is submitted which identifies the routes to local services that will be used by site

users within a 20 minute walking and cycling distance. The healthy streets indicator indicates that the overall scoring of the proposal would be increased from 78% to 88 % when assessing against the following elements:

- Pedestrians from all walks of life;
- Easy to cross;
- Shade and shelter;
- Places to stop and rest;
- Not too noisy;
- People choose to walk, cycle and use public transport;
- People feel safe;
- Things to see and do;
- People feel relaxed; and ,
- Clean air.

6.49 The proposal would provide more opportunities for active travel as a new pedestrian access from Kentish Way would be provided. The proposal would also improve provision for cyclists with 158 cycle parking spaces, locker and shower facilities including short-stay spaces provided adjacent to the entrances to the proposed building. This assessment also indicates the majority of footways surrounding the site are step-free and of adequate quality. The platforms at Bromley South and Bromley North stations are both step-free. Overall, it is considered that the proposal would represent a positive improvement when compared with the existing layout.

- Servicing and delivery

6.50 Three dedicated on-site servicing and delivery bays would be provided in the car park for light goods vehicles. Any larger deliveries would be accommodated on-street on the existing single yellow line and managed by the on-site management team. The proposal is likely to attract up to 30 deliveries per day and this will vary subject to the end users. The serving and delivery procedures will be monitored and be reviewed by the facilities management team on a regular basis. Business waste will be managed by the facilities management on collection days. It is considered that the servicing and deliveries arrangement including the waste collection arrangement would be acceptable.

### **Land contamination- Acceptable**

6.51 The application has been accompanied by a Phase one desk study which assessed the likely contamination of the site. This report indicates that the site has historically been used for residential purposes followed by conversion into a high school. This report indicates that the site is subject to the following contamination risk: -

- low to moderate risk of contact with contaminated soils by current and future users;
  - moderate risk of asbestos in the buildings;
  - low risk of mobile contaminants such as hydrocarbon impacted the underlying aquifer;
  - low to moderate risk of infrastructure such as pipes being impacted by potential hydrocarbons;
  - moderate risk of gaseous vapours from spillage; and ,
  - low risk of site-based contaminants impacted on adjacent properties.
- 6.52 The Council's Environmental Health was consulted and it is recommended that a Phase II Intrusive Investigation should be undertaken including chemical analysis of soil and ground water in conjunction with a programme geotechnical component which should be provided prior to any works commencing at the site. It is also recommended that a pre-demolition asbestos survey should be undertaken prior to any works commencing on site. These details can be secured by planning conditions. The Council's Environmental Health Officer has raised no objection to the proposal.

### **Air quality - Acceptable**

- 6.53 The air quality and air quality neutral assessment has been reviewed by the Council's Environmental Health and no objection is raised. The air quality and air quality neutral assessment shows that the development will not result in any significant impacts on air quality. The proposed development will be supplied with electricity through Photovoltaics PV and heat through air source heat pumps. There will be no on-site building emissions. The transport emissions associated to this proposal would be less than the total transport emission benchmarks for both NOx and PM 10. The proposed development would not have an adverse impact on local air quality and the road traffic movements predicted for the proposed development would be neutral. The demolition and construction works would have an impact on air quality. A Construction Environmental Management Plan (CEMP) details all procedures for managing the risks of pollution (air, land, noise and water) and outlines how a construction project will avoid and minimise or mitigate effects on the environment and surrounding area and this should be secured through a planning condition. The Council's Environmental Health Officer has raised no objection to the proposal.

### **Trees - Acceptable**

- 6.54 An Arboricultural Impact Assessment is submitted which indicates that there are no trees covered by Tree Preservation Orders within the site. A total of six trees (T1 – Rowan/category U, T4 – Sycamore/category U, T5 - Ash/category B, T6 - Ash/category B, T7 – Ash/category B and T8 - Ash/category B) would be removed as a result of the proposal. A

landscaping plan is provided which indicates there will be a net gain of new planting to mitigate the loss of the trees. Subject to the details of a planting schedule, it is considered that the proposal would provide an opportunity to create high quality urban landscaping initiatives. It should be noted that the proposal would incorporate a number of roof planting on the upper floor. The Council's Tree Officer has raised no objection to the proposal.

### **Climate change and sustainability- Acceptable**

- Drainage and flooding

6.55 Development plan policies seek to manage flood risk and encourage the use of sustainable urban drainage. The site is located within Flood Zone 1 and part of the site is subject to a medium surface water flood risk. The application is supported by a surface and foul water drainage strategy which demonstrates that there would be no increase in surface water runoff from the development. A range of surface water mitigation measures would be incorporated to manage and minimise surface water runoff. The proposed measures would include permeable pavement, green roofs, rainwater harvesting, an attenuation storage tank and proprietary treatment systems. The Council's Drainage Officer has raised no objection to the proposed mitigation measures and the details would be secured by condition and are therefore considered acceptable.

- Carbon reduction

6.56 In line with the adopted development plan, the proposal is required to achieve a minimum of 35% carbon reduction on site below 2013 Building Regulations standards.

6.57 The sustainability and energy statement indicates that the proposal is designed to comply with the minimum requirement. Air source heat pumps (ASHP), solar water heating and an approximate area of 203sq.m solar photovoltaic would be used to achieve the requirements. The total regulated carbon reduction savings for the site are 46 tonnes per year, equivalent to 50 percent carbon reduction and would comply with the policy requirement.

### **Community Infrastructure Levy**

6.57 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the proposal would be liable to the Mayor of London's CIL.

### **S106 Legal Agreement**

6.58 Part 11 of the Community Infrastructure Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet

3 statutory test, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

### **Head of Terms**

6.59 Bromley High Street and Town Centre Improvement Scheme £24,300.

### **7. Conclusion**

7.1 Please see the summary and key reasons for recommendation above

### **RECOMMENDATION:**

**PERMISSION BE GRANTED SUBJECT TO STAGE 2 REFERRAL TO THE MAYOR OF LONDON, PLANNING CONDITIONS AND LEGAL AGREEMENT.**

### **SUMMARY OF CONDITIONS AND INFORMATIVES**

#### **Pre-commencement Conditions**

1. Surface water strategy
2. Piling method statement in consultation with Thames water
3. Contamination and asbestos
4. Construction environmental management and logistic plan in consultation with TfL

#### **Above ground conditions**

5. External materials
6. Landscaping plan including terraces

#### **Pre-occupation conditions**

7. Energy measures
8. Travel plan
9. Servicing and delivery plan
10. Secured by Design
11. External plant and ventilation details
12. Internal lighting details out of office hours

## **Compliance conditions**

13. Time limit of 3 years
14. Drawing numbers
15. 2 disabled parking spaces.
16. Car park
17. Cycle storage
18. Electric charging points

## **Informatics**

1. Thames water
2. TfL
3. CIL

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# Agenda Item 10

<b>Committee Date</b>	21/05/2020		
<b>Address</b>	Lubbock House 1 Northholme Rise Orpington BR6 9RF		
<b>Application number</b>	19/04439/FULL1		<b>Officer Claire Brew</b>
<b>Ward</b>	Farnborough and Crofton		
<b>Proposal (Summary)</b>	Demolition of existing building and construction of part 3/part 4 storey block of 34 flats with associated car and bicycle parking, refuse and recycling storage and landscaping		
<b>Applicant</b>	<b>Agent</b>		
McCulloch Homes	Mr Laurence Mineham Ubique Architects		
<b>Reason for referral to committee</b>	Call-in/Major development		<b>Councillor call in</b> <b>Yes</b>

RECOMMENDATION	REFUSAL

<b>KEY DESIGNATIONS</b> Groundwater source protection zone TPO
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<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	2	20	0	0	22
Affordable (shared ownership)	3	2	0	0	5

Affordable (social/affordable rent)	4	3	0	0	7
Total	9	25	0	0	34

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	5	21	16
Wheelchair accessible car spaces	0	3	3
Cycle	0	64	64

<b>Electric car charging points</b>	5 active 19 passive
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<b>Representation summary</b>	Neighbour letters were sent on 18/12/2019, 03/02/2020 and 07/05/2020.  A site notice was posted from 03/01/2020 and a press ad was displayed in the News Shopper on the 01/01/2020. Initial consultation was for a minimum of 21 days. Subsequent consultation was for 14 days.
Total number of responses	26
Number in support	0
Number of objections	26

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing, including affordable wheelchair units	12 units	yes
Air Quality offset	TBC	yes
Health	£37,060.00	yes

Education	£92,578.90	yes
Carbon offset	£41,400	yes
Highways verge clearance	£1000	yes
<b>Total</b>	<b>£TBC</b>	

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would result in a loss of specialist older persons accommodation
- No re-provision of specialist accommodation is being proposed and no marketing has been undertaken to demonstrate that there is no demand for the existing accommodation and no demand for sites from alternative providers
- The proposal is therefore contrary to policy 11 of the Bromley Local Plan and, in the absence of evidence to the contrary, would result in significant harm to the Borough's supply of specialist older person's accommodation, for which there is a recognised need.

## 1. LOCATION



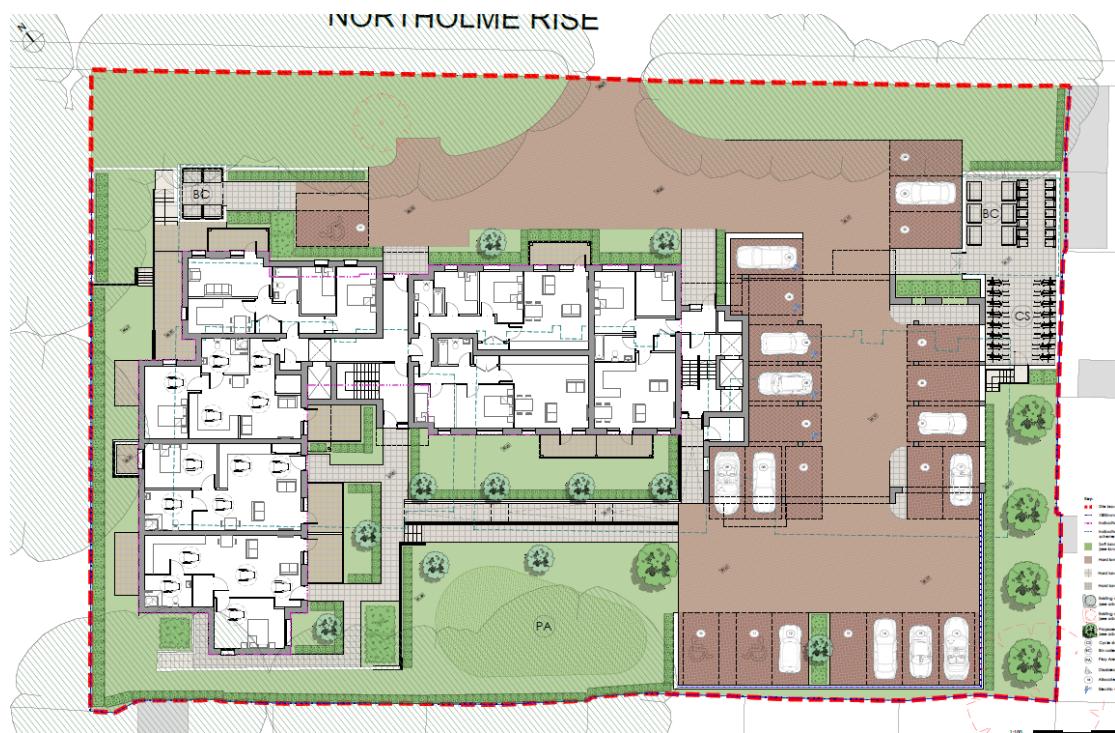
Fig 1: Existing Site (credit: Google Maps)

- 1.1 This 0.29ha site is located on the south-western side of Northholme Rise with ground levels sloping down from the north to the south across a rectangular plot running parallel with the road.
- 1.2 Access to the site is from Northholme Rise, leading to a small surfaced road and 5 car parking spaces. There is a small parking area signposted as visitor parking to the north-west of the site, which is also accessed off Northholme Rise; however, it is outside of the red line site boundary.
- 1.3 The site currently contains a three storey block which was a former care home containing 30 flats which was built under planning ref: 86/3422 and is now vacant. The building is set into the sloping ground with retaining walls towards the northern end to first floor level. Ground levels gradually drop to the south with the building being approximately L shaped with garden areas to the south-west and south.
- 1.4 The property has been unoccupied for a number of years with lawns heavily overgrown and shrub borders generally unmaintained. Along the boundaries of the site and between the building and the visitor's car park are numerous deciduous and evergreen trees, many of them mature specimens, forming linear features framing the site, some of which are protected by tree preservation orders (TPO No. 1089 and 949).
- 1.5 The character of the surrounding area is predominantly two storey detached and semi-detached rows of houses (some with a third storey of accommodation in the roof space) with private front and rear gardens and off-street parking. The application site is an exception to this pattern of development, being a large three storey block, set on a spacious plot containing extensive garden land and a number of mature trees.
- 1.6 The site has a Public Transport Accessibility Level (PTAL) of 5 (on a scale of 0-6b with 6b being the most accessible) and is approximately 400m from Orpington Station which lies to the north east of the site.
- 1.7 The nearby roads are subject to a one hour weekday restriction to deter commuters so it is possible to park on-street overnight and at weekends although Northholme Rise itself is relatively narrow.
- 1.8 The site is not located within a conservation area.



**Fig 2: Existing Site Plan**

## 2. PROPOSAL



**Fig 3: Proposed site plan**

2.1 Since the application was initially received the applicant has amended the proposals as follows:

- Reduction in car parking spaces from 31 to 24 (this is still in accordance with the Local plan parking standards)
- Increased communal amenity and play space

- Increase in soft landscaping and additional buffer planting adjacent to properties in Woodhead Drive
- Setting back of Flat 28's terrace a further 2.6m from the edge of the building to prevent overlooking into adjoining neighbours gardens.

## 2.2 Summary of proposed works:

- Demolition of the existing sheltered housing block of flats and construction of a part 3 / 4 storey building to provide 34 apartments
- Communal amenity space and play space
- Car parking for 24 cars accessed via the existing access from Northholme Rise
- Secure parking for 64 cycles
- Refuse storage facilities
- Planting and landscaping

## 3. RELEVANT PLANNING HISTORY

- 3.1 86/03422/LBB: Planning permission was granted 16/07/1987 for the construction of a three storey building comprising of 30 sheltered housing flats.
- 3.2 16/04956/FULL1: Demolition of existing building and construction of nine 2-storey 4-bedroomed dwellings with accommodation in the roof, within three terraces of three units each, with associated access, car parking and landscaping: PERMITTED ON 08.03.2017.
- 3.3 This permission lapsed on 08.03.2020 and, at the time of writing, the applicant has not implemented the permission. The plans and decision notice are attached at Appendix 1.
- 3.4 18/00735/RECON: Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to allow variation of Condition 2 pursuant to permission ref. 16/04956/FULL1 (granted on the 08.03.2017) for the demolition of existing building and construction of nine 2-storey 4-bedroomed dwellings with accommodation in the roof, within three terraces of three units each, with associated access, car parking and landscaping to allow for the site level to be raised to provide level access to provide compliance with Condition 15 of permission ref. 16/04956/FULL1: APPROVED ON 25.05.2018
- 3.5 This decision notice for the Section 73 application recited the previously imposed conditions including condition 1 which gave the applicant 3 years within which to implement the development. However, under Section 73(5) of the Town and Country Planning Act 1990, planning permission must not be granted for the development to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
  - (a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.

3.6 Therefore, while the applicant is of the view that they have until 25.05.2021 to implement the 9 unit scheme, condition 1 as attached to the section 73 18/00735/RECON permission did not alter the time limit as imposed on the original permission with ref.16/04956/FULL1 and this permission has now expired.

## 4. CONSULTATION SUMMARY

### a) Statutory:

#### 4.1 Highways – No objection

- Parking is in accordance with Local Plan standards
- The TA accompanying the application predicts a fall in daily vehicular trips compared to the sheltered housing use
- No highways objections were previously raised in respect of the 9 unit scheme
- The access has poor visibility but sightlines could be improved through vegetation removal at the applicant's expense and secured through S106
- Conditions recommended.

