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DATE: 30 June 2020

To: Members of the
PLANS SUB-COMMITTEE NO. 3
Councillor Katy Boughey (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Kevin Brooks, Samaris Huntington-Thresher, Charles Joel,
Alexa Michael, Keith Onslow, Angela Page and Kieran Terry

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 9 JULY 2020 AT 6.00 PM

**PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Sub-Committee by visiting the following page on the Council's website – <https://www.bromley.gov.uk/councilmeetingslive>
Live streaming will commence shortly before the meeting starts.**

MARK BOWEN
Director of Corporate Services

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

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

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

To register to speak please e-mail rosalind.upperton@bromley.gov.uk (telephone: 020 8313 4745) or committee.services@bromley.gov.uk

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 23 JANUARY 2020 AND THE NOTES OF DECISIONS TAKEN UNDER DELEGATED POWERS FOR THE CANCELLED MEETINGS OF 19 MARCH AND 14 MAY 2020**
(Pages 1 - 18)
- 4 **PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

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

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst Conservation Area	19 - 30	(19/05361/FULL6) - 5 Homewood Crescent, Chislehurst, BR7 6PS

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.2	Bromley Common and Keston	31 - 38	(20/00015/TPO) 9 Almond Close, Bromley BR2 8DS

4.3	Bromley Town	39 - 52	(20/01631/FULL2) - Ground Floor (Part), Northside House, 69 Tweedy Road, Bromley BR1 3WA
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5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

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

7 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

	Items of Business	Schedule 12A Description
8	EXEMPT MINUTES OF PLANS SUB-COMMITTEE NO.3 HELD ON 23 JANUARY 2020 (PAGES 53 - 54)	Information which is likely to reveal the identity of an individual.

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PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 23 January 2020

Present:

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

Also Present:

Councillors Gareth Allatt and Russell Mellor

17 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Keith Onslow; Councillor Simon Fawthrop attended as substitute.

18 DECLARATIONS OF INTEREST

Councillor Terry declared a non-pecuniary interest in Item 4.1 as he resided in the vicinity of the application site.

Councillor Page declared a non-pecuniary interest in Item 4.6 as she was acquainted with the applicant.

19 CONFIRMATION OF MINUTES OF MEETING HELD ON 21 NOVEMBER 2019

RESOLVED that the Minutes of the meeting held on 21 November 2019 be confirmed and signed as a correct record.

20 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

20.1 CHISLEHURST

**(19/04739/FULL6) - 21 Edgebury, Chislehurst,
BR7 6JL**

Description of application – Erection of a single storey modular timber granny annexe at rear.

It was noted that contrary to what was indicated in the report, there were no objections to the application.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** against officer's recommendations. Members considered that the position of the annex was to the rear of the site and as such, it would not have a harmful impact to neighbouring properties, that there would not be any side or rear access to the annex as the surrounding land was owned by the Council and it was in the Green Belt and a condition could be imposed to restrict the annex to be only ancillary use to the main dwelling.

Permission was granted subject to the following conditions:-

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

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

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

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

3 The additional accommodation shall be used only by members of the household occupying the dwelling 21 Edgebury; and shall not be severed to form a separate self-contained unit.

Reason: In order to comply with Policies 6, 7 and 37 of the Bromley Local Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

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

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

5 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

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

6 No primary cooking shall be provided within the proposed single storey annexe building at any time.

Reason: In order to comply with Policies 6, 7 and 37 of the Bromley Local Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

7 There shall be no separate access from outside of the site provided to the proposed single storey annexe building other than from the main dwelling at 21 Edgebury.

Reason: In order to comply with Policies 6, 7 and 37 of the Bromley Local Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

SECTION 3

20.2 PLAISTOW AND SUNDRIDGE

(Applications recommended for permission, approval or consent)

(19/03520/FULL1) - 1A Saxon Road, Bromley, BR1 3RP

Description of application – Erection of a two storey, four bedroom detached dwelling with additional roof level accommodation and attached single garage.

Oral representations in support of the application were received. Oral representations from Ward Member Councillor Gareth Allatt in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with condition 2 amended read:-

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission under drawing ref. SR-978-PD-02 dated 21/12/2019 unless previously agreed in writing by the Local Planning Authority.

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

The following condition was also added:-

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

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

**20.3
PLAISTOW AND
SUNDRIDGE**

**(19/03728/FULL1) - 128B College Road, Bromley,
BR1 3PF**

Description of application – Single storey side infill and first floor extensions to dwellinghouse with conversion of resultant building including roofspace into 4 residential units (1 x 1 bed and 3 x 2 bed).