#### 4.2 Drainage (lead local flood authority) – No objection

#### 4.3 Thames Water – No objection

- No objection provided the developer follows the sequential approach to the disposal of surface water
- Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

### b) Local groups:

4.4 None received

### c) Adjoining Occupiers:

#### 4.5 Design (addressed in section 6.2)

- unnecessary to demolish the existing building
- higher than the existing building
- overbearing
- out of character
- overdevelopment
- loss of garden area
- drawing PD13 Proposed Street Scene seems to suggest the flats will be hidden by trees, which will not be the case and is inaccurate
- inadequate amenity space
- lack of level access to the development for pedestrians

- all other entrances appear to have significant ramps exceeding Building Regulations
- Additional information is required regarding the existing and proposed heights (AOD) as well as a plans showing site levels given the significant slope on site
- majority of flats will not be affordable and will be occupied by commuters who will leave them empty at the weekends and bank holidays attracting crime
- flats will be sold to landlords for renting as opposed to local families
- lack of security around car parking area and access possible to adjoin gardens

#### **4.6 Neighbouring Amenities (addressed in sections 6.3 and 6.10)**

- Loss of privacy/overlooking
- Loss of sunlight
- Siting of bins in close proximity to residents in Woodhead Drive would result in odour and visual impacts
- noise from car park being used as recreational area
- dust and noise during construction
- light pollution from new building
- pollution from car parking adjacent to residential gardens
- Plans do not show a new boundary fence being erected

#### **4.7 Traffic/highways (addressed in section 6.4)**

- The width of the road is extremely narrow
- increased traffic leading to noise, congestion and pollution
- impact on quiet cul de sac
- insufficient parking
- increase in parking in surrounding roads
- refuse trucks will not be able to navigate these roads and/or collect efficiently
- the number of bicycle spaces is being very optimistic
- road safety concerns from increase in cyclists
- damage and congestion caused by construction traffic
- access issues for refuse vehicles, delivery vehicles, etc
- lack of visitor parking
- no pavement on that side of Northolme Rise
- no assessment undertaken of suitability of access for 34 flats
- lack of visibility splays
- Several of the dwellings do not appear to comply with the 30m distance requirement to carry waste to the bins
- Inaccuracies in drawings and documents – there is no access into Tubbenden Close or Woodhead Drive

#### **4.8 Trees (addressed in section 6.5)**

- the surviving trees around the site must be maintained and, preferably, further trees added for both privacy and environmental reasons
- works have been carried out on TPO trees without consent

- trees are plotted incorrectly on the drawings
- diseased Horse chestnut tree not shown to be removed

#### 4.9 Other

- There has been no notification or consultation made with residents in surrounding roads (addressed in paragraph 6.3.15)
- Foul water drainage not accounted for (addressed section 6.8)
- Increase in surface water run-off as a result in increased hard standing (addressed section 6.8)

### 5. POLICIES AND GUIDANCE

#### 5.1 National Policy Framework 2019

#### 5.2 NPPG

#### 5.3 The London Plan

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 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
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime

- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations

#### **5.4 Draft London Plan**

- 5.4.1 The ‘Intend to Publish’ version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 5.4.2 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 5.4.3 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 5.4.4 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council’s up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

#### **5.5 Mayor Supplementary Guidance**

- Homes for Londoners (2017)
- Housing (March 2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Providing for Children and Young People's Play and Informal Recreation (2012)

#### **5.6 Bromley Local Plan 2019**

- 1 Housing Supply

- 2 Affordable Housing
- 4 Housing Design
- 11 Specialist & Older Peoples Accommodation
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 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

### **5.7 Bromley Supplementary Guidance**

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

## **6. ASSESSMENT**

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

- Principle of Development/Land use
- Design
- Impact on Neighbouring Amenities
- Transport and Highways
- Trees and Biodiversity
- Housing Issues and Affordable Housing
- Standard of Amenity for future occupiers
- Flooding and Drainage
- Energy and Sustainability

- Environmental Health - Air Quality and Contamination

## **6.1 Principle of development**

### **Unacceptable**

- 6.1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Bromley Local Plan (BLP) was adopted January 2019 on the basis of sound evidence relating to the need for older persons accommodation in Bromley. Policy 11 'Specialist and Older Persons Accommodation' resists the loss of sites currently providing specialist accommodation unless there is re-provision (clause b) or unless it can be demonstrated that there is no demand for the existing accommodation and no demand for sites from alternative providers.
- 6.1.2 The site was last used as sheltered housing flats. The applicant advises that the previous use ceased because the site was deemed unsuitable and unviable for continued provision as it no longer met modern standards and aspirations for such accommodation. Subsequently, planning permission was granted at the site for the demolition of the existing sheltered housing block and the construction of 9 houses (application ref. 16/04956/FULL1).
- 6.1.3 Policy 11 (or any previous guises of it) did not exist under the Council's previous plan (the Unitary Development Plan) which was in force at the time application 16/04956/FULL1 was permitted. The emerging policy, at that time, had very limited weight and subsequently the loss of specialist accommodation was allowed.
- 6.1.4 Had this permission have been implemented in accordance with the statutory timescales then it would now be relevant for the Council to consider the weight to be attached to this earlier grant of planning permission which resulted in a loss of specialist accommodation, i.e. the 'fall-back' position. However, as evidenced by the applicant's own supporting documents, the permission was never implemented and the permission expired on 8<sup>th</sup> March 2020. The planning history section above provides further details of this case and the subsequent Section 73 application to vary a condition.
- 6.1.5 The current use of the site therefore continues as a site providing specialist accommodation. There is no 'fall-back' option available to the applicant to implement the 9-unit scheme and policy 11 of the BLP is the starting point for determining this application.
- 6.1.6 The explanatory text to policy 11, at para 2.1.89 of the BLP, clarifies that evidence of appropriate and robust marketing for a period of a minimum of 6 months is required to demonstrate that there is no demand for the existing accommodation and no demand for sites from alternative providers (seeking to re-develop the site for an alternative

form of specialist accommodation for example). The applicant acknowledges that Policy 11 of the BLP would apply to this site. However, no marketing evidence has been supplied with the application and the applicant accepts that it will be assessed on the basis of the submission.

### *Housing Supply*

- 6.1.7 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.
- 6.1.8 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'.
- 6.1.9 For decision taking this means 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.
- 6.1.10 Policy 11 'Specialist and Older Peoples Accommodation' relates to delivery in respect of an element of housing provision for which there is a clear and current demonstrated need, rather than in respect of housing numbers. This need has been assessed in accordance with the requirement of NPPF (para 61) and the policy was developed on the basis of evidence in the London Borough Bromley's *Older Persons Accommodation - Draft Submission Local Plan Evidence Base* (2016). It is therefore considered that policy 11 is up-to-date.
- 6.1.11 The application includes the provision of 34 dwellings and a policy-compliant level of affordable housing which would make a substantial positive contribution to the supply of housing within the Borough.
- 6.1.12 However, the application has failed to address policy 11 of the BLP as no marketing evidence has been provided to enable officer's to make an informed decision about whether it would be feasible for this site to continue to provide specialist accommodation.

6.1.13 In the absence of evidence to the contrary, the proposal would therefore result in significant harm to the Borough's supply of specialist older persons accommodation, for which there is a recognised need.

6.1.14 Separately, the applicant has recently made an application for 43 flats at the same site providing specialist housing for the elderly. While this application is yet to be determined and therefore has limited weight in the consideration of the current scheme, it highlights the need for this type of accommodation which supports Policy 11.

## **6.2 Design**

### **Acceptable**

- 6.2.1 According to the Design and Access Statement, the applicant did initially explore the idea of retaining, adapting and refurbishing the existing building to create new flats and extending it over the footprint of the area where the 9 houses would have been sited to provide additional flats. However, according to the applicant it was not possible to achieve a satisfactory internal layout.
- 6.2.2 The application proposal, instead, involves the demolition of the exiting building to ground floor level and rebuilding on that existing footprint and substructure, allowing "*a more satisfactory and unencumbered layout to be developed in a rational and logical manner over the outline of the existing building*" (p.12, D&A Statement).
- 6.2.3 In order to optimise the use of the site a new subservient 'extension' to the 'reconstructed' building is also proposed to the south-eastern end. This would be sited approximately 5m away from the adjoining rear gardens of neighbouring properties in Woodhead Drive, located in a part of the site which would have contained a block of terrace houses under application ref. 16/04956/FULL1 (see Appendix 1).
- 6.2.4 The 'extension' is designed largely within the footprint, height and massing of the approved terrace of houses but is situated further away from the SE boundary to leave a greater and improved spatial separation to the properties in Woodhead Drive.
- 6.2.5 Vehicle and pedestrian access is provided from an existing access on Northholme Rise leading to 1 accessible parking space at the front of the site and an undercroft/rear car parking area located in the south/south-eastern part of the site with 12 of the 24 car parking spaces located in an undercroft beneath the first floor of the building. Cycle parking and refuse storage facilities will also be situated in this part of the site. An additional bin store is located to the front of the building, towards the northern corner of the site.
- 6.2.6 It is acknowledged that the development, as proposed, would result in additional built development at this site, encroaching into previously

undeveloped garden land, however, as discussed, the Council have previously approved development in this part of the site under the 9 unit residential scheme.

- 6.2.7 Furthermore, following a request from Officers, the applicant has reduced the level of car parking on the site from 31 to 24 spaces (to meet Local Plan standards) in order to facilitate a larger amenity area and a 5m wide landscaped buffer between the car park and the rear gardens of properties in Woodhead Drive.
- 6.2.8 Notwithstanding the additional building length and site coverage in the south-eastern part of the site, the proposed development would maintain a similar relationship with the front, rear and north-western site boundaries, when compared to the existing layout. A generous set-back is proposed from the back edge of the highway to the front building line, ensuring the retention of the mature tree lined frontage.
- 6.2.9 Overall, the site's spacious and verdant character would be maintained and enhanced through the provision of a high quality landscaping scheme (to be secured by condition).
- 6.2.10 The building itself is divided into two main residential cores each with their own entrances both at the front and rear of the building. Each residential core is provided with stairs and a lift serving the upper floors.
- 6.2.11 The site's position on a hill means that the natural topography of the site presents a number of challenges to ensure residents and visitors can access the building with a level approach, which has in turn led to the parking areas being set at a level that allows for gentle ramps or steps (in accordance to guidance) to main building entrances. The parking and amenity areas can be accessed from the rear entrances via ramps or steps. Additional detail regarding the setting out of the communal garden and play area to enable inclusive and level access can be secured through the submission of a detailed hard and soft landscaping plan. An existing and proposed slab levels and finished floor levels condition is also recommended.
- 6.2.12 Safety and security measures should also be included in the design and layout of buildings and public areas. A Secured by Design condition is therefore recommended.



**Fig 4: Proposed Street Scene**

- 6.2.13 The proposed building would be part three / part four storey with the fourth storey set-back from the main elevations. It would incorporate a flat roof. While this would result in an increase of one storey height when compared to the existing building, the additional storey of accommodation, in lieu of a pitched roof, would result in a comparable height overall.
- 6.2.14 Furthermore, the proposed new building would respond to the changing levels across the site by stepping down the hill north west to south east. When viewed from Northholme Rise it would appear as a three storey building at its northern end.
- 6.2.15 At the south-eastern end the 'extended' part would be staggered and stepped down to follow the natural ground levels across the site. The third floor would be set back from all sides, appearing subservient to the main building and helping to address the transition in the street scene between the scale of the development and the neighbouring buildings.
- 6.2.16 Given the proposed separation to site boundaries and the building's flat roof design, subservient fourth storey and the stepping-down in response to the topography of the site, when viewed in the context of the street scene and in relation to neighbouring buildings, the proposed apartment block would not appear unduly close or unduly high.
- 6.2.17 The design also incorporates generous set-backs in the building's façade, projecting balconies, an 'L-shaped' design and the use of contrasting materials. Brick and cladding are proposed for the walls, along with glazed balconies and a single ply flat roof system for the roof. All of these features provide articulation which effectively break-up the bulk and mass of the building and result in a development of a good architectural quality which would complement the scale, proportion, form, layout and materials of adjacent buildings and areas.
- 6.2.18 The final details of the materials can be secured by a condition in the event that planning permission is granted. Sustainability measures are addressed later in the report.



Fig 5: CGI of proposed front elevation (Design and Access Statement)

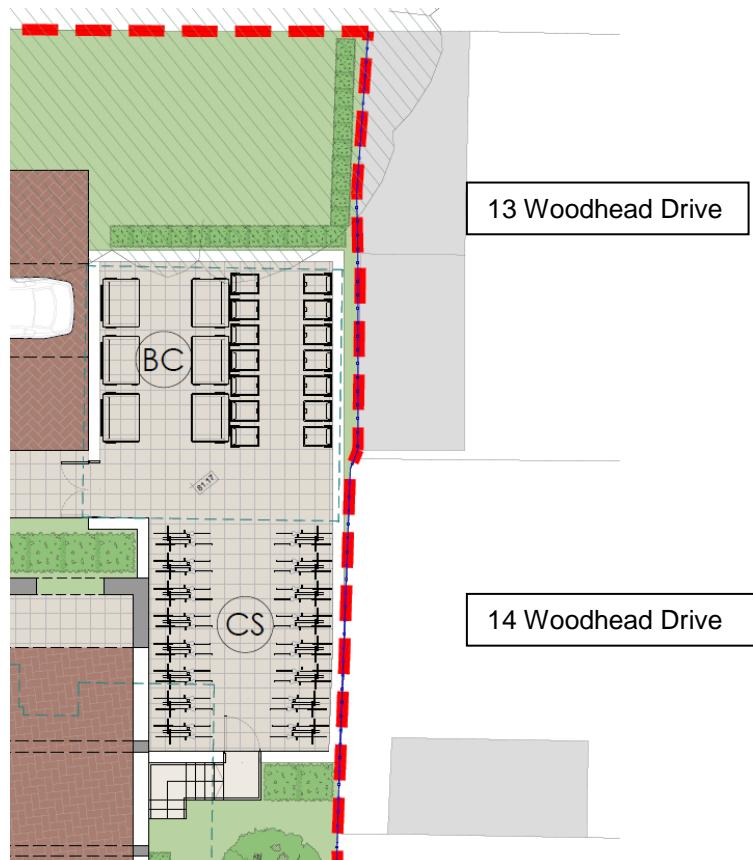
6.2.19 The density of the development would equate to 117 units per hectare and 337 habitable rooms per hectare, which is within the recommended ranges in the London Plan Density Matrix. As discussed, the design of the development is acceptable and would comply with BLP policy 37. The quality of living accommodation is discussed later in the report.

### **6.3 Impact on Neighbouring Amenities**

#### **Acceptable**

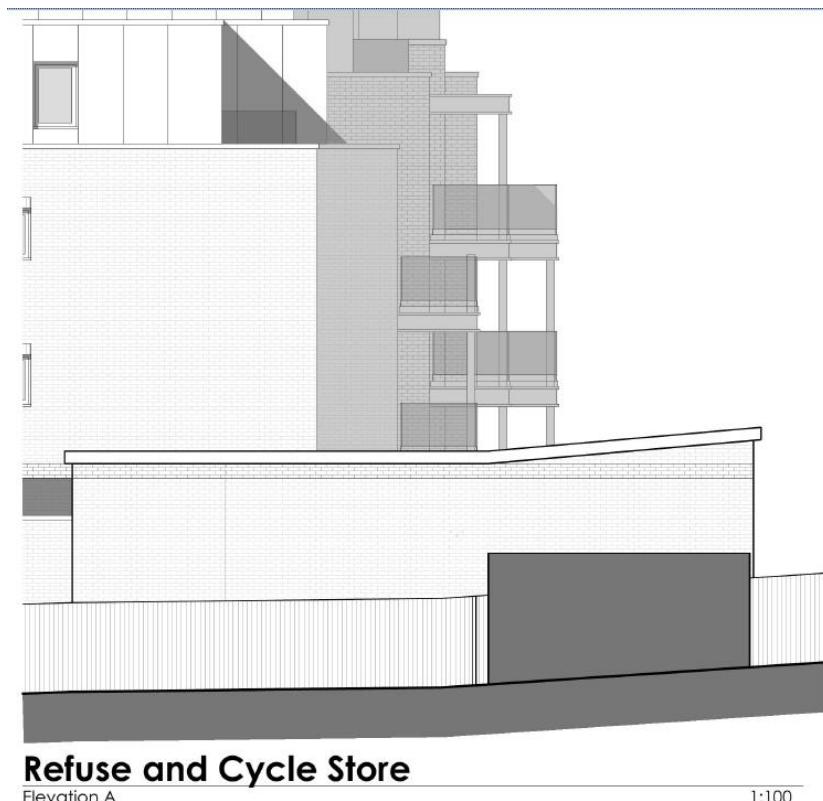
##### *Impact on Woodhead Drive*

6.3.1 The closest part of the main building to the houses in Woodhead Drive would be located between 15 and 18m away, with the exception of the bin/cycle store, which would be sited on the boundary of the two sites around 11m away from the rear elevations of the neighbouring houses, separated from the adjacent gardens with a 1.8m high close boarded fence.



**Fig 6: Proposed layout of bin/cycle store in relation to rear gardens of 13 and 14 Woodhead Drive**

- 6.3.2 The bin/cycle store would measure approximately 13m long, extending half of the width of the rear garden of No.13 and almost the full width of the garden of No.14 Woodhead Drive. The structure itself would measure between approximately 2.5m and 3m high to the flat roof but, given the elevated site levels compared to the adjoining gardens in Woodhead Drive, it would be around 4.5m higher than the gardens of the adjoining sites.
- 6.3.3 While this would appear substantial the enclosure would meet the minimum height required by the Council in its guidance on the Storage and Collection of Refuse. Furthermore, the bins would be housed in well-designed brick-built enclosure with a roof and which would help to minimise any odour nuisance at neighbouring sites.
- 6.3.4 Concerns from local residents regarding the visual and odour impacts of the bin store are duly noted, however, given the 11m separation to the rear of the neighbouring houses and the high quality design, on balance, the bin/cycle store would not appear unduly overbearing or detrimental to the amenities of adjacent occupiers.



**Refuse and Cycle Store**

Elevation A

1:100

**Fig 7: Proposed bin/cycle store as viewed from Woodhead Drive**

6.3.5 At the first and second floors there are no habitable windows on the flank elevation which would give rise to overlooking. At the third floor level secondary windows to the main living areas for flats 33 and 34 are proposed, however these are set back from the building edge by a further 2.7m to ensure no unacceptable overlooking into the neighbouring sites. Privacy screens are also proposed for the sides of the terraces to these flats to further restrict overlooking opportunities.



**Fig 8: Proposed south-east elevation as viewed from Woodhead Drive**

#### *Impact on Tubbenden Close*

6.3.6 On the south west boundary to gardens of houses in Tubbenden Close the flank wall of the building is set back approximately 3m at its nearest point, on the same footprint as the existing building. At ground floor

level there is a bedroom window in that flank wall although this is screened by the existing boundary fencing. At first and second floors the windows in that flank are obscure glazed to non-habitable rooms, either bathrooms or secondary windows to kitchen/dining areas. At third floor level there is a secondary living room window set back approximately 1.7m from the building edge but the associated terrace to this unit will be set-back and privacy screened to ensure no unacceptable overlooking of the neighbouring properties from this level.

- 6.3.7 The main elevation facing these properties would be set back in line with the existing building line and the retention of the mature trees to the boundary with these properties would ensure that there is no significant overlooking between existing and proposed properties.
- 6.3.8 Furthermore, given the separation distances and tree screening, the development would not appear dominant or overbearing in the outlook from windows or from the gardens of the existing residential properties in Tubbenden Close.
- 6.3.9 At the rear of the site, seven parking bays would be in close proximity to the boundary with No's 2, 4 and 6 Tubbenden Close. Given the anticipated number of vehicular trips associated with the new development (as discussed in the Transport Statement), the proposed car parking would not lead to significant levels of noise and disturbance at the adjoining sites.
- 6.3.10 Furthermore, the applicant has introduced planting in-between bays 12 and 13 which would improve the visual impact from the neighbouring sites and aid with surface water drainage from the proposed hardstanding. The parking area would also be screened from adjoining properties by a proposed 1.8m high close boarded fence which would also help to minimise any noise. Boundary treatments would need to be detailed as part of the landscaping condition attached to any grant of planning permission.

#### *Impact on Northholme Rise*

- 6.3.11 To the north-west the building is set back approximately 3.3m from the shared boundary. However, this boundary is defined by existing planting and a parking area that previously served the former care home but is now separate to this application. The separation distance between the proposed development and the closest dwelling on Northholme Rise is sufficient to ensure no unacceptable impacts on amenity.
- 6.3.12 The properties on the opposite, north-eastern side of Northholme Rise would also be well-separated from the development and at a higher ground level so as to ensure no significant impacts would arise.

### *Daylight and Sunlight*

6.3.13 A daylight/sunlight assessment has been carried out which demonstrates that the proposed development will have a low impact on the light receivable by its neighbouring properties.

### *Noise*

6.3.14 Noise has not been formally assessed by the applicant as part of the application. However, given this is a residential area, the provision of residential units at the density proposed is unlikely to lead to undue level of noise and disturbance at adjacent sites. Activity at the site would be largely confined to the rear communal garden/play space, which is well-designed and of sufficient size to accommodate all residents without the risk of overspill into the car parking areas.

### *Statement of Community Involvement*

6.3.15 In November 2019 the applicant produced and distributed a leaflet to the local area describing the proposals and providing a site layout and CGIs. Residents were given an opportunity to respond with their views and by email or post.

### *Conclusions on impact on neighbouring amenities*

6.3.16 The proposed design and layout of the development, together with the positioning of its outside areas, car parking and habitable room windows would not give rise to any significant amenity issues at neighbouring residential sites.

## **6.4 Transport and Highways**

### **Acceptable**

#### *Parking and Access*

6.4.1 The number of car parking spaces has been reduced from 31 previously to 24. The parking standards in the Bromley Local Plan are 0.7 – 1 spaces giving a range of 24 – 34 spaces for a site in a high PTAL location such as this.

6.4.2 While the concerns of local resident in respect to the level of parking at the site are noted, the proposal is in accordance with the standards adopted in the 2019 Bromley Local Plan.

6.4.3 Northholme Rise is narrow, however, it is subject to a one hour weekday restriction to deter commuters. Therefore, while it is possible to park on-street overnight and at weekends, residents and visitors to the development would not be able to park their cars on the surrounding roads for any long duration. Overall the proposed parking provision for the development is considered acceptable.

- 6.4.4 A Transport Statement was supplied with the application which estimates vehicular trip generation using TRICS to compare the Care Home with the proposed 34 dwellings. This showed a reduction in daily vehicular trips from 67 with the former Care Home to 41 with the 34 dwellings.
- 6.4.5 Access is proposed from the existing access on Northolme Rise. There is no additional separate vehicle or pedestrian access through the site. A Stage 1 Road Safety Audit (RSA) was carried out and the auditors raised the issue of the sightlines. The existing access has very poor visibility due to trees and vegetation and the sightline would be improved by the removal of some of the low level vegetation (not the trees) around the access. As this vegetation is outside the scope of the red line application boundary and is Highways-owned land, a one-off contribution of £1000 towards clearing the vegetation would need to be secured as part of a S106 legal agreement attached to any grant of planning permission. The applicant has agreed, in principle, to paying this. Tree impacts are considered below.
- 6.4.6 There was no speed survey attached to the RSA to indicate the required sightline but in the current circumstances, due to the covid-19 restrictions, a speed survey is unlikely to be practical as vehicle flows are likely to be much lower than normal and a representative survey may be difficult to obtain.
- 6.4.7 In any case, given the flows with the proposed development are shown to be lower than the existing use, and there is no accident record in the vicinity of the access, on balance, there are no objections to the proposed access arrangements.

#### *Refuse and cycle storage*

- 6.4.8 This is provided in accordance with the Council's guidance on the Storage and Collection of Refuse. As the two proposed enclosures would be sited over 30m from the highways it will therefore be necessary for refuse vehicles to enter the site. The swept path for the refuse vehicle entering the site is shown in the Transport Assessment drawing no. 19-269-003b.
- 6.4.9 If the application was considered acceptable overall, it would be necessary to secure further details regarding the gradients of any ramps serving the refuse stores and the council's Waste Services department would be consulted.
- 6.4.10 This development requires a minimum of 59 cycle parking spaces, in order to adhere to the guidance laid out in the London Plan. The applicant is providing 64 spaces using a stacked system within the secure cycle store. This is acceptable. Short-stay (visitor) cycle parking is also required at the site and would need to be secured as

part of a planning condition should the development be acceptable overall.

6.4.11 Overall the proposal is acceptable in that it would not lead to a significant increase in on-street parking, congestion or road traffic noise in the vicinity of the site. Construction traffic and servicing and delivery can be managed by way of condition. Highways conditions would therefore be recommended if the application was acceptable in all other respects.

## **6.5 Trees and Biodiversity**

### **Acceptable**

#### *Trees*

- 6.5.1 The application is accompanied by an arboricultural assessment and a Tree Constraints Plan. A total of 39 trees and groups, including trees outside of the red line site boundary have been assessed. The Tree Constraints Plan has been provided which includes reference to the pine tree which neighbours have raised as a concern, as being omitted from the plans.
- 6.5.2 The existing building is situated close to boundary trees with pruning pressures already present. Boundary trees have been managed by way of crown reduction and lifting in the past and a number of trees have already been felled and pruned. The Council are currently investigating the impact on any TPOs as a result of these works.
- 6.5.3 Two trees require removal to facilitate the development: T13 (a Robinia) located at the front of the site to the north of the existing access and T30 (a Horse Chestnut) in the southern corner of the site where car parking is proposed. All of the other surrounding trees can be retained and will provide a mature setting to the site.
- 6.5.4 The main constraints remain on the periphery of the application site. However, future outlook from the proposed flats would raise no greater pressures to what currently exist.
- 6.5.5 Landscaping has been included in the application and is well designed in respect of species selection. Any future pruning required to maintain trees once the development is in situ will need to be set out in a method statement. The method statement, which should include supervision from an arboricultural consultant, should be required by condition to address precautions to be implemented where construction activity is close to trees and to minimise any risk of damage to retained trees.
- 6.5.6 The Tree Officer has been consulted on the impact of the potential vegetation clearance on the highways verge in order to improve sight lines. Their comments will be reported verbally at the meeting.

- 6.5.7 Local residents have also raised concerns regarding the risk of disturbance to nearby buildings as a result of the tree works. However, this is outside the scope of planning control and will be a matter for Building Control. An informative is recommended accordingly.
- 6.5.8 The Tree Protection Plan (TPP) details already submitted are acceptable. Tree and landscaping conditions are recommended.

#### *Biodiversity*

- 6.5.9 The application is accompanied by a Preliminary Ecological Appraisal (PEA) (including a bat roost assessment) undertaken in June 2016 and a bat emergence survey undertaken in September 2016.
- 6.5.10 The development has the potential to impact on bats, reptiles and breeding birds. Specifically, a bat roost was identified in the roof of the existing building. There are also common bats using the general area for commuting and foraging purposes.
- 6.5.11 As a small bat roost has been discovered a European Protected Species licence will be required post planning to allow works to continue. In order to obtain the licence it would be necessary to carry out suitable mitigation to offset the impact of development. The report recommends a number of mitigation measures including supervision of the demolition of the roof of the existing building, bat boxes, bat access tiles
- 6.5.12 Although the bat surveys were undertaken some time ago, as bat roosting and the protocol for mitigation are identified, it is reasonable to accept the survey results as the likelihood of new constraints is considered to be low.
- 6.5.13 The PEA also recommends full reptile surveys to determine the presence or likely absence of reptiles. Furthermore, all works affecting any nesting habitat should be scheduled to occur outside of the bird breeding season (March to August).
- 6.5.14 The recommendations and mitigation measures in the reports should be adhered to recommended should be secured by condition. Details of measures to be incorporated into the scheme to provide a biodiversity net gain are also required by condition.

## **6.6 Housing Issues and Affordable Housing**

### **Acceptable**

- 6.6.1 New development is expected to provide mixed and balanced communities. Policies within the Bromley Local Plan do not set a prescriptive breakdown in terms of unit sizes. Individual sites will be considered on a case by case basis. However paragraph 2.1.17 of the

Local Plan advises that proposals of 5+ units should provide a mix of unit sizes and will be considered on a case by case basis.

- 6.6.2 The application proposes 9 x 1 bed units and 25 x 2 bed units. It would be preferable for the proposal to include some three bed units to ensure a greater mix of housing, (in accordance with London Plan Policy 3.8). However, as the LPA is not able to support the submission that it can demonstrate a five year housing land supply and the policies for the supply of housing are 'out of date', on balance, the proposed housing mix of one and two bedroom units is acceptable.
- 6.6.3 There is a significant need for affordable housing in the borough. Policy 2 of the Local Plan sets out the policy requirements for affordable housing for sites capable of delivering 11 units or more. It states that the Council will seek 35% provision with 60% social-rented/affordable rented housing and 40% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.
- 6.6.4 The application proposes the following affordable housing as shown on the schedule of accommodation;
- 3 x 1bed (wheelchair) rented units (total 6 hab rooms)
  - 1 x 1 bed rented (3 hab rooms)
  - 3 x 2 bed rented (total 11 hab rooms)
  - 3 x 1 bed intermediate (total 7 hab rooms)
  - 2 x 2 bed intermediate (total 7 hab rooms)
- 6.6.5 The applicant is proposing a total of 34 habitable rooms as affordable which equates to 35% of the total proposed habitable rooms. Of these 60% are proposed for (social/affordable) rent and 40% are proposed as intermediate, which is in accordance with the above mentioned affordable housing policies.
- 6.6.6 Had the application been considered acceptable overall the affordable housing and affordable wheelchair units would need to be secured through a Section 106 legal agreement. In accordance with the Mayor's viability SPG and Intend to Publish policy H4 this would need to include an early stage viability review mechanism if the agreed level of progress had not been made in 2 years.

## **6.7 Standard of Amenity for Future Occupiers**

### **Acceptable**

- 6.7.1 With regards to the internal layouts of units, all units meet the minimum technical housing standards - nationally described space standards for gross internal floor area.

- 6.7.2 Ten flats would be single aspect. However, given the building's orientation at roughly 45 degrees to due north, none would be true north facing and all units will benefit from reasonable levels of natural light throughout the day. Furthermore, the corridors and stair wells would benefit from obscure glazed windows leading to good levels of natural light in the communal and circulation areas.
- 6.7.3 The majority of flats benefit from private outdoor space in the form of balconies or ground floor terraces which meet the required standards in the London Plan Housing SPG. Flats 16 and 26 do not have any private outside space and the applicant has instead enlarged the internal floor area in order to further safeguard the privacy of the neighbours on Woodhead Drive.
- 6.7.4 The Housing SPG advocates this approach but requires additional floor area equivalent to the required amount of private outdoor space which the unit would give rise to. In this instance flats 16 and 26, which are both 2 bed 4 person units, would each require 15sqm of outside space. However, the applicant has only provided a further 7sqm above the minimum internal floor area. Had the application been considered acceptable overall, Officer's would have sought amendments from the applicants to bring the units in line with the required standards.
- 6.7.5 According to the London Plan child yield calculator in the SPG and based on the information in the application, the proposal generates a requirement for 91sqm of 'genuine playable' playspace. The proposal includes a 170sqm (approx.) landscaped communal garden situated to the rear of the building, in a safe and accessible part of the site, which includes indicative equipped play space for toddler to junior age range. This is acceptable subject to further details of the play equipment and landscaping being provided as part of a planning condition, should permission be granted.
- 6.7.6 The proposals have been designed to respond to the Council's Policy that requires 10% of new dwellings to comply with Part M4 (3) and 90% to comply with Part M4 (2). Three wheelchair dwellings are proposed to be located on the ground floor in the north-western section of the building. Two of the units benefit from private entrances within the rear part of the site, overlooking the shared amenity space.
- 6.7.7 The applicant has confirmed that the development will meet the relevant parts of the Building Regulations and the drawings submitted demonstrate that level access will be provided from entrance level and from the car park (where 3 accessible spaces are proposed) to the two residential cores and individual wheelchair units. These can be accessed by either going through the building and out to the rear or directly from the car park via a ramp. All parts of the building will also be served by lifts.

- 6.7.8 Had the application been considered acceptable overall, conditions would be required to secure the wheelchair units in accordance with the relevant part of the Building Regulations and a S106 legal agreement would be needed to secure the affordable wheelchair dwellings.

## **6.8 Flooding and Drainage**

### **Acceptable**

- 6.8.1 The applicant has submitted a Flood Risk Assessment incorporating Surface Water and Foul Drainage Strategy. The site is in Flood Zone 1 (low risk) as defined by the Environment Agency.
- 6.8.2 In order to manage surface water drainage the applicant proposes a cellular storage tank beneath the parking area to the south of the site, discharging to the public surface water sewer to the south east of the site at a restricted rate. A significant reduction in flows compared to the existing runoff rates at the site will be achievable.
- 6.8.3 Foul water is covered under separate Building Regulations legislation (approved document Part H) and the applicant has confirmed that the foul water drainage system will be designed to meet these requirements.

## **6.9 Energy and Sustainability**

### **Acceptable**

- 6.9.1 The applicant has provided an energy strategy report which demonstrates that the development would achieve a 37.84% reduction of carbon emissions beyond the 2013 Building Regulations. This will be achieved through a combination of passive design measures to minimise energy consumption, low NOx boilers and the installation of approximately 128 Photovoltaics (PVs) on the flat roof of the building.
- 6.9.2 The remaining CO<sub>2</sub> emissions (up to 100%) will therefore need to be off-set through a financial contribution towards the Council's carbon offsetting fund of £41,400. The applicant has agreed, in principle, to paying this should the application be granted permission.
- 6.9.3 In terms of the viability of a green roof, the provision of PVs on an extensive area of the roof would leave insufficient space for planting on the remaining roof space. Likewise, the numerous largescale existing trees that enclose the site, mean that the success of green walls would be questionable. To this end, the submitted Landscape Masterplan produced by Lloyd Bore has been created to maximise the opportunity for site planting. This is acceptable in terms of policy 5.11 of the London Plan.

6.9.4 A condition requiring the final design of the carbon saving measures including the location and design of the proposed PVs on the roof of the building would be necessary to ensure a satisfactory visual impact is achieved.

## **6.10 Environmental Health - Air Quality and Land Contamination**

### **Acceptable**

#### *Air Quality*

6.10.1 London plan policy 7.14 and policy SI1 of the Draft New London Plan state that development should be at least 'air quality neutral' and not lead to further deterioration in poor air quality (such as areas designated as AQMAs).

6.10.2 The site is not in a designated Air Quality Management Area. The Air Quality Neutral Assessment (AQN) submitted within the Air Quality Assessments Ltd Air Quality Assessment (AQA) (dated 13<sup>th</sup> December 2019) to the local planning authority shows that the transport emissions from the proposed development will be air quality negative.

6.10.3 The air quality neutral benchmark for buildings has been achieved; however, the air quality neutral benchmark for transport has been exceeded. The London Plan Sustainable Design and Construction SPG (GLA, 2014a) states that:

*Developers of schemes which do not meet the 'air quality neutral' benchmark for buildings or transport (considered separately) after appropriate onsite mitigation measures have been incorporated will be required to off-set any excess in emissions.*

6.10.4 The applicant has agreed, in principle, to offset the excess emissions through a financial contribution towards air quality improvements undertaken by the council secured through a S106 legal agreement.