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

from visiting Ward Member Councillor Gareth Allatt in objection to the application were also received at the meeting.

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

The proposal, by reason of the number of units proposed and subsequent number of occupiers would be an overdevelopment and over-intensive use of the site, impacting detrimentally on the residential amenities of local residents and on the character of the area, contrary to Policies 4, 9 and 37 of the Bromley Local Plan (2019) and Policies 3.3, 3.4 and 7.4 of the London Plan (2016).

**20.4
PETTS WOOD AND KNOLL**

(19/04173/FULL6) - 13 Tudor Way, Petts Wood, Orpington, BR5 1LH

Description of application – Proposed loft conversion with half hip to gable extension, rear dormer and one front facing rooflight.

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

Members having considered the report and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration, to seek a change to the position of the front roof lights to the flank and then to be considered by officers under delegated authority if the proposed changes are provided.

**20.5
BROMLEY TOWN
CONSERVATION AREA**

(19/04406/FULL1) - 241 High Street, Bromley, BR1 1NZ

Description of application – Two storey rear extension to provide three x 1 bedroom flats, with associated refuse/recycling, bicycle storage and surrounding amenity area.

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

SECTION 4

(Applications recommended for refusal or disapproval of details)

20.6 PETTS WOOD AND KNOLL CONSERVATION AREA

(19/03941/FULL1) - Bayheath House, 4 Fairway, Petts Wood, Orpington, BR5 1EG

Description of application – Erection of part one storey/part two storey upper floor extension to Bayheath House and Cardinal House to provide 4 x 1-bedroom and 5 x 2-bedroom flats (9 flats in total) with associated cycle parking and elevational alterations to the existing buildings.

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

It was reported that further supporting documentation from the applicant's agent had been received and circulated to Members. Highway Officer comments had also been received and circulated.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration, to seek a reduction in massing and bulk on Station Square, improvements to the quality of the residential standards of accommodation and improvements to parking provision in conjunction with Highways and planning officers.

The application to then be considered on List 2 on a subsequent Plans Sub-Committee 1 or 3 meeting.

20.7 COPERS COPE

(19/04788/FULL1) - 51 Foxgrove Road, Beckenham, BR3 5BB

Description of application – Demolition of the existing property and detached garage and construction of replacement part one/two/three storey 5 bedroom dwelling with roof terraces and associated development including detached garden shed, refuse enclosure, formation of parking and turning area with erection of front and side boundary walls and electric sliding gates adjacent to existing access onto Foxgrove Avenue.

Oral representations in support of the application were received. Oral representations from Ward Member

Councillor Russell Mellor in support of the application were received at the meeting.

Further supporting documentation from the applicant's agent had been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration to be considered on List 2 on a subsequent Plans Sub-Committee 1 or 3 meeting.

21 CONTRAVENTIONS AND OTHER ISSUES

21.1 DARWIN

Injunction Request - Stella Fields, Blackness Lane, Keston, BR2

Report DRR20/007

Oral representations in support of enforcement action by way of an injunction were received at the meeting.

Members were advised that the site which was located within the Green Belt, had been sub-divided into 160 different plots. For the past two years, the coach on the land had been occupied by two adults with young children.

It was noted from the report that the Council had issued two enforcement notices to address the problem however, these had been unsuccessful and the breach was still on-going.

The Chairman advised Members that prior to the commencement of the meeting, further documentation of a confidential nature had been submitted for Member consideration. For that part of the agenda item and in accordance with the Council's Constitution, the Chairman moved that the public be excluded, to allow Members to consider the Part 2 confidential information:-

Following the Committee's consideration of the confidential information, members of the public were recalled to the room to hear Members' decision.

Members having considered the report and representations, together with the additional information presented in Part 2 of the agenda, RESOLVED that:-

- 1) it was necessary or expedient for an application to be made to the Court pursuant to Section 187B of the Town and Country Planning Act 1990 (as amended), for an injunction to be authorised to secure the removal of the coach and associated paraphernalia from the land known as Stella Fields, including any sub-plots and sites accessible from Stella fields and shown on the plan attached to this report;**
- 2) action be expedited.**

The meeting ended at 9.00 pm

Chairman

PLANS SUB-COMMITTEE NO. 3

Consideration of planning applications by members was performed on an informal basis whereby councillors, having considered relevant factors for each application, discussed their views with the Assistant Director for Planning and having taken these views in to account, decisions were issued by him.