6.10.5 It is noted that the applicant is already proposing electric vehicle charging points, cycle parking facilities and Ultra Low NOx boilers to help minimise pollution from the operational phase of the development. Had the application been considered acceptable overall, negotiations would have taken place to secure additional on-site mitigation as a starting point to offsetting the air quality impacts of the development. Failing this, the provision of off-site mitigation or a financial contribution would need to be secured via an S106 legal agreement.

6.10.6 Construction and Environmental Management; electric vehicle charging and non-mobile road machinery conditions would all be required in the event that permission is granted.

#### *Land Contamination*

- 6.10.7 The site is located above a Principal Aquifer within the bedrock geology. The site is located within an Environment Agency defined groundwater Source Protection Zone II. The risks to groundwater in the underlying principal aquifer are considered to be low.
- 6.10.8 The site has been used for residential purposes since the earliest mapping records and the site would not be considered to be "Contaminated Land" based on its proposed residential redevelopment end use.
- 6.10.9 Limited potentially contaminative sources have been identified in the surrounding area historically and no significant potential sources of contamination were identified other than the infilling of soils on site and the potential for hazardous material within the fabric of the former buildings.
- 6.10.10 The report concludes there are no levels of contaminants which would pose a significant risk to human health or flora and it is unlikely that any new services, in particular potable water, will require protection; however service provider confirmation of this should be sought.
- 6.10.11 The Environmental Health Officer has raised concerns over some inconsistencies in the report and clarification has been sought from the applicant. Members will be updated verbally at the meeting.
- 6.10.12 Assuming all other aspects of the report are accurate and true, the Report would otherwise have been accepted as submitted with the recommendation that the conclusions of the report be given effect by way of condition(s) attached to any permission that may be granted, in particular the last bullet point conclusion on page 33 regarding maintaining a watching brief and the steps to be taken should any contamination not identified within the report come to light during the demolition and redevelopment process.

## **7. OTHER ISSUES**

### **S106 and CIL**

- 7.1 BLP 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.
- 7.2 The Council has identified the following Draft Heads of Term for this application:
- **Affordable Housing units (including affordable Wheelchair units)**
  - **Carbon off-setting payment in-lieu: £41,400**
  - **Air Quality off-setting payment-in lieu: TBC**

- **Health contribution:** £37,060.00
- **Education contribution:** £92,578.90
- **Highways vegetation removal:** £1000

- 7.3 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. Had the application proposal been considered acceptable in principle, these would be necessary to make the development acceptable in planning terms and the applicant has agreed, in principle, to enter into a S106 legal agreement to secure the above obligations, should planning permission be granted.
- 7.4 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8. CONCLUSION**

- 8.1 The proposal is for a building of high architectural quality, in a spacious, landscaped setting providing good separation to site boundaries, generous amenity space and retaining the majority of trees. The proposal would not have a significantly harmful impact upon the character or appearance of the area or upon adjoining residential amenity.
- 8.2 Furthermore, the application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety.
- 8.3 The proposal for 34 new dwellings, at 35% affordable, would make a substantial positive contribution to the supply of housing within the Borough. However, in the absence of any marketing having been carried out to demonstrate that there is no continued demand for specialist accommodation at this site, and no proposals to re-provide it, the proposal is contrary to policy 11 of the BLP.
- 8.4 Having regard to the presumption in favour of sustainable development, the adverse impact in respect of the loss of this specialist accommodation would, in any event, significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.5 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      REFUSAL**

**Reason for refusal:**

**1) The proposal would result in the loss of a site currently providing specialist accommodation and insufficient evidence and information has been provided to demonstrate that there is no demand for the existing accommodation and no demand for such sites from alternative providers. The proposal is therefore contrary to policy 11 of the Bromley Local Plan and policy 3.8 of the London Plan (2016) and would result in harm to the Borough's supply of specialist older person's accommodation, for which there is a recognised need.**

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**APPENDIX 1:** Drawings and decision notice relating to application ref.  
DC/16/04956/FULL1

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**Town Planning**  
Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333  
Direct Line: 020 8313 4956  
Email:planning@bromley.gov.uk

Fax: 020 8461 7725  
Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)  
DX5727 Bromley

Affinity Sutton  
C/o Mrs J Tasker  
Robinson Escott Planning  
Downe House  
303 High Street  
Orpington  
BR6 0NN

3 /2nd March 2017  
Application No : DC/16/04956/FULL1  
Date : 8th March 2017

**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (ENGLAND) ORDER 2015**

**NOTIFICATION OF GRANT OF PLANNING PERMISSION**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **GRANTED** planning permission for the development, referred to in your application received on 26th October 2016 as amended by documents received on 13.01.2017

at : Lubbock House 1 Northolme Rise Orpington BR6 9RF

Proposal: Demolition of existing building and construction of nine 2-storey 4-bedroomed dwellings with accommodation in the roof, within three terraces of three units each, with associated access, car parking and landscaping.

Subject to the following conditions **and for the reasons set out below:-**

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

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

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

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

- 3 Details of all external materials, including 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 before any work is commenced. The development shall be carried out in accordance with the approved details.

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

- 4 Details of a scheme of landscaping which should include the retention of the Leyland Cypress trees along the South-Eastern boundary with Woodhead Drive, the materials of paved areas and other hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan.

- 5 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

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

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

- 7 Garages shall have minimum internal dimensions of 2.6m x 6m and there shall be a minimum clear space in front of their doors of 6m (or of 7.5m where the garages are in a compound or opposite a structure or means of enclosure) to allow for manoeuvring and these dimensions shall be permanently retained as such thereafter.

Reason: In order to comply with Appendix II of the Unitary Development Plan to ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.

- 8 Details of the finished surfaces of the access road, garage drives and parking areas, which shall include coloured materials and block paving, and of the street lighting installations, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the access road, drives, parking areas and street lighting shall be completed in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

Reason: In order to comply with Policy H7 of the Unitary Development Plan and in the interest of the visual amenities of the area

- 9 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan

shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties

- 10 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan (2015).

- 11 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 before work commences and the development shall be completed strictly in accordance with the approved levels.

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

- 12 The storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be completed in accordance with drawing No. (PL)\_101 and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

- 13 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be completed in accordance with drawing No. (PL)\_101, and the bicycle parking/storage facilities shall be permanently retained thereafter.

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

- 14 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 15 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 retained permanently 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.

- 16 The development shall be implemented in accordance with the Tree Protection Plan (TPP) submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Reason: To maintain the visual amenity of the area and in order to comply with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

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 Land Charges and Street Naming/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](http://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](http://www.bromley.gov.uk/CIL)
- 4 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.
- 5 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site. 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.

- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. 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 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 7 The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 8 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Signed:



**CHIEF PLANNER**

On behalf of the London Borough of Bromley Council  
YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

The Local Planning Authority is actively seeking to reduce the need to impose conditions. Any pre-commencement conditions imposed on this planning permission are necessary to ensure that the detail of the development to which they relate is carried out in a satisfactory manner and the submission of the information in relation to this is required before commencement as it would not be possible or desirable for this to happen at a later stage in relation to the specific reasons for imposing each condition.

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at [www.bromley.gov.uk/planning](http://www.bromley.gov.uk/planning). Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development

plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

Please note that your development may be liable for Community Infrastructure Levy (CIL). For more information please visit [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)**

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007**

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>.

**Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development**

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

**AN IMPORTANT FOOTNOTE**

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

**ACCESS FOR PEOPLE WITH DISABILITIES**

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

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## MATERIAL KEY

- 01. FACING BRICK - BUFF STOCK
- 02. FACING BRICK - RED MULTI-STOCK
- 03. METAL CLADDING PANELS TO DORMERS - ZINC (GRAPHITE GREY)
- 04. TIMBER AND PPC FINISH COMPOSITE WINDOW (GRAPHITE GREY)
- 05. TIMBER ENTRANCE DOOR WITH FIXED GLAZED PANEL TO SIDE
- 06. PPC METAL CANOPY - ZINC (GRAPHITE GREY)
- 07. RECONSTITUTED SLATE TILE ROOF
- 08. RECONSTITUTED STONE LINTEL AND CILLS
- 09. FACE FIXED METAL RAINWATER GOODS (GRAPHITE GREY)
- 10. BOILER FLUE
- 11. METAL POST BOXES
- 12. EXTERNAL LIGHT
- 13. TIMBER FENCING WITH TRELLIS & GATE
- 14. ZINC COPING (GRAPHITE GREY)
- 15. METAL GARAGE DOORS (GRAPHITE GREY)
- 16. TIMBER DOOR
- 17. SEAMED METAL ZINC ROOF
- 18. VELUX ROOFLIGHTS
- 19. VERTICAL BAR METAL GATE

27/09/2016 \conranbrighton\projects\2816\_Affinity Sutton\Lubbock House\SiteElevations\PL\_202 - Proposed Site Elevations - Front.dwg

2816

Conran



Rev Date Reason

By Checked Rev Date Reason

By Checked Notes

- Line of existing building
- Line of existing road within site
- Proposed new road level within site & garage blocks

Project: LUBBOCK HOUSE  
Client: AFFINITY SUTTON  
Drawing title: PROPOSED SITE ELEVATIONS

## FRONT

Scale 1:100 @ A1 Date: 07/09/16 Drawn by: TH  
Project number: 2816 Drawing No: (PL)\_202 Rev:  
Status: PLANNING Checked by: RW

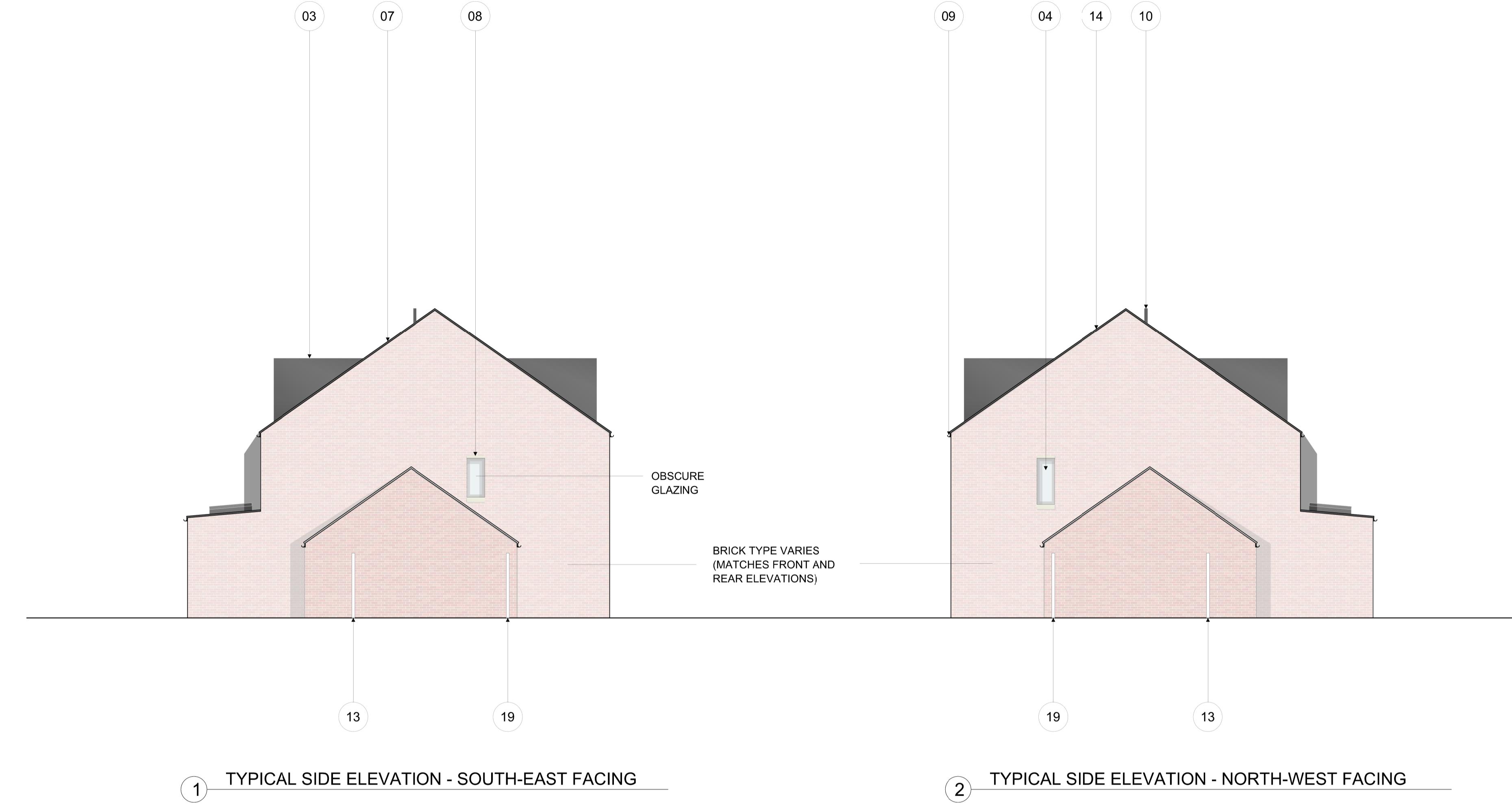
**CONRAN + PARTNERS**

BRIGHTON OFFICE  
First Floor, Hanover House  
118 Queens Rd, Brighton BN1 3XG  
Telephone +44 (0) 1273 716060  
Email cp@conran.com

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 19. VERTICAL BAR METAL GATE



Rev	Date	Reason	By	Checked	Rev	Date	Reason
A	12/01/16	Obscure glazing note added as requested	TH	RW			

By	Checked	Notes
		<p>— Line of existing building</p> <p>Side elevation 1 applies to plots 1, 4 &amp; 7 (includes garage)</p> <p>Side elevation 2 applies to plots 3 (includes garage), 6 &amp; 9</p>

Project: LUBBOCK HOUSE  
 Client: AFFINITY SUTTON  
 Drawing title: PROPOSED SITE ELEVATIONS  
 SIDE

Scale 1:100 @ A1 Date: 07/09/16 Drawn by: TH  
 Project number: 2816 Drawing No: (PL)\_204 Rev: A  
 Status: PLANNING Checked by: RW

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 18. VELUX ROOFLIGHTS  
 19. VERTICAL BAR METAL GATE



27/09/2016 \conranbrighton\projects2816

Conran

Rev Date Reason

By Checked Rev Date Reason

By Checked Notes

— Line of existing building  
— Line of existing ground level

Project: LUBBOCK HOUSE  
 Client: AFFINITY SUTTON  
 Drawing title: PROPOSED SITE ELEVATIONS  
 REAR

Scale 1:100 @ A1 Date: 07/09/16 Drawn by: TH  
 Project number: 2816 Drawing No: (PL)\_203 Rev:  
 Status: PLANNING Checked by: RW

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# Agenda Item 11

Report No.  
HPR2020/009

London Borough of Bromley

## PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Thursday 21 May 2020

**Decision Type:** Non-Urgent                    Non-Executive                    Non-Key

**Title:** DELEGATED ENFORCEMENT ACTION (JANUARY 2020 TO MARCH 2020)

**Contact Officer:** John Stephenson, Head of Planning and Development Support Team  
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Tim Horsman, Assistant Director Planning & Building Control Housing, Planning and Regeneration.

**Ward:** (All Wards);

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**1. Reason for report**

Enforcement action has been authorised under Delegated Authority for the following alleged breaches of planning control. In accordance with agreed procedures Members are hereby advised of the action taken.

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**2. RECOMMENDATION(S)**

**Members to note the report.**

## Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning – Appeals and Enforcement Section
  4. Total current budget for this head: ££385k
  5. Source of funding: Existing revenue budget 2014/15
- 

## Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Town and Country Planning Acts
  2. Call-in: Not Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

Enforcement action and prosecutions have been authorised by the Assistant Director Planning under Delegated Authority during the period 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020, in respect of development undertaken without the benefit of planning permission at the following sites:-

ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
17/00357	Change of use of a gym	Dominion House, Compass Lane, Bromley	Bromley Town	Prosecution	03.01.20
19/00510	Unauthorised overheight fence	Steyning Grove, Mottingham, London, SE9 4NG	Mottingham and Chislehurst North	Opdev enforcement Notice	28.01.20
18/00893	Unauthorised construction of a hardstanding erection of timber buildings and a dog kennel with perimeter fencing around plot 8	Land at New Barn Lane, Cudham	Darwin	Opdev enforcement Notice	31.01.20
19/00369	Unauthorised change of use of land for storage of trailers, fibre glass vehicle shells, dumper truck, container and assorted builders waste	Land West and adjacent to boundary of Hangrove Hill	Darwin	MCU Enforcement Notice	07.02.20
19/00478	Change of use of small single dwelling house to a mixed use (childcare business nad HMO)	Crofton Road, Orpington	Farnborough and Crofton	MCU Enforcement Notice	11.02.20
18/00239	Unauthorised change of use	High Street, Green Street Green, Orpington, BR6 6BJ	Chelsfield and Pratts Bottom	MCU Enforcement Notice	11.02.20
20/00094	Unauthorised change of use to a waste transfer station	Jail Lane, Biggin Hill, TN16 3AX	Darwin	Stop Notice	11.02.20
20/00094	Unauthorised change of use to a waste transfer station	Jail Lane, Biggin Hill, TN16 3AX	Darwin	MCU Enforcement Notice	11.02.20
20/00037	Unauthorised operation of the use outside the site and increasing boundary	Land at Knockholt Railway Station, Sevenoaks Road, Halstead	Chelsfield and Pratts Bottom	PCN	12.02.20
18/00857	Breach of condition 17 of permission ref; 17/00367/FULL1	Bickley Park Road, Bickley, BR1 2BE	Bickley	BCN	12.02.20
19/00243	Unauthorised place of disposal	Jail Lane, Biggin Hill, TN16 3AX	Darwin	Prosecution	12.02.20
20/00107	Breach of condition in relation to badger fencing, imposed by condition 2 of permission 17/02081	Sunningvale Avenue, Biggin Hill	Biggin Hill	BCN	14.02.20
19/00593	Untidy front and rear gardens	Hillingdale, Biggin Hill, tn16 3np	Biggin Hill	Untidy site	24.02.20
17/00157	Failing to comply	Petts Wood Road, Petts Wood	Petts Wood and Knoll	Prosecution	25.02.20
20/00075	Rear garden very overgrown	Burnt Ash Lane, bromley, BR1 4DJ	Plaistow and Sundridge	Untidy site notice	03.03.20

18/00738	Failure to comply with notices, Opdev, MCU and S215 re: bund, hardstanding, container and untidy site	Jubilee Road, Orpington, BR6 7QZ	Chelsfield and Pratts Bottom	prosecution	06.03.20
17/00736	Unauthorised change of use from commercial to residential	High Street, Orpington, BR6 0JY	Petts Wood and Knoll	MCU	11.03.20
17/00736	Unauthorised change of use from commercial to residential	High Street, Orpington, BR6 0JY	Petts Wood and Knoll	BCN	11.03.20
19/00721	A small wooden cottage is being used as an Air Bnb	Main Road, Biggin Hill, TN16 2HP	Darwin	PCN	11.3.20
18/00647	Over height decking	Sunray Ave, Bromley, BR2 8EW	Bromley Common and Keston	Opdev	11.3.20
19/00132	Alleged breach: Alleged change of use from a childminding service to running a nursery, without the benefit of planning consent	Cumberland Road, Shortlands, Bromley, BR2 0PL	Shortlands	PCN	16.03.20
18/00712	Material change of use of outbuilding at the rear for residential purposed	Elmers End road, Penge, SE20 7UX	Clock House	MCU	18.03.20
18/00662	Boundary treatment, operational development and material change of use	Land at Knockholt Railway Station, Sevenoaks Road, Halstead	Chelsfield and Pratts Bottom	Prosecution	23.03.20

3.2 For further details of any of the above cases please contact John Stephenson (details as above).

<b>Non-Applicable Sections:</b>	Policy, Financial and Personnel
Background Documents: (Access via Contact Officer)	N/A

# Agenda Item 12

Report No.  
HPR2020/007

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

**FOR PRE-DECISION SCRUTINY AT THE RENEWAL,  
RECREATION AND HOUSING POLICY DEVELOPMENT AND  
SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL  
COMMITTEE**

**Date:** DCC: 21 May 2020  
RR&H PDS: 24 June 2020

**Decision Type:** Non-Urgent                    Non-Executive                    Non-Key

**Title:** PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS IN BROMLEY'S OFFICE CLUSTERS

**Contact Officer:** Ben Johnson, Head of Planning Policy and Strategy  
Tel: 020 8313 7845 E-mail: ben.johnson@bromley.gov.uk

Paul Mellor, Planner  
Tel: 020 8313 4562 E-mail: paul.mellor@bromley.gov.uk

**Chief Officer:** Assistant Director (Planning)

**Ward:** Bromley Town; Cray Valley West; Orpington;

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## 1. REASON FOR REPORT

- 1.1 This report recommends that the Council makes three non-immediate Article 4 Directions to withdraw the permitted development right for change of use from office to residential. These Directions would apply to the three Office Clusters, as shown in the Bromley Local Plan (January 2019) – Crayfield Business Park (Cray Valley West), Knoll Rise (Orpington) and Masons Hill (Bromley Town). The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.
- 1.2 The areas selected for the Directions are key areas for the retention and promotion of offices, alongside Business Improvement Areas (which are already subject to an Article 4 Direction). This is reflected in their designation as Office Clusters under the Bromley Local Plan. It is expedient to restrict the change of use of offices in these areas by permitted development rights

to avoid harmful impacts upon economic development and to ensure any development within the areas is properly planned in line with the policies in the adopted Local Plan.

---

## **2. RECOMMENDATION**

- 2.1 That Members endorse the making of three 'non-immediate' Article 4 Directions to withdraw the permitted development right granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 3 Class O, which permits uses falling within Class B1(a) (office) to change use to Class C3 (dwellinghouses). The areas in which the Article 4 Directions will apply are shown in the plan attached at Appendix 1.
- 2.2 That Members refer the matter to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.
- 2.3 That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of the non-immediate Directions, which will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

## Corporate Policy

1. Policy Status: N/A
  2. BBB Priority: Vibrant, Thriving Town Centres Regeneration:
- 

## Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: No Cost
  3. Budget head/performance centre: Planning Policy and Strategy
  4. Total current budget for this head: £0.596m
  5. Source of funding: Existing Revenue Budget for 2020/21
- 

## Personnel

1. Number of staff (current and additional): 10fte
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
  2. Call-in: Applicable: Further Details – Portfolio Decision
- 

## Procurement

1. Summary of Procurement Implications: None
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

#### Background and planning policy context

- 3.1 In 2013, the Government amended the Town and Country Planning (General Permitted Development) Order (the 'GPO') to grant new permitted development (PD) rights to change from office use to residential use, subject to a prior approval process. The amended GPO initially came into force for a 3 year period, but was later made permanent.
- 3.2 In response to these changes, the Council made an Article 4 Direction covering parts of Bromley Town Centre, which came into effect on 1 August 2015. The Direction was, and remains, essential to support economic development in Bromley Town Centre's primary office locations and Business Improvement Areas, as designated in the Bromley Local Plan.
- 3.3 Article 4 Directions allow authorities to withdraw the PD rights that would otherwise apply by virtue of the GPO. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission be first obtained from the local planning authority for that development. This gives a local planning authority the opportunity to consider a proposal in more detail, i.e. assessing against policies in the Development Plan. The PD right in question requires prior approval of certain issues, but this determination is limited and does not allow for full consideration against adopted Development Plan policies.
- 3.4 As set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the use of Article 4 Directions should be limited to situations where they are necessary to protect local amenity and / or the wellbeing of the area. These criteria are not further defined in the NPPF or the PPG. The PPG notes that the potential harm that a Direction is intended to address should be clearly identified. For the Directions proposed in this report, justification is set out in the following sections of this report. The draft London Plan explicitly supports boroughs introducing Article 4 Directions to protect significant areas, including office clusters, against losses from PD rights. This supports Bromley's existing Direction in BIAs and the introduction of further Directions in newly designated office clusters.
- 3.5 Provided that the local authority considers it expedient, an Article 4 Direction can cover an area of any geographic size, from a specific site to a local authority-wide area. PPG advises that any Direction removing PD rights where prior approval powers are available to control PD should have particularly strong justification.
- 3.6 Article 4 Directions can be made with immediate effect or to take effect following a period of notice to remove compensation liability (non-immediate). This report recommends that the Council issues three non-immediate Article 4 Directions with a 12 month notice period, in order to reduce the Council's liability to compensate landowners affected by the removal of PD rights. This is discussed further in the legal implications of this report.
- 3.7 Prior to coming into force, the Council must confirm whether it intends to proceed with the Directions, based on consideration of representations received. The decision on whether or not to confirm will be taken by the Portfolio Holder for Renewal, Recreation and Housing.
- 3.8 During the 12-month notice period, the office-to-residential PD rights would continue to apply. If the Directions are confirmed, following this notice period any change of use from office to residential would require full planning permission.
- 3.9 The Secretary of State for Housing, Communities and Local Government has the power to revoke or modify Article 4 Directions at any time.
- 3.10 There is a range of national, London and local planning policies that are considered material to any decision of whether it is expedient to make an Article 4 Direction.

- 3.11 At a national level, paragraph 80 of the NPPF sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development
- 3.12 Paragraph 81 sets out a number of requirements which apply to the development of planning policies, including a need to set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and to set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. The policies set out in the Bromley Local Plan, including the policies identifying office clusters, are consistent with these aspects of the NPPF.
- 3.13 Paragraph 81 also states that policies should be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances. The policies set out in the Local Plan are considered sufficiently flexible to respond in such instances.
- 3.14 The PPG requires local planning authorities to prepare a robust evidence base to understand existing business needs, which will need to be kept under review to reflect local circumstances and market conditions. Bromley's Development Plan is underpinned by robust evidence of need (discussed below).
- 3.15 At the London level, the draft new London Plan expects that Outer London will see growth in office employment and notes the importance of ensuring sufficient space to support the growth of new start-up companies and to accommodate SMEs. Development Plans and development proposals should support the provision of space suitable for SMEs in light of strategic and local assessments of demand and supply.
- 3.16 Policy E1 outlines that improvements to the quality, flexibility and adaptability of office space should be supported by new office space, refurbishments and mixed-use developments.
- 3.17 Policy E1 Part E states that existing viable office floorspace capacity outside specific identified locations should be retained. The policy supports borough Article 4 Directions in locally identified office clusters, to ensure that office functions are not undermined by office to residential PDR and to protect local amenity or the wellbeing of an area.
- 3.18 Policy E2 encourages the provision and protection of Class B uses at a range of sizes and rents to meet the needs of a range of enterprises and start-ups.
- 3.19 Local planning policy set out in the Bromley Local Plan identifies the Office Clusters designation and sets out applicable policy which will apply to proposals which come forward in these areas (Local Plan Policy 85). Office Clusters are one of two Local Plan designations which seek the retention and promotion of office premises and floorspace, the other being Business Improvement Areas (which are already subject to an Article 4 Direction as noted above).
- 3.20 Policy 85 explains that the Council will work to retain and manage an adequate stock of good quality office floorspace by safeguarding three areas – Crayfield Business Park, Knoll Rise and Masons Hill – as Office Clusters. Redevelopment proposals in these areas will be expected to re-provide at least the same quantum of office floorspace.
- 3.21 All three office clusters fall within an identified renewal area; Masons Hill falls within the Bromley Common renewal area, and Crayfield Business Park and Knoll Rise both fall within the Cray Valley renewal area. The Local Plan (policies 13 and 14) seeks to maximise opportunities for enhancement and improvement of the renewal areas and requires developments in renewal areas to maximise their contribution to economic, social and environmental improvements.

Policies 16 and 17 relate specifically to the Bromley Common and Cray Valley renewal areas respectively.

#### Proposed Article 4 Directions – justification and evidence

3.22 The three proposed Directions will cover the following areas which correlate with the designated Local Plan office clusters:

- Crayfield Business Park - this area is sited to the north of New Mill Road and comprises a group of two storey buildings and associated car parking. The Office Cluster comprises approximately 7,500sqm of office floorspace.
- Knoll Rise - this area is located to the north and south sides of Knoll Rise in close proximity to the junction with Orpington High Street. It comprises over 6,000sqm of office floorspace.
- Masons Hill - this area comprises office buildings on Masons Hill, Homesdale Road and Wimpole Close. The combined office floorspace in the area totals over 6,000sqm.

3.23 Maps of the proposed Article 4 Direction areas can be found at Appendix 1.

3.24 The Directions are considered necessary as the PD right has the potential to cause significant harm to local amenity and wellbeing. The areas identified above contribute significantly to the borough's commercial function. The PD rights compromise the ability of the Council to plan properly, and to ensure uses which contribute significantly to economic growth are protected, and local wellbeing is maintained. In practical terms, without the Directions, there is a very real potential for the loss of jobs and the loss of employment capacity to accommodate future jobs. This is not just due to the loss of individual premises but also the cumulative impacts from loss of multiple premises, which would undermine the core business function of the office clusters.

3.25 The designation of the Office Clusters was evidenced within the 'Local Plan Background Paper – Key Office Clusters' and this document formed part of the evidence base for the examination of the Local Plan. This review paper identified the changes in office stock and identified a gradual decline in office floorspace in the borough between 2005 and 2012.

3.26 Criteria based on accessibility, total floorspace, vacancy level, and age were used to assess prospective sites and the three Office Clusters were identified as areas to be safeguarded for continued office use to meet projected employment demand in the borough.

3.27 The office clusters all fall within renewal areas and consideration was given to their contribution to these areas, particularly economic contributions. Further, the Knoll Rise cluster is in Orpington town centre, which bolsters the multi-functional commercial role of this area. Crayfield Business Park forms part of the strategically important Cray Business Corridor, identified as an economic growth area in the Local Plan.

3.28 Knoll Rise and Masons Hill have PTAL ratings of 4/5, meaning they have easy access via sustainable transport modes. Crayfield Business Park has a low PTAL rating but is located in close proximity to London Distributor Roads and Strategic Routes. In general, the proximity of the office clusters to key transport links provides expansive reach to these locations, via various transport modes, from across the borough.

3.29 The designations and policy preparation were supported by an evidence base including several economic and employment land studies. These studies included the following employment-based requirements for additional floorspace for the borough:

- Bromley Retail, Office Industry and Leisure Study (DTZ 2012): 121,000 sqm, between 2006 and 2031

- Stimulating the Economy Study (GL Hearn 2013): potentially over 250,000 sqm, between 2011 and 2031
- Planning for Growth in Bromley – Cray Business Corridor Study (URS 2014): 28,800 sqm, between 2013 and 2031

3.30 In addition to this local evidence base, studies are routinely prepared at a strategic level to inform the Greater London Authority's planning work including the draft new London Plan. Recent studies have included the following employment-based floorspace requirements specific to Bromley borough:

- London Office Floorspace Projections (Peter Brett Associates 2014): range of 78,000-103,000 sqm, between 2011 and 2036
- London Office Policy Review 2017 (CAG and Ramidus 2017): 122,009 sqm GIA, between 2016 and 2041. This is a significant increase on the previous London Office Policy Review (published in 2012) which projected around 80,000sqm between 2011 and 2036. The projected quantum is not disaggregated within the borough but it is considered that a significant proportion would be delivered in designated areas where office use is prioritised.
- The latest GLA London's Economic Outlook Forecast (Autumn 2019) forecasts that although the growth in workforce jobs will be subdued in the medium-term, London will see increases in the number of workforce jobs in 2019, 2020 and 2021.
- The GLA has also released the final Evidence Base report for London's Local Industrial Strategy. This presents clear, robust and comprehensive evidence on London's economy with a view to supporting the overall objective of achieving inclusive growth in London.

3.31 Despite the variety of projections, these studies have shown a consistently strong employment-based demand for additional office floorspace for the life of Bromley's Local Plan. The latest strategic study, the London Office Policy Review 2017<sup>1</sup> highlights that vacancy rates in Bromley have been consistently low (under 5%) and availabilities have remained low up to 2015. The LOPR outlines that small office units in particular should be protected in Bromley (figure 6.4).

3.32 Figure 9.14 of the LOPR 2017 compares the trend-based and employment-based projections at borough level. For many boroughs, the employment-based method generates a higher projection than past trends. In boroughs such as Bromley, Ealing, Harrow and Westminster, the employment-based method shows positive growth in stock, whereas past trends show office floorspace has declined significantly. The trend-based method has undoubtedly been affected by substantial office losses through PD, as noted in paragraph 6.2.18 of the LOPR. Much of these losses involved the loss of occupied premises; figure 7.13 shows that PD approvals in Bromley (as of the end of the 2015 FY) involved the loss of over 10,000sqm of occupied space which disrupts over 1,000 jobs. PD rights have, or have the potential to, cause significant adverse impacts on the office function of identified office clusters. Therefore, the Directions are considered essential to prevent such impacts occurring and thereby causing significant adverse impacts on the amenity of local businesses and the local economy.

3.33 Since the introduction of the PD rights in 2013, 120 prior approvals have been granted in the borough (excluding lapsed and duplicate applications), which involves the loss of around 50,000qm of office space. 77% of these prior approvals (approximately 39,000sqm) have completed to date; no completions have taken place within the office clusters as designated in the adopted Local Plan. There are extant approvals totalling over 1,000sqm of office losses within the office clusters (all at Masons Hill).

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<sup>1</sup> [https://www.london.gov.uk/sites/default/files/london\\_office\\_policy\\_review\\_2017\\_final\\_17\\_06\\_07.pdf](https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf)

- 3.34 Overall, the Office Clusters contain around 23,000 sqm of office floorspace. The extant approvals in the Masons Hill cluster are not considered to undermine the function of the office clusters. The Council has considered whether the boundaries of the proposed Masons Hill Direction should cover a smaller area than the designated clusters because of the extant approvals, but considers that the Directions should cover the clusters as designated in the Local Plan. It is noted that extant prior approvals are not affected by subsequent Directions, as noted in the GPDO. However, if the extant prior approvals are not completed in line with the conditions set out in the GPDO, they will lapse and the Directions would then preclude any further PD for as long as they remained in force.
- 3.35 Further loss of space in the clusters could reduce opportunities for fledgling businesses to secure space, and could also mean that existing businesses looking to grow are not retained as they may be forced to look outside the borough for additional space.
- 3.36 The introduction of residential premises could also pose a threat as it increases the risk of noise and disturbance complaints due to locating incompatible uses next to one another, and hence causing negative impacts on the amenity of these businesses.