The applications were previously due to be considered at the Plans 3 Sub-Committee meeting on 19 March 2020 which was subsequently cancelled.

4 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

(17/00655/RECON) - Archies Stables, Cudham Lane North, Cudham, Sevenoaks TN14 7QT

Description of application – Removal of the following conditions of application reference 17/00655/FULL1 (allowed at appeal):

(No 3) The occupation of the site hereby permitted shall be carried on only by the following and her resident dependants: Ms Charmaine Moore.

(No 4) When the land ceases to be occupied by those named in condition 3 above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

(No 5) There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Members raised concerns around the impact of the application on the green belt and the removal of the condition restricting use of the site to a named person. Members were advised that since the implementation of the condition, Bromley's Local Plan had been adopted, which included the site in question as a travellers' site. It was highlighted by the Assistant Director for Planning that the designation as a travellers' site meant the personal aspect of the permission was no longer applicable. The designation of the site also meant it was no longer a green belt site. However, in response to concerns relating to the surroundings, it was noted that the Council could take action in the event that unauthorised development or uses are carried out on land outside of the site as this

remained within the restrictions of Green Belt land. Members were also advised that if members were to vote with the officers' recommendation, the restriction on the number of pitches and caravans would remain, as would the requirement for any occupier of the site to be gypsies and travellers as defined in national policy, meaning there should be no intensification of the use of the site.

Overall the advice provided was that an appeal would be lost and costs would be likely if the application was refused. Members noted concerns from Highways officers and their comments were reflected in the officers' report.

The application was DEFERRED without prejudice, for further consideration.

**4.2
DARWIN**

(19/04469/FULL1) - Archies Stables, Cudham Lane North, Cudham, Sevenoaks TN14 7QT

Description of application – Installation of 2 additional touring caravans to be used for residential ancillary purposes; erection of 2 utility/day rooms to be placed together; re-siting of existing stable block to the rear of the site; erection of a retaining wall adjacent to the front boundary.

The application was REFUSED as recommended, for the reasons set out in the report of the Assistant Director, Planning and Building Control.

**4.3
BROMLEY COMMON AND
KESTON**

(19/05306/FULL1) - 16 Forest Drive, Keston BR2 6EF

Description of application – Demolition of existing dwelling and erection of detached dwelling of two storey, four bedroom design including integral garage and associated landscaping (revised application following the refusal of application DC/19/03588/FULL1).

PERMISSION GRANTED as recommended, subject to the conditions set out in the report of the Assistant Director, Planning and Building Control.

SECTION 3

(Applications recommended for permission, approval or consent)

**4.4
SHORTLANDS**

**(19/02089/FULL6) - 59 Hayes Way, Beckenham
BR3 6RR**

Description of application – Formation of vehicular access onto Hayes Lane to serve the rear of the existing dwelling.

PERMISSION GRANTED as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control.

**4.5
COPERS COPE**

**(19/04607/FULL1) - 18 Scotts Lane, Shortlands,
Bromley BR2 0LH**

Description of application – Demolition of rear balcony. Erection of two 2-storey rear extensions and fenestration alterations. Subdivision of plot and conversion of existing single dwellinghouse into 5x flats, along with associated parking, amenity space, landscaping, refuse/recycling and bicycle storage. (Amended floor plans and elevations).

PERMISSION GRANTED as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control.

**4.6
DARWIN**

**(19/05159/FULL6) - 2 Luxted Farm Cottages,
Luxted Road, Downe, Orpington BR6 7JT**

Description of application – Proposal to create a new vehicular crossover to serve an existing residential dwelling.

PERMISSION GRANTED as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control.

**4.7
BROMLEY TOWN**

**(20/00152/FULL6) - 49 Forde Avenue, Bromley
BR1 3EU**

Description of application – Single storey rear extension and 2.5m long deck with steps and

balustrade (retrospective).

PERMISSION GRANTED as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control.

PLANS SUB-COMMITTEE NO. 3

Meeting Scheduled for 14 May 2020

Councillor Tony Owen (Vice-Chair, in the Chair)
Councillors Katy Boughey, Kevin Brooks, Samaris Huntington-Thresher, Alexa Michael, Keith Onslow and Kieran Terry

In line with current planning protocol, the Assistant Director, (Planning and Building Control) will make decisions on the applications that were due to be considered by the Plans Sub-Committee No. 3 at the cancelled meeting on 14 May, having considered the following recommendations from Sub-Committee Members and comments submitted by Councillors and members of the public.