#### **4. POLICY IMPLICATIONS**

- 4.1 As set out in the main body of this report, there could be significant adverse impacts on local amenity and wellbeing resulting from the loss of office floorspace, if the proposed Article 4 Directions are not put in place. This could undermine elements of the Development Plan, particularly economic policies set out in the Local Plan and draft new London Plan.
- 4.2 The proposed Directions will restrict housing supply to a degree, but this is likely to be of limited impact in terms of restricting the amount of new residential units created, and hence the effect on the Council's ability to meet housing targets is limited. The clusters cover 0.026% of the total area of the borough, which is an incredibly small proportion and leaves a significant amount of land where PD rights would continue to apply. The potentially significant economic impacts on designated office areas, identified in this report, would outweigh this potentially limited impact on housing supply, in terms of the deciding whether it is expedient to pursue Article 4 Directions for the office clusters.
- 4.3 The quality of the housing created must also be considered alongside any impact on housing supply. The creation of new housing is not just a numbers game; it is essential that new housing is fit for purpose in order to ensure sustainable development, for example ensuring appropriate sustainable design measures to mitigate climate change and ensuring adherence to minimum space standards to enable occupation by a range of occupiers. PD rights have become synonymous with poor quality, small homes. As an Article 4 Direction would require planning permission to be secured for such developments in the future, this will ensure delivery of higher quality residential units and assist with the delivery of sustainable development in the borough.
- 4.4 The clusters themselves have a distinct commercial function and are not considered to be the most suitable areas for delivery of housing. Regardless of this, while the Directions would remove PD rights, they would not remove the potential for housing in the office clusters entirely, for example as part of a mixed-use redevelopment, as policy 85 does not preclude housing in principle. Requiring housing to come through the full planning permission route is more likely to deliver sustainable development which has economic, social and environmental benefits, in line with the objectives of the Development Plan.
- 4.5 The impacts of the COVID-19 pandemic are currently uncertain, but it is noted that it could have significant impacts on the local economy and housing supply in particular. However, such impacts are not yet evident, for example through higher office vacancies. If impacts do materialise, this does not necessarily have implications for the Directions, as these impacts

could be a material consideration in a future planning application. However, the PPG notes that it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Directions were made remain valid. Therefore, the impact of the COVID-19 pandemic, as well as other positive and negative impacts, will be an ongoing consideration to help determine whether the Directions should remain in place.

## 5. FINANCIAL IMPLICATIONS

- 5.1 This report recommends three non-immediate Article 4 Directions which will ensure that compensation liability is removed. This requires a 12 month notice period to be given, before the Directions come into effect. During this period, the PD rights would continue to apply, and landowners might take advantage of these rights. However, if the Council were to remove these rights with immediate effect, any refusal of planning permission could result in compensation liability. Compensation can be claimed based on abortive expenditure or other loss or damage directly attributable to the withdrawal of PD rights; this could include differences in land value between office and residential, which could be substantial.
- 5.2 Costs associated with publishing and consulting on the Article 4 Directions will be met by the Council's legal services department.

## 6. LEGAL IMPLICATIONS

- 6.1 Article 4 (1) of the GPDO allows local Planning Authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council's legal services department will be responsible for making and publicising the Directions, in line with the statutory requirements set out in the GPDO.
- 6.2 The GPDO requires notice of the proposed Directions to be given as soon as practicable. Due to the current COVID-19 restrictions, it may not be practicable to give notice as per the GPDO requirements. In such instances, the Council will seek to issue notice following the lifting of the COVID-19 restrictions. This is considered to be a practical and pragmatic approach as advocated in the Chief Planners Letter of 20 March 2020<sup>2</sup>.

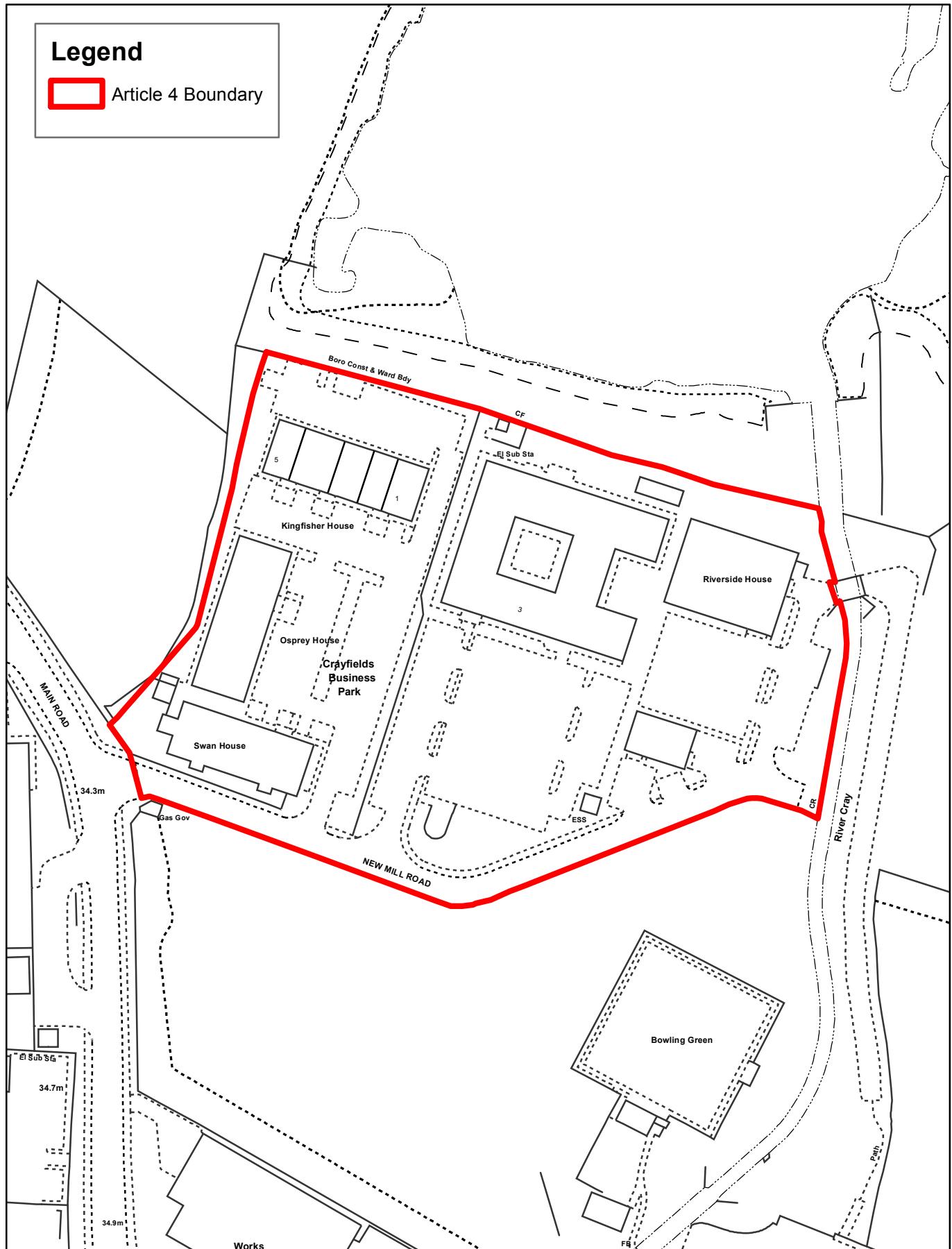
<b>Non-Applicable Sections:</b>	
<b>Background Documents:</b>	Bromley Local Plan 2019
<b>(Access via Contact Officer)</b>	The London Plan 'Intend to Publish' version, December 2019 National Planning Policy Framework

<sup>2</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875045/Chief\\_Planners\\_Newsletter\\_-\\_March\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf)

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## Legend

 Article 4 Boundary

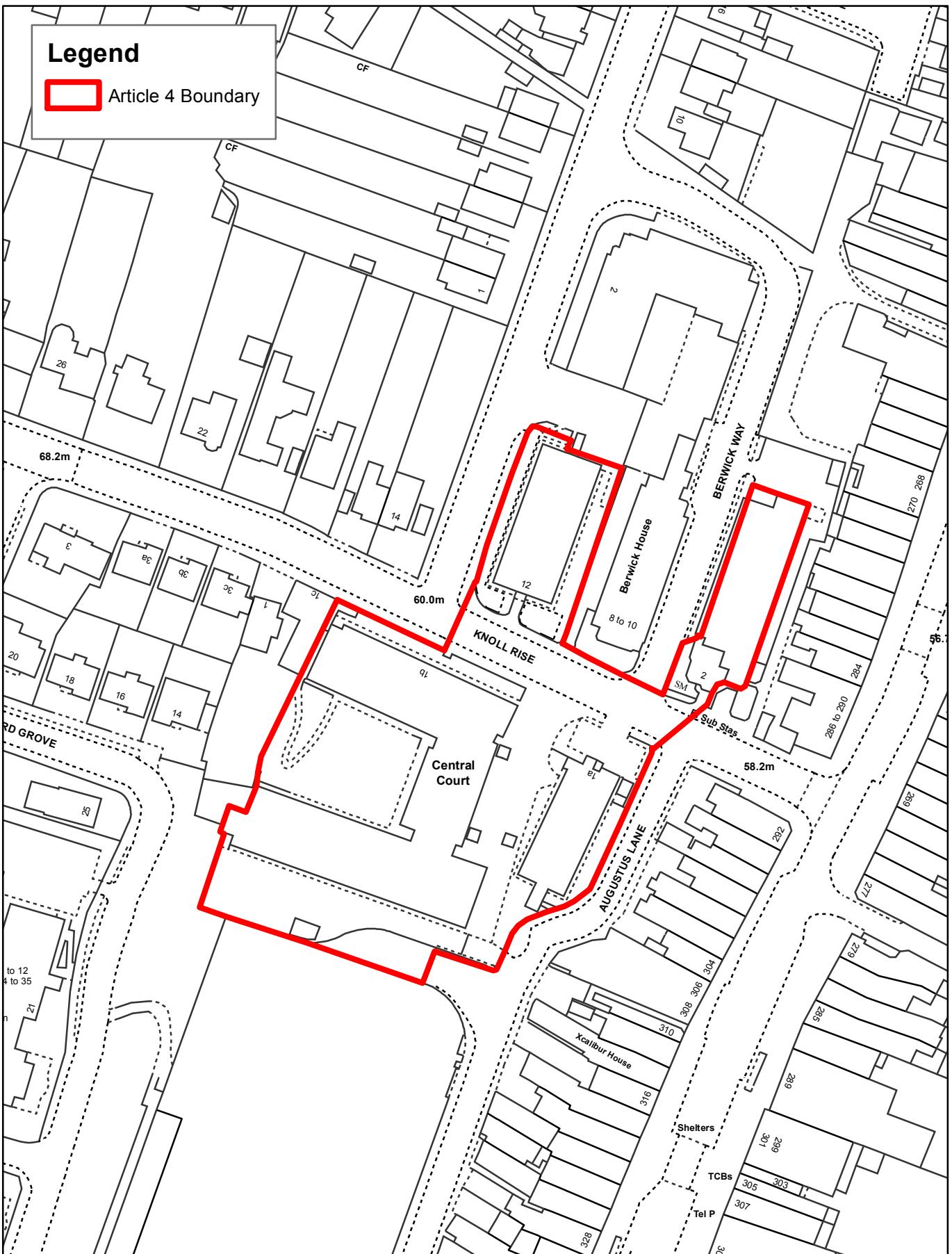


**Planning Division  
Housing, Planning &  
Regeneration**



**Article 4 Direction  
Crayfield Business Park  
Office Cluster**



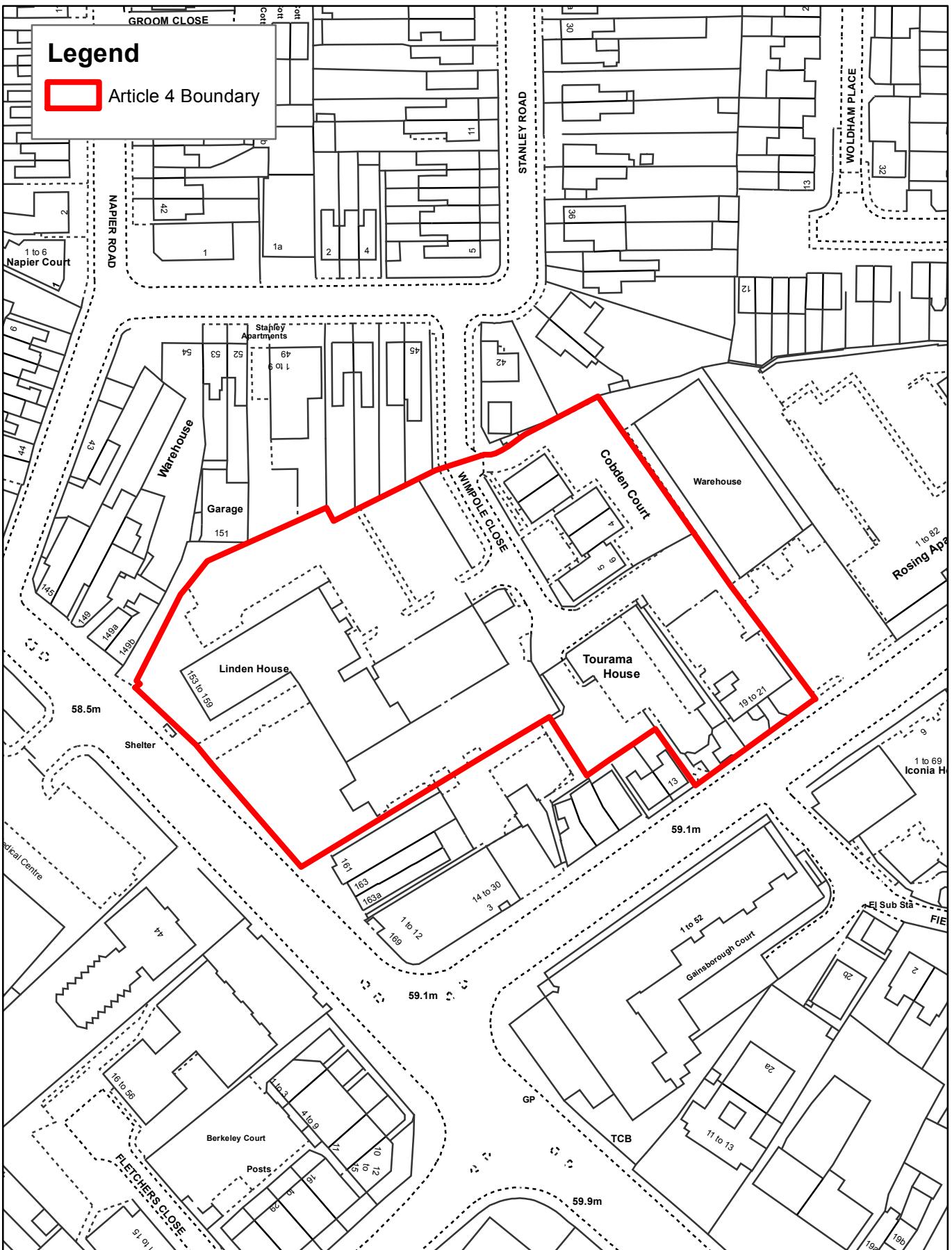


Planning Division  
Housing, Planning &  
Regeneration



Article 4 Direction  
Knoll Rise, Office Cluster





**Planning Division  
Housing, Planning &  
Regeneration**



**Article 4 Direction  
Masons Hill, Office Cluster**

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## Agenda Item 13

# **Report No HPR2020/006**

## **London Borough of Bromley**

## PART ONE - PUBLIC

**Decision Maker: DEVELOPMENT CONTROL COMMITTEE**

Date: Thursday 21 May 2020

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title: LAND AT NEW YEARS LANE, KNOCKHOLT - ARTICLE 4 DIRECTION**

**Contact Officer:** Gill Slater, Planner (Planning Strategy Team)  
Tel: 020 8313 4492 E-mail: [Gill.Slater@bromley.gov.uk](mailto:Gill.Slater@bromley.gov.uk)

**Chief Officer:** Assistant Director (Planning)

**Ward:** Chelsfield and Pratts Bottom;

## **1. Reason for report**

- ## 1.1 To seek agreement to confirm the Article 4 Direction for Land at New Year's Lane, Knockholt

## **2. RECOMMENDATION(S)**

2.1 Members are requested to recommend that the Portfolio Holder confirm the immediate and non-immediate Article 4 Directions on Land at New Year's Lane (identified in Appendix 1) restricting the following permitted development rights, with the non- immediate direction (V) not coming into effect until the required 12 month period of notification has elapsed (7th January 2021):

- i. Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
  - ii. Formation, laying out and construction of a means of access ... (Class B of Part 2);
  - iii. Provision of temporary buildings, etc. (Class A of Part 4);
  - iv. Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
  - v. Use of land as a caravan site ... (Class A of Part 5).

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

## Corporate Policy

1. Policy Status: N/A
  2. BBB Priority: Quality Environment
- 

## Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Planning Policy and Strategy
  4. Total current budget for this head: £0.596m
  5. Source of funding: Existing Revenue Budget for 2020/21
- 

## Personnel

1. Number of staff (current and additional): 10fte
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: N/A
  2. Call-in: Not Applicable
- 

## Procurement

1. Summary of Procurement Implications: None
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

- 3.1 The land at New Year's Lane is located on the south east boundary of the borough adjoining Sevenoaks District Council and comprises 3.26 hectares of agricultural land as indicated on the attached plan (Appendix 1).
- 3.2 The Local Plan 2019 designates it as Green Belt and part of a larger Site of Importance for Nature Conservation (Metropolitan) in addition, the surrounding woodland is subject to a Tree Preservation Order (TPO) and parts of the plots on the South Eastern side of the site are included in this TPO. The TPO'd trees on the North East and South west sides of the site are Ancient Woodland. The character of the surrounding area is essentially woodland open countryside predominantly in agricultural use.
- 3.2 Given the Green Belt policies within the National Planning Policy Framework and Development Plan (both Bromley Local Plan 2019 and the adopted and draft London Plan) the potential for new development is severely constrained. The land makes a significant contribution to the openness of the Green Belt and its appearance and character could be materially harmed by unrestricted development which would normally fall beyond the scope of planning control.
- 3.3 As noted in the report to Development Control Committee of 23<sup>rd</sup> July 2019<sup>1</sup>, the land had been offered for sale in 90+ lots. The sub-division into plots threatens to undermine the character and appearance of the landscape by the erection of fencing, structures, temporary uses of land and other forms of development which would be permitted development under the General Permitted Development Order (GDPO), over which the Council would otherwise have no control. In other parts of the Borough where similar threats have arisen – such as Snag Lane, Shire Lane and Keston Fruit Farm - directions have been made under Article 4 of the GPO to remove these permitted development rights.
- 3.3 At the meeting of the Development Control Committee on 23<sup>rd</sup> July 2019, the committee recommended removing permitted development rights for certain classes of development which would otherwise not require permission under the GDPO, but could erode the rural character and openness of the countryside. The specified classes of permitted development which it was considered appropriate to bring within planning control at New Year's Lane were:
- i. Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
  - ii. Formation, laying out and construction of a means of access ... (Class B of Part 2);
  - iii. Provision of temporary buildings, etc. (Class A of Part 4);
  - iv. Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
  - v. Use of land as a caravan site ... (Class A of Part 5).
- 3.4 The Directions were made on 7 January 2020 following a decision of the Portfolio Holder for Renewal, Recreation and Housing, as recommended by Development Control Committee. The Article 4 directions fell into two categories:
- directions which take immediate effect but requiring confirmation by the Council after six months (which covers the permitted development rights cited in paragraph 3.3i to iv above); and
  - Non-immediate directions which can only take effect after notice has been given of the making of the direction and the Council has considered any representations received and subsequently confirmed that the direction will come into force. This covers the direction cited in paragraph 3.3v above.

<sup>1</sup><https://cds.bromley.gov.uk/documents/s50070994/LAND%20AT%20NEW%20YEARS%20LANE%20KNOCKHOLT%20PROPOSED%20ARTICLE%204%20DIRECTIONPART%201%20REPORT%20TEMPLATE.pdf>

## Representations and council response

- 3.5 The directions were advertised in accordance with the relevant procedure set out in the GPDO. One representation was received, from the owner of the land covered by the directions. The representation advised that the landowner has not put any part of his land up for sale or authorised the online advertisement for 92 plots. The landowner advised that the sites area resembles but does not accurately match the borders of his land and that having purchased the land at auction, the intention is to develop an already existing agricultural business. The landowner suggests that this advertising may have occurred prior to auction.
- 3.6 The landowner asks that the Article 4 Directions be removed for the following reasons:
1. The Council already has sufficient powers to combat problems or unauthorised developments.
  2. The introduction of further powers is therefore completely unnecessary.
  3. Article 4 should be used as a last resort, however the Council has not attempted to communicate with landowner regarding either the proposed agenda of the meeting held on 23/07/2019 by the Development Control Committee, nor have they communicated with the landowner about the alleged dividing of the land into plots and their respective sale.
  4. The 2x Article 4 Directions have been rushed through without proper consultation with the landowner.
  5. In the light of these points, the landowner considers that there is no justification for the council to continue with the 2x Article 4 Directions issued.
  6. Should the Directions remain in place they will have an adverse effect on the running of the proposed agricultural business by causing delays and increased costs.
  7. The value of the land would be affected by the Article 4 Directions.
- 3.7 In response to the representation, the council considers that the justification for article 4 directions, as identified in the report to Development Control Committee of 23<sup>rd</sup> July 2019<sup>2</sup>, is still relevant, and that there remains a risk of plots being subdivided in the Green Belt which would cause adverse impacts as set out in the report.
- 3.8 An article 4 direction is a legitimate and proportionate response in light of the potential impacts. The process for article 4 directions enables representations by the landowner to be made. The consultation was undertaken in line with statutory procedures.
- 3.9 The relatively recent online publication of sales particulars may yet result in approaches to the current owner, irrespective of who authorised the advertisement. As such, and notwithstanding the confirmation of the landowner's intentions, the potential threat from various forms of permitted development, set out in the original report, remains. The issues raised regarding impact on the running of a business are not elaborated on, and are not considered to hold much weight in terms of determining whether or not to confirm the directions. Likewise, the impact on land value is not considered to be a relevant consideration, and notwithstanding this, the directions are considered very unlikely to have any material impacts on land value.
- 3.10 It is recommended that both the immediate and non-immediate Direction be confirmed, with the non- immediate direction not coming into effect until the required 12 month period from notification and advertisement has elapsed (7<sup>th</sup> January 2021).

## **4. POLICY IMPLICATIONS**

<sup>2</sup><https://cds.bromley.gov.uk/documents/s50070994/LAND%20AT%20NEW%20YEARS%20LANE%20KNOCKHOLT%20PROPOSED%20ARTICLE%204%20DIRECTIONPART%201%20REPORT%20TEMPLATE.pdf>

4.1 In accordance with development plan policies seeking to protect the Green Belt from development which harms its openness and character.

## 5. FINANCIAL IMPLICATIONS

5.1 Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an article 4 direction being in place.

5.2 Compensation liability cannot be removed entirely, unlike certain permitted development rights prescribed in regulations. Therefore, the directions will be at risk of compensation claims for as long as they remain in effect. Compensation can be claimed based on abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Whilst some PD rights, for example those which permit changes of use, could lead to significant compensation risk associated with what could be a significant difference in land values, the PD rights in question are very unlikely to have a significant impact on land value.

5.3 All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GPDO).

## 6. LEGAL IMPLICATIONS

6.1 Article 4 (1) of the GPDO allows local Planning Authorities to withdraw certain PD Rights. The procedure for confirming an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council's legal services department will be responsible for confirming the Directions, in line with the statutory requirements set out in the GPDO.

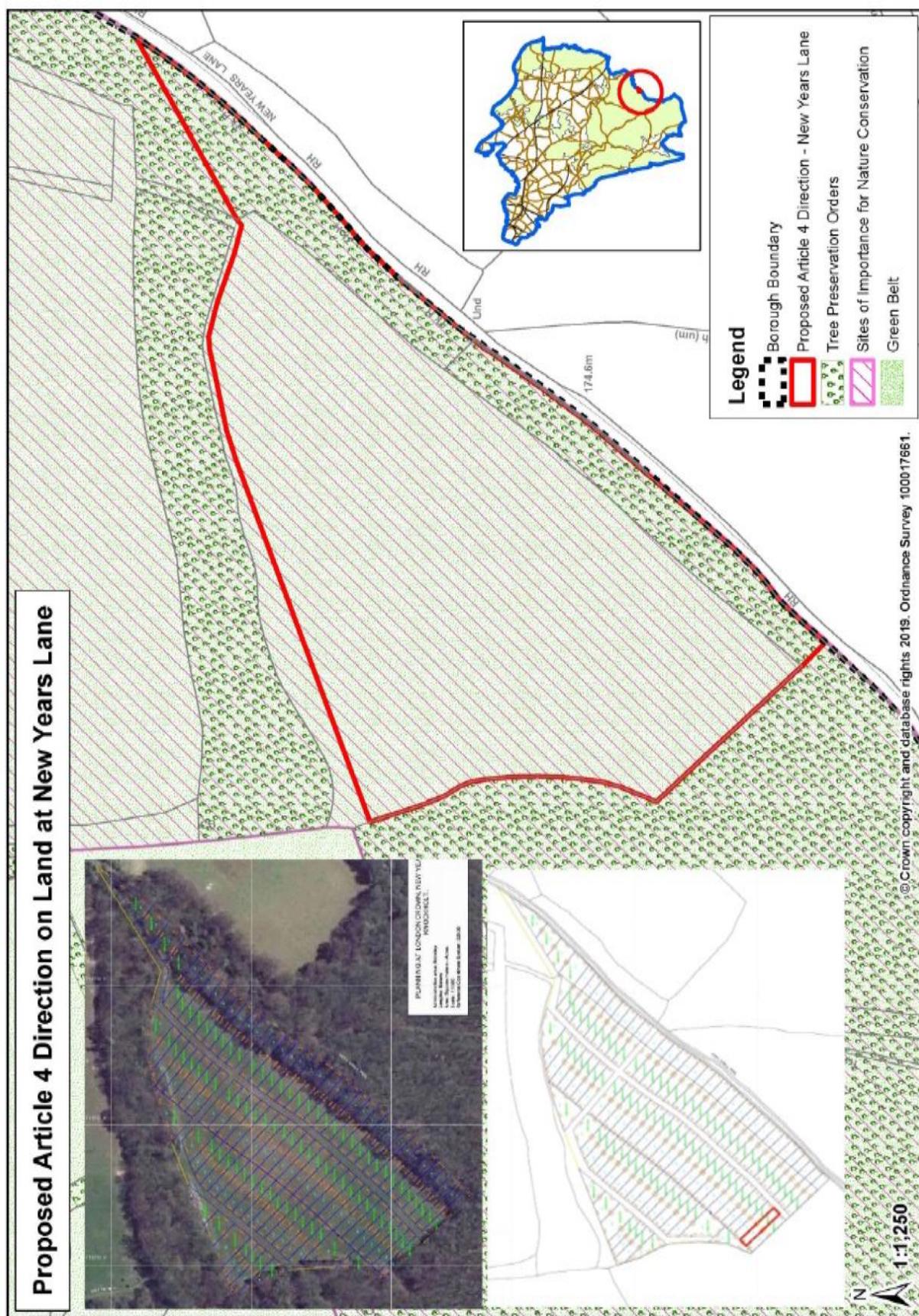
6.2 The GPDO requires notice of confirmation to be given as soon as practicable. Due to the current COVID-19 restrictions, it may not be practicable to give notice as per the GPDO requirements. In such instances, the Council will seek to issue notice following the lifting of the COVID-19 restrictions. This is considered to be a practical and pragmatic approach as advocated in the Chief Planners Letter of 20 March 2020<sup>3</sup>.

6.3 The Secretary of State for Housing, Communities and Local Government has the power to revoke or modify Article 4 Directions at any time. To date, the SoS has acknowledged receipt of notification of the directions but has not exercised, or indicated that he intends to exercise, his powers to revoke or modify the directions.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	Previous committee reports

<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875045/Chief\\_Planners\\_Newsletter\\_-\\_March\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf)

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## Agenda Item 14

## **Report No. HPR2020/005**

## **London Borough of Bromley**

## **PART ONE - PUBLIC**

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Thursday 21 May 2020

**Decision Type:** Non-Urgent      Non-Executive      Non-Key

# Title: HOMES IN MULTIPLE OCCUPATION

**Contact Officer:** Ben Johnson (Head of Planning Policy and Strategy)  
Tel: 020 8461 7845 E-mail: [Ben.Johnson@bromley.gov.uk](mailto:Ben.Johnson@bromley.gov.uk)

**Chief Officer:** Assistant Director (Planning)

**Ward:** (All Wards);

## 1. Reason for report

- 1.1 To consider the current controls relating to Homes in Multiple Occupation (HMOs) and the nature and scale of HMOs in Bromley. To assess the current and potential impacts of HMOs (both positive and negative) and to set out potential avenues to address possible harm that may materialise, noting relevant processes, data requirements and the experience of other boroughs.

## **2. RECOMMENDATIONS**

- ## **2.1 To note the impacts of HMOs identified in this report.**

- ## **2.2 To note that officers will undertake further work to**

- establish an understanding of the trends and spatial distribution of HMOs across the borough and assess the justification for, and implications of further actions where necessary, and
  - consider the implications of emerging national and regional design guidance and observe any relevant outcomes from the national response to the Covid 19 pandemic.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

## Corporate Policy

1. Policy Status: N/A
  2. BBB Priority: Quality Environment, Excellent Council, Healthy Bromley
- 

## Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Planning Policy and Strategy
  4. Total current budget for this head: £0.596m
  5. Source of funding: Existing Revenue Budget for 2020/21
- 

## Personnel

1. Number of staff (current and additional): 10fte
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: N/A
  2. Call-in: Not Applicable
- 

## Procurement

1. Summary of Procurement Implications: None
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Background

- 3.1 In basic terms, a House in Multiple Occupation (HMO) is a home occupied by more than one household; however, HMOs are defined in a number of ways by different Council and government departments for the purposes of planning, housing and council tax. The purposes of these regimes are distinct, and the differences between HMO definitions in relation to the numbers of occupants are such that they do not align comfortably.
- 3.2 The particular nature of HMOs can result in harm to the character of an area, the amenity of neighbouring properties and the living conditions of the occupants. However, HMOs can also have positive impacts through addressing particular housing needs.
- 3.3 A 2008 report by the Ministry of Housing, Communities and Local Government (MHCLG) ‘Evidence Gathering – Housing in Multiple Occupation and possible planning responses Final Report’<sup>1</sup> noted that:
- ‘HMOs consist of a variety of property types including: bedsits, shared houses, households with lodger, purpose-built HMOs, hostels, guesthouses, bed and breakfast establishment and self-contained flats, although not all of these accommodation types fall within the planning definition of an HMO or a housing definition of an HMO as defined under the 2004 Housing Act. However, it should be noted that despite the legal definitions of what constitutes an HMO, some properties such as shared houses where up to 5 or so individuals live together, are often regarded by some stakeholders as houses in multiple occupation’ (Paragraph 2.1)*
- 3.4 Local authorities have a mandatory licence requirement for certain types of HMOs to ensure they are properly managed and maintained and kept safe. There is scope for Local Authorities to extend the licencing regime to require licences for HMOs not falling within the mandatory licencing regime, either by area (selective licencing) or by type (additional licencing).
- 3.5 Planning permission is required for larger HMO’s (see below) which are not considered to fit within any particular planning use class. However, within the last decade there has been a significant increase in the number of family homes being converted into small HMOs through permitted development across London, including conversions which only achieve National Minimum Standards<sup>2</sup> (known to licencing as “minimum standards HMOs”). Across parts of London where evidence suggests that concentrations of HMOs have caused harm, there has been an increased use of Article 4 Directions which require planning applications to be submitted for changes of use, which would otherwise have fallen under ‘permitted development.’

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<sup>1</sup><https://webarchive.nationalarchives.gov.uk/20120919230509/http://www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf>

<sup>2</sup>[https://www.rla.org.uk/landlord/guides/housing\\_act/docs/all/minimum\\_national\\_amenity\\_standards\\_for\\_licensable\\_hmos.shtml](https://www.rla.org.uk/landlord/guides/housing_act/docs/all/minimum_national_amenity_standards_for_licensable_hmos.shtml)

## Legislation and policy

### Planning

- 3.6 Under The Town and Country Planning (Use Classes) Order 1987 (as amended), planning classifies two categories of HMO:
- A small HMO is defined as a dwelling that is occupied by between **3 and 6 unrelated individuals** who share basic amenities such as a kitchen or bathroom. A small HMO is classified as a '**C4**' use within the Use Class Order, 2015. Single dwellinghouses (classified as C3 use) have permitted development rights to change use to a C4 use and vice-versa without the need for planning permission under The Town and Country Planning, (General Permitted Development) (England) Order 2015.
  - A large HMO is defined as a property that is occupied by **more than 6 unrelated individuals** that share basic amenities such as a kitchen or bathroom. A large HMO is classified as **Sui Generis** (a use that does not fall in any Class). The creation of a large HMO requires planning permission.
- 3.7 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.8 Large HMOs (classified as Sui Generis uses) require planning permission. The Development Plan (Bromley Local Plan and the London Plan) provides policies against which applications for larger HMOs are assessed. These policies would also be applicable to smaller HMO's where an article 4 direction is in effect to remove permitted development rights.
- 3.9 The National Planning Policy Framework (NPPF) does not make specific reference to HMOs but advises that
- 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.) (para 61)*
- 3.10 The 2016 London Plan and the draft new London Plan both acknowledge the potential positive and negative impacts of HMOs. Both the adopted and draft plans are concerned with achieving high standards of residential quality and design and ensuring mixed and balanced communities.
- 3.11 The adopted 2016 London Plan states that:
- 'Shared accommodation or houses in multiple occupation is a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock, though its quality can give rise to concern. Where it is of reasonable standard it should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use*

*Classes C3 and C4, boroughs should take into account the strategic as well as local importance of houses in multiple occupation.'*

- 3.12 The draft new London Plan (Intend to Publish version), in policy H9 D, retains the thrust of the adopted London Plan; paragraph 4.9.4 states that:

*'Boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected'*

- 3.13 The Mayors Housing SPG 2016 advises that a careful balance needs to be struck "*between local concerns, such as those to protect large houses for local family occupation, and the contribution they can make to meeting strategic and local needs if converted to HMOs*" (paragraph 3.4.2).