1 APOLOGIES FOR ABSENCE

Due to technical difficulties Vice Chairman, Councillor Tony Owen, took the Chair and Councillor Katy Boughey attended as a Sub-Committee Member. Apologies for absence were received from Councillors Charles Joel and Angela Page.

2 DECLARATIONS OF INTEREST

No declarations of interest were reported.

3 PLANNING APPLICATIONS

3.1 (20/00839/REG3) - Central Library, High Street, Bromley, BR1 1EX (BromleyTown Ward – Conservation Area)

Description of application – Removal of existing revolving and outward opening main entrance doors. Installation of two pairs of outward opening main entrance doors.

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions and informative set out in the report of the Assistant Director, (Planning and Building Control).

3.2 (19/03941/FULL1) - Bayheath House, 4 Fairway, Petts Wood, Orpington, BR5 1EG (Petts Wood and Knoll Ward – Conservation Area)

Description of application – Erection of part one storey/part two storey upper floor extension to Bayheath House & Cardinal House to provide 4x 1-bedroom and 5x 2-bedroom flats (9 flats in total) with associated car parking and Car Club parking,

cycle parking and elevational alterations to the existing buildings. (Amended drawings and supporting details and description).

RECOMMENDED that **PERMISSION** be **GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT TO PROVIDE A CAR CLUB SPACE TO ACCOUNT FOR THE SHORTFALL IN ON-SITE PARKING SPACES; MEMBERSHIP TO THE CAR CLUB FOR THE OCCUPANTS AND A CONTRIBUTION TO THE COUNCIL TOWARDS THE PHYSICAL PROVISION OF THE SPACE ON THE STREET (AS THE COUNCIL IS THE LOCAL HIGHWAY AUTHORITY)**, as recommended, and subject to the conditions and informatives set out in the report of the Assistant Director, (Planning and Building Control).

3.3 (19/05131/FULL1) - 53 High Street, Penge, SE20 7HW (Penge and Cator Ward)

Description of application – Demolition of rear 'outrigger' extension, construction of three storey rear extension with dormer above and conversion of building from two flats above ground floor to 2 one bedroom studio flats and 2 x two bedroom flats with enlarged ground floor premises.

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, (Planning and Building Control).

3.4 (19/04233/FULL1) - Crown Hotel, School Road, Chislehurst, BR7 5PQ (Chislehurst Ward – Conservation Area)

Description of application - Erection of orangery, alteration to location of fire escape staircase, removal of front lobby, replacement of extraction unit, addition of two roof lanterns, elevational alterations and landscaping.

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, (Planning and Building Control) with three further conditions:-

“4. The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the substantial completion of the development. 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 a similar size and species to those originally planted. Furthermore any boundary treatments shall be retained in perpetuity.

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

5. At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014. Furthermore, at any time

the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

REASON: In the interest of protecting residential amenity for adjacent properties and to comply with Policy 119 of the Bromley Local Plan.

6. The fire escape as shown on drawing no. 3849-02-02 Rev A, shall be implemented and retained in accordance with the plans.

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

(a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority.

(b) The arrangements as approved under part (a) shall be completed before substantially completion of the development and permanently retained thereafter.

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

**3.5 (19/05361/FULL6) - 5 Homewood Crescent, Chislehurst, BR7 6PS
(Chislehurst Ward – Conservation Area)**

Description of application – Roof alterations to include side dormers and partial hip to existing flank gable roof to provide habitable rooms within the roof, single storey side infill extension and elevational and internal alterations

RECOMMENDED that **THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to seek a reduction in bulk of the proposed development and to request the dormer facing No. 7 to top opening only (together with obscure glazing as already agreed).

**3.6 (20/00203/TPO) Land adjacent to 507 Upper Elmers End Road, Beckenham
BR3 3DB (Kelsey and Eden Park Ward)**

Description of application – 6 x Oak trees (T2 - T7) of OCA Arboricultural Report Works on land adjacent to 507 Upper Elmers End Road - Remove. SUBJECT TO TPO 1273 (21.02.1996).

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, (Planning and Building Control).

**3.7 (20/00402 FULL)- Land Adjacent 15 Sandy Bury, Orpington BR6 9SD
(Farnborough and Crofton Ward)**

Description of application - Erection of a 2 bedroom detached dwelling.

MEMBERS VOTED to **REQUEST THAT THE ASSISTANT DIRECTOR (PLANNING AND BUILDING CONTROL) REFUSE PLANNING PERMISSION** on the grounds that the proposed development by reason of its design and layout

would be out of keeping and character of the surrounding area contrary to Policies 4 and 37 of the Bromley Local Plan and Policy 3.5 of the London Plan.

**THE ASSISTANT DIRECTOR (PLANNING AND BUILDING CONTROL)
DEFERRED THE APPLICATION, WITHOUT PREJUDICE, FOR FURTHER
CONSIDERATION.**

3.8 (20/00533/TPO) 75 Queensway, Petts Wood BR5 1SQ (Petts Wood and Knoll Ward)

Description of application – T1 Oak - prune only those lateral branches that are currently less than 2m (horizontally or vertically) from the roof of 2 Nightingale Road to provide a maximum of 2m clearance. Branches shall not be pruned to the boundary line. SUBJECT TO TPO 2637 (03.07.2017).

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions and informative set out in the report of the Assistant Director, (Planning and Building Control) with a further condition:-

“2. Prior to the commencement of the works, the applicant or their nominated contractor will arrange a date and time for the Tree Officer of the Local Planning Authority to supervise the works. The works hereby approved shall not take place without the Tree Officer present. ”

3.9 (20/01095/TPO) 1A Whitebeam Avenue, Bromley BR2 8DJ (Bromley Common and Keston Ward)

Description of application – T1 Oak at 1A Whitebeam Avenue - Remove. SUBJECT TO TPO 820 (27.01.1993).

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions and informative set out in the report of the Assistant Director, (Planning and Building Control) with an amendment to Condition 2:-

“2. A replacement Whitebeam (*Sorbus aria*), root-balled or container grown of standard size (at least 2 metres height) shall be planted to the front of the application site. The replacement tree will be planted within 12 months of the removal of the subject tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

REASON: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan and in the interest of the visual amenities of the area.”

3.10 (19/05259/FULL1) - The Mitre, 164 Croydon Road, Penge, London, SE20 7YZ. (Crystal Palace Ward)

Description of application – Third floor extension above existing roof, four storey rear extension with basement and roof terrace and conversion of first and second floors to form 9 residential flats (2 no. one bedroom, 7 no. two bedroom) with retention of public house (Use Class A4) on ground and basement levels. Landscaping to include access ramp and stairs to the front of the building.

RECOMMENDED that the application be **REFUSED**, as recommended, for the reason set out in the report of the Assistant Director, Planning and Building Control with a further reason to read:-

“2. The proposal constitutes an over-intensive development of the site in terms of the excessive number of residential units and proposed residential density, thereby contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.5, 3.8 and 3.9 of the London Plan.”

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Agenda Item 4.1

Committee Date	9 th July 2020	
Address	5 Homewood Crescent Chislehurst BR7 6PS	
Application Number	19/05361/FULL6	Officer - Lawrence Stannard
Ward	Chislehurst	
Proposal	Roof alterations to include side dormers and partial hip to existing flank gable roof to provide habitable rooms within the roof, single storey side infill extension and elevational and internal alterations	
Applicant	Agent	
Mr K Karden	Mr David Sullivan	
5, Homewood Crescent Chislehurst BR7 6PS	Lantarna The Pinnock Pluckley TN27 0SP United Kingdom	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 17</p>

Representation summary	<ul style="list-style-type: none"> • A site notice was displayed from the 10th March for 21 days • Neighbour notification letters were sent on the 27th January 2020 • A press advert was displayed in the News Shopper on the 5th February 2020.
Total number of responses	12
Number in support	0
Number of objections	12

UPDATE

This application was reported under the protocol for planning decisions during the COVID-19 outbreak for consideration by Members on Thursday 14th May 2020.

Members deferred the application without prejudice to seek a reduction in the bulk of the proposed development and to request the dormer facing No.7 to be top opening only (together with obscure glazing as already agreed).

The applicant has submitted revised plans (15th June 2020) which have reduced the bulk of the development through the reduction in scale of the proposed side dormers.

The dormer to the northern flank has been reduced in its width from 4.1m to 3.1m, and the dormer to the southern flank has been reduced from 5.1m to 3.5m in width. Both dormers have also been reduced in height by approx. 0.35m.