- 3.14 The Bromley Local Plan vision for 'Homes' reads:

*'A range of decent homes of different types and sizes are available and housing supply is tailored to local needs. Any new housing complements and respects the character of the neighbourhood in which it is located, paying particular attention to the density of development, parking requirements and improving the choice of accommodation available.'* (para 1.3.6)

- 3.15 Local Plan objectives for homes are set out in para 1.3.7:

- *Ensure there is an appropriate supply of homes to meet the varied needs and incomes of the local population, which responds to changing demographics, in particular as the population ages.*
- *Ensure new residential development, extensions and conversions complement and respect local character.*
- *Ensure new homes are designed to minimise environmental impact and are supported by appropriate social and environmental infrastructure.*

- 3.16 The Local Plan was informed by the South East London Strategic Housing Market Assessment (SHMA) (2014), covering Bromley, Bexley, Lewisham, Southwark and Greenwich.

- 3.17 The SHMA indicates that, as with all South East London boroughs, Bromley had a significant under-supply of one-bedroomed units against demand as measured by the bedroom standard (Table 36).

- 3.18 The SHMA notes that in Bromley and Bexley, family accommodation predominates, when compared to Lewisham, Southwark and Greenwich, and it suggests, on the basis of London findings of the English Housing Survey (2009 – 2012), that this may be attributable to income bands within the differing boroughs. Bromley & Bexley exhibited a greater share of higher income bands, whilst lower median incomes were noted in Lewisham, Southwark and Greenwich, where the housing stock is generally more suited to the housing of smaller households. (para 4.37)

- 3.19 The SMHA highlights that cost concerns play an important part in influencing household space consumption decisions and highlights that over the long term, the market has adjusted the housing stock in London to create smaller units in response to cost pressures, including through the conversion of single

family houses into flats. It advises that further pressures for adjustments of the existing housing stock of this kind must be expected in London, given the intensification of demand and resultant squeeze on affordability. (para 6.15)

#### Policy 1 Housing Supply

- 3.20 Policy 1 Housing Supply advises that the Council will make provision for a minimum average of 641 additional homes per annum<sup>3</sup> over the ten year plan period and where possible over the fifteen year plan period and sets out a number of ways in which this will be achieved, including “g - *The provision of suitable non self-contained units*”, a category which the glossary confirms includes houses in multiple occupation.

#### Policy 9 Residential Conversions

- 3.21 Policy 9 sets criteria for planning applications for the conversions of single dwellings into two or more self contained units or non-self contained accommodation, which would include HMOs with criteria to address the potential harms from such conversions. Criteria e) seeks to ensure that there will not be a detrimental impact on the housing choice in the locality.
- 3.22 The supporting text advises that the policy seeks to ensure that older properties are efficiently to increase the choice and supply for smaller households as an alternative to purpose-built flats. It refers to houses that are ‘too large for single occupation’ and notes that the existing housing stock comprising of small and medium size family dwellings continues to play an important role in meeting housing need.
- 3.23 The potential adverse external effects of conversions are set out in para 2.1.72 which clarifies that the Council will resist conversions where they may result in a traffic hazard and be detrimental to the amenities of the residential area by reason of noise, visual impact or other inconvenience.
- 3.24 Para 2.1.73 specifically addresses non-self-contained units, advising that they should be retained and improved where appropriate, and supporting applications for such accommodation if it provides a high standard living environment as defined in this and other policies in the plan and relevant Environmental Health standards are met.

#### Policy 4 Housing Design

- 3.24 Policy 4 requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density. The policy sets out a number of criteria which are expected to be demonstrated.

#### Housing

- 3.25 The 2004 Housing Act (sections 254 & 257) defines a HMO where a building or part of a building

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<sup>3</sup> Once adopted, the new London Plan will increase Bromley's housing target to 774 homes per annum.

- “*is occupied by more than one household and where more than one household shares, or lacks an amenity, such as a bathroom, toilet or cooking facilities;*
  - *is occupied by more than one household and which is a converted building, but not entirely into self-contained flats (whether or not some amenities are shared or lacking); and or,*
  - *is converted into self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulations (known as S275 HMOs), and at least one third of flats are occupied under short tenancies.”*
- 3.26 To regulate the management and safety of larger, more complex HMOs, in response to the risk from hazards associated with fire and poor hygiene, the Housing Act 2004 introduced a national mandatory licensing scheme for all three storey HMOs occupied by five or more unrelated persons. The legislation became operative on 6 April 2006. New regulations came into force on 1 October 2018 which removed the 'three or more storeys' criteria, effectively extending the mandatory scheme to include most houses and flats occupied by five or more people in two or more households who share a kitchen, bathroom and/or toilet facilities.
- 3.27 The draft Bromley Housing Strategy advises that Bromley has a lower proportion of socially rented housing than elsewhere in London – 14%, compared to an average of 23%. In May 2018, 302 households were deemed homeless and accepted on to the Housing Register. HMOs can play a role in housing those in identified housing need.
- 3.28 The draft strategy highlights that only a small proportion of HMOs are regulated and monitored and that unregulated conversions are often done cheaply and without due attention to safety. It is noted that the overall quality of housing in Bromley is not fully known, as the last survey of housing conditions was carried out in 2005. Private tenants are often reluctant to complain about rogue landlords as they fear eviction, so complaints may not be a reliable indication of the situation. However, issues that are reported to the Council's Public Protection Team include severe overcrowding, serious cold and damp issues and lack of proper facilities for cooking, washing and hygiene.
- 3.29 There have been an increasing number of complaints about poor quality repairs in housing association homes. The draft Housing Strategy suggests the widening of HMO licencing and investment in resources to monitor and enforce this.

### **HMOs in Bromley**

- 3.30 Bromley currently has 154 licenced HMOs, as identified through the mandatory licensing regime. This quantum has increased since July 2018 when Bromley had 82 mandatory registered HMO's, due largely to the widened mandatory licensing regime in October 2018. A council report published in advance of the October 2018 changes anticipated an increase to 219 registrations, to cover all HMOs of 5 or more individuals; however this scale of increase has not materialised. 19 of the 154 licensed HMOs (12%) are flagged as 'minimum standards' HMOs, the majority of which are in the Cray Valley.

- 3.31 The purpose of the mandatory licensing regime is to ensure that larger HMOs - those that are likely to present the most significant health and safety risks - are known to the local authority, requiring evidence that appropriate management arrangements have been made for the property, and that internal conditions are satisfactory.
- 3.32 Mandatory HMO licensing (since the new regulations came into force in October 2018) is required where HMOs meet the following criteria:
- Occupied by **five or more** people in two or more households, and
  - One or more amenity in the HMO is shared, or
  - One or more unit of accommodation is not entirely self-contained
- 3.33 Whilst under the October 2018 mandatory licencing requirements the Council will record HMO's consisting of 5 or more people from 2 or more households, some of which will fall within Use Class C4, this mandatory licencing scheme does not include all small HMO's currently benefitting from permitted development rights (i.e. properties between 3 and 6 people). There is currently limited data in relation to smaller HMO's consisting of 3 or 4 people, which would require the interrogation of Council Tax, Census, enforcement and / or other data sources.
- 3.34 A local authority may refuse to grant a licence, in the following circumstances:
- The HMO is exempt or ineligible for licensing
  - The HMO cannot be physically or practically brought up to the standards required by the local authority
  - The proposed Licence holder or manager is not a fit and proper person
- 3.35 There are two further types of HMO Licensing schemes which Bromley do not currently operate:
- Additional HMO licensing – this can be imposed on types of HMOs that do not meet the criteria for a mandatory licence to help manage a wider range of HMOs. For example, an additional licence scheme could be applied to smaller privately rented shared houses HMOs or those occupied by particular social group such as students.
  - Selective HMO licensing - is the licensing in certain areas, for example where there is high demand for housing and/or antisocial behaviour and covering all forms of private rented housing, including HMOs.
- 3.36 There are currently has no plans for any selective or additional licencing schemes for smaller HMO's, although as noted above, the draft Housing Strategy suggests a potential widening of the licensing regime.
- 3.37 Whilst licencing can control the standards of accommodation, the issuing of a licence does not consider the potential range of impacts associated with HMOs.
- 3.38 As noted above, HMOs can have positive benefits in terms of providing housing which meets identified needs. However, there are a number of potential negative impacts associated with HMOs. The 2008 Department of Communities and Local Government report on Housing in Multiple

Occupation<sup>4</sup> related predominantly to the problems associated with high concentrations of student HMOs, noted a number of negative impacts from this concentration. Whilst some could be attributable to specific student HMO concentrations there are also impacts which are recognisable across the spectrum of HMOs and can lead to concerns being raised relating to:

- negative impacts on the physical environment streetscape and character of the property and area;
- impacts on local amenity;
- the loss of a single family dwellings and the potentially large number of properties throughout the Borough could be affected;
- pressures upon parking provision, and highway safety;
- The standards of accommodation in unregulated HMOs particularly given the ‘minimum standards’ HMO seen within the licenced sector; and
- Pressures on local services.

- 3.39 There is no evidence that these impacts will materialise at every HMO, hence there is a need to utilise information from a variety of sources to determine whether there is evidence that HMOs have been causing impacts. Such evidence would be essential to justify future actions to restrict the development of HMOs, such as Article 4 Directions.
- 3.40 The Council has a number of powers through which any harm arising from development (including HMOs), either individually or cumulatively, can be mitigated.
- 3.41 In terms of planning powers, Article 4 Directions are a commonly used tool to restrict the scope of permitted development rights (such as the C3 to C4 PD right) either in relation to a particular area or site, or a particular type of development
- 3.42 Planning Practice Guidance (PPG) advises that the use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be justification for both its purpose and extent - a particularly strong justification for the withdrawal of permitted development rights relating to those covering the entire area of a local planning authority. Article 4 Directions can trigger compensation liability, which in this case could be a not insignificant sum. This liability can be removed by giving 12 months' notice prior to any Direction coming into effect; during this period, the PD right can continue to be utilised.
- 3.43 PD rights can also be removed from new developments by condition.
- 3.44 The use of article 4 directions to bring smaller HMO's within planning control has become increasingly common across London, with Bromley's five immediate London borough neighbours all having faced significant HMO pressure leading them to introduce article 4 directions, either to specific streets (Southwark), wards (Lewisham) or borough-wide (Croydon, Bexley and Greenwich).

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<sup>4</sup><https://webarchive.nationalarchives.gov.uk/20120919230509/http://www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf>

- 3.45 It is likely that smaller-scale Directions (e.g. by street) would be related to an immediate issue that has been identified, and hence would likely need to be an immediate Direction in order to effectively tackle the identified issue. This would attract compensation liability which is a significant financial risk even if the Direction only affects a small number of properties. With larger-scale Directions, stronger justification is required as noted in the PPG.
- 3.46 Additionally all neighbouring boroughs have complimented this planning control with expansion of their licencing regimes to smaller HMO's not already covered by the mandatory scheme (i.e. those occupied by 3-4 people), either by area or borough-wide.
- 3.47 Southwark Council introduced two article 4 directions in 2014 and 2016 responding to specific areas of concentrated HMO pressure, whilst Royal Greenwich made a non-immediate Article 4 direction to withdraw this permitted development right boroughwide in 2018 and currently has over 700 licenced HMO's.
- 3.48 In 2017 Bexley confirmed a Boroughwide article 4 direction on the basis of analysis involving a range of data sources including census and private rental sector data, which, in addition to the 380 known HMOs predicted a further 1,025 HMOs across the borough.
- 3.49 Following the introduction of a boroughwide expanded licencing scheme in 2017, Lewisham confirmed a non-immediate Article 4 Direction in January 2020 covering 3 wards where the licensing data and census information indicated the greatest increases in shared households. Also in January this year Croydon Council confirmed a boroughwide article 4 direction, their research having demonstrated that over the past 10 years Croydon had lost over 900 family homes to conversion and to large HMO properties.
- 3.50 Outside of planning powers, Environmental Health can investigate instances of poor quality accommodation and any noise and disturbance that can arise as a result of development; and parking enforcement can investigate issues relating to parking and can put in place measures to alleviate highways impacts in certain circumstances.
- 3.51 HMOs are also often associated with instances of anti-social behaviour, disturbance and noise. However, this is not an inherent issue with HMOs, and relates more to the occupation of HMOs by certain groups, namely students. There is no evidence that HMOs in principle cause specific issues anti-social behaviour, disturbance and noise.
- 3.52 Anecdotally, there have been a number of concerns raised about HMOs, particularly associated with specific individual developments. These concerns often relate to the potential harms noted above, but also raise other more subjective and unevidenced concerns which are not considered relevant to this report, including any decision on whether to pursue an Article 4 Direction.

#### Planning enforcement data

- 3.53 Since 2010 there have been 27 HMO planning enforcement cases registered; 9 cases are currently 'live'. These cases have been raised with the Council in respect of both large and small HMOs and have been more prevalent in the last 5 years (see table below). Cases include both those requiring permission

and concerns regarding harms caused by smaller HMO's which do not require planning permission.

- 3.54 There have been 4 enforcement cases relating to possible HMOs registered since the beginning of the year, having caused nuisance and / or concern to the local communities.
- 3.55 All cases are being assessed to establish whether enforcement data highlights specific issues that would warrant further action.

<b>Year</b>	<b>Number of enforcement cases registered</b>
2010	1
2011	0
2012	1
2013	4
2014	0
2015	2
2016	3
2017	6
2018	3
2019	3
2020 (up to 5 <sup>th</sup> May)	4
<b>Total</b>	<b>27</b>

### **Public Health and the lessons from the Global Pandemic**

- 3.56 The implications of the current COVID 19 pandemic are now being assessed by local, regional and national Governments. In the UK, public health considerations are likely to have a significant impact on the way we organise our society, including the ways we interact with the places in which we live, work and socialise and our utilisation of public space for travel and pleasure, which will need to be fundamentally realigned in the short, medium and potentially longer term.
- 3.57 This may well involve national and/or regional policy / guidance in relation to HMO's where essential facilities and services are shared or may affect the market for HMO development if there is a perceived litigation risk against landlords who have a duty of care to residents and a responsibility to maintain common areas "in good and clean decorative repair".

### **Conclusion & Recommendations**

- 3.58 This report discusses a number of specific issues relating to HMOs. It identifies that HMOs can have positive impacts but also that there are some common adverse impacts which need to be addressed through various means. Based on the available evidence, there is no obvious indication that HMOs are currently causing adverse impacts across the borough.
- 3.59 Neighbouring boroughs appear to have been more significantly affected by the growth in HMO's, particularly smaller HMOs which are not controlled through the planning process, resulting in the application of area specific or borough-wide Article 4 directions. Currently, officers consider that the available evidence for Bromley does not equate to that which justified article 4 directions in other boroughs, certainly for larger-scale Directions covering wards or the

whole borough. The evidence also does not establish specific areas of concern that would suggest the imposition of smaller-scale Directions, although the evidence of a concentration of 'minimum standards' HMOs in the Cray Valley could suggest potential adverse amenity impacts and could be a specific focus for further evidence gathering.

- 3.60 Given the increased use of article 4 directions to control HMO's on the boroughs borders, there is potential that pressure for HMO's will build in Bromley and, given the concerns already around the impact of current HMOs, there is merit in ongoing work to assess the justification for, and implications of article 4 directions across part / all of the borough; and to work alongside licencing to consider additional / selective licencing.
- 3.61 In line with the draft new London Plan, this ongoing work should also assess the contribution of HMO's to meeting local and strategic housing needs and the relationship with the private rented sector (PRS).
- 3.62 Investigation will involve a range of data sources, including licencing data (increased since October 2018), Census data and other sources to develop the evidence base and to establish an understanding of the trends and spatial distribution of HMOs across the borough, including the impact, number and geographical spread of smaller HMOs, (some, but not all, of which are now known to the Council following the licencing changes introduced in Oct 2018) and the vulnerability across the borough by virtue of the nature of the housing stock.
- 3.63 This will also offer the opportunity to assess the implications of emerging national and regional design guidance and observe any relevant outcomes from the national response to the Covid 19 pandemic. Further consideration could also be given as to whether an HMO specific policy might be introduced through a future review of the Local Plan.

#### **4. POLICY IMPLICATIONS**

- 4.1 Policy implications are likely to be mixed and the range of implications will be considered through the further research to be undertaken in response to this report or to support a review of the Local Plan . Whilst there may be implications for the ability to address housing need there may be scope to enhance standards and support, for example, the need to operate safe social distancing as society adjusts to alternative ways of living in light of the Covid-19 pandemic

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 None from report, but further actions could have financial implications

## **6. LEGAL IMPLICATIONS**

- 6.1 None from report, but further actions could have financial implications.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children Procurement Implications Personnel Implications
Background Documents: (Access via Contact Officer)	South East London Strategic Housing Market Assessment (2016)  Article 4 Direction / licencing information (Borough websites)

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