The proposed plans have also been annotated to confirm that the flank windows at first floor level would be obscure-glazed and non-opening below 1.7m from floor level. A clear glazed window is also proposed in the front elevation of the northern dormer.

The original report considered by Members is repeated below and updated where necessary.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The character and appearance of the Conservation Area would be preserved
- The development would not adversely affect the amenities of neighbouring residential properties

2 LOCATION

2.1 The application site hosts a single storey detached dwelling located on the western side of Homewood Crescent.

2.2 The site is located within the Chislehurst Conservation Area.



Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 Planning permission is sought for roof alterations to include side dormers and a partial hip to the existing flank gable roof to provide habitable rooms within the roof, a single storey side infill extension and elevational and internal alterations.
- 3.2 The proposed roof alterations would include one dormer to the northern flank elevation with a width of 4.1m and one dormer to the southern flank elevation with a width of 5.1m. The existing flank gabled roof would also be raised in height to match the ridge height and would be altered to feature a partially hipped roof.
- 3.3 The proposed side infill extension would infill the existing covered entrance porch.

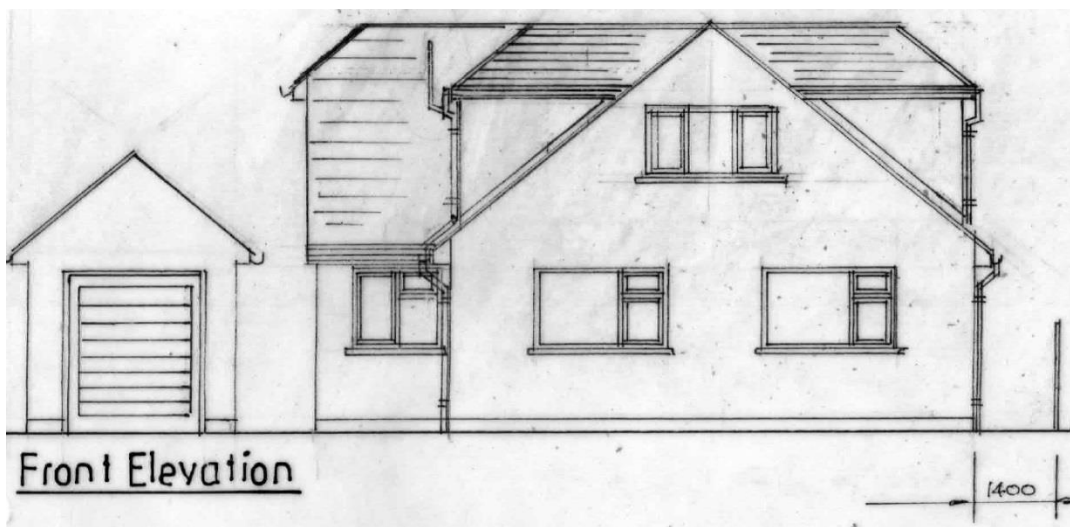


Figure 2: Proposed Front Elevation as Originally Submitted

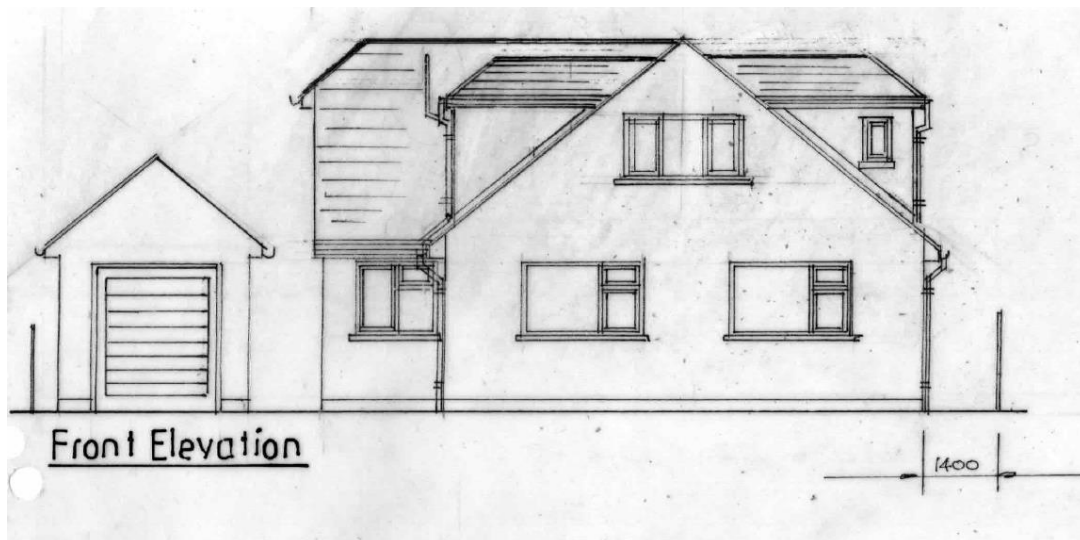


Figure 3: Amended Proposed Front Elevation

4 RELEVANT PLANNING HISTORY

4.1 The application site has no previous relevant planning history.

5 CONSULTATION SUMMARY

A) Statutory

No Statutory Consultations were received.

B) Local Groups

The Chislehurst Society:

- The proposed increase in height of the flank gable roof, and 2 side dormers at the height of raised ridgeline, will be bulky and overbearing additions to a roof that already has a partial hip.
- Visually dominate when viewed from public realm and neighbouring dwellings. It would introduce a discordant element within this locality in the conservation area harming its appearance and character.
- The proposed two-storey works appear to be less than a metre from the boundary with a neighbouring property.
- Neighbouring properties may be overlooked with adverse effect to the amenities of neighbouring occupiers by loss of privacy.
- The proposal does not comply with BLP policies P6, P8, P37 and P41.

C) Adjoining Occupiers

Impact on Neighbouring Amenity (addressed in para 7.3)

- Loss of privacy / overlooking.
- No indication of the strength of the obscured glass and no certainty that this would remain.

- Raised vertical elevation will cause traffic noise from the A222 to amplify back to our property.
- Extreme closeness of 0.98m away from our property would cause an unacceptable level of noise and disturbance.

Impact on Character of Area / Conservation Area (addressed in para. 7.1)

- Overdevelopment and overcrowding of the site.
- Out of character to other properties in the Crescent.
- Loss of light and overshadowing.
- Contrary to Policy 8 (side space).
- The proposed dormer windows have not been set below the ridgeline contrary to Bromley Conservation Area.
- Partial hip roof would be unique to Homewood Crescent.
- Would request more specific measurements in relation to the height and length of the proposed garage.
- If the existing garage wall is to be demolished this would affect our party wall area.
- Expect all building work to be finished in the same brick and tile style.
- Concerns the chimney will be demolished and replaced with a velux window which would further increase impact on privacy
- Surprised to see scaffolding already erected – gives impression that works have already commenced.
- Installation of upstairs windows in the gable ends is unusual for the crescent which is in a Conservation Area.
- Development is contrary to Policy 11 Section 1.3.7 “Specialist and Older Peoples Accommodation” and NPPF as local population is ageing and there is a growing demand for bungalows – its loss would reduce the choice of accommodation available.

Highways Impact (addressed in para. 7.4)

- Concerns over highway safety as no provision for adequacy of parking.

6 POLICIES AND GUIDANCE

6.1 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:-

- (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.

6.2 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.

- 6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 6.5 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.
- 6.6 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
- 6.7 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.
- 6.8 The application falls to be determined in accordance with the following policies:-

6.9 National Policy Framework 2019

6.10 The London Plan

- 6.13 Parking
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

6.11 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.12 Bromley Local Plan 2019

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas

6.13 Bromley Supplementary Guidance

7 ASSESSMENT

7.1 Design – Layout, scale – Acceptable

- 7.1.1 The dormers are not considered excessive in their overall scale and bulk. Both would feature a pitched roof that would match the ridge height of the existing dwelling, though the eaves height of the dormer would be lower and their width would not be disproportionate to the host dwelling.
- 7.1.2 The proposed side dormers would be set back from the front elevation of the dwelling and this would lessen the visual impact of the dormers within the streetscene.

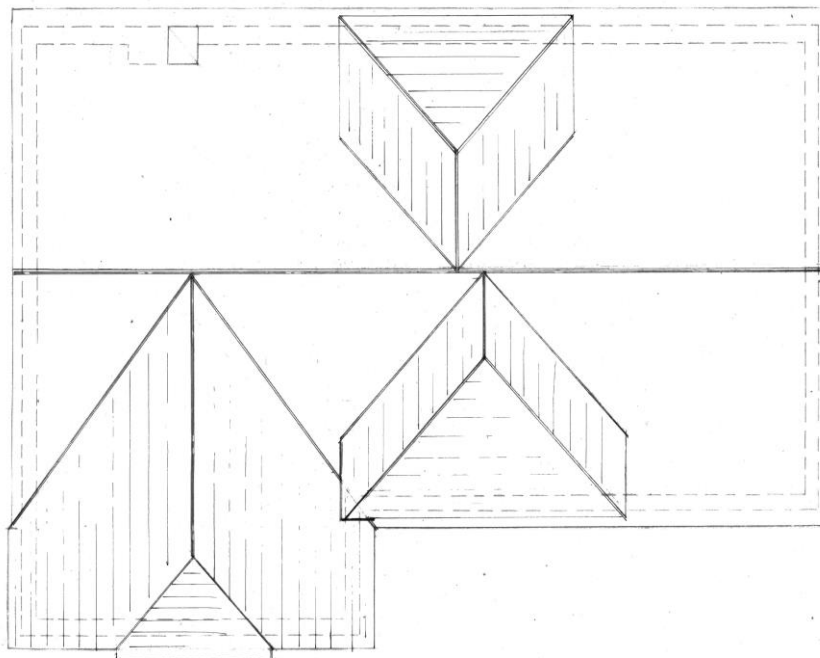


Figure 4: Roof Plan as originally proposed

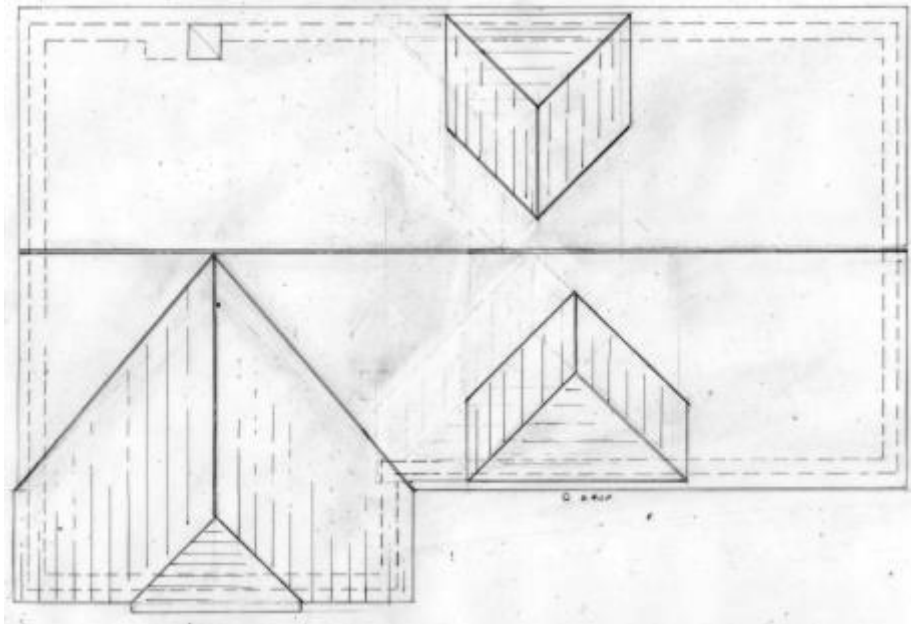


Figure 5: Amended Proposed Roof Plan

- 7.1.3 Whilst dormers are not a predominant feature within roofslopes on Homewood Crescent, there are some examples of front and side dormers visible from within the immediate streetscene including the adjacent dwelling at No.3. As such it is not considered that the proposed side dormers would appear unduly out of character within the streetscene.
- 7.1.4 The amended plans submitted on the 15th June (shown in Figure 3 and 5) have reduced the overall scale of the roof alterations compared to the original submission, which was deferred without prejudice at the Plans-Sub Committee meeting on the 14th May.
- 7.1.5 The revised plans have reduced the width of the dormers by 1m and 1.6m, and reduced the height of both dormers so that they are set approx. 0.35m below the existing ridge height.
- 7.1.6 The existing flank gabled roof towards the rear of the property would be raised in height to match the ridge height and would be altered to feature a partially hipped roof. This element has not been altered from the original submission considered at the previous Committee meeting.
- 7.1.7 Given that it would not exceed the height of the existing dwelling and is significantly set back from the front of the property it is not considered that this would detract from the appearance of the host dwelling or visual amenities of the streetscene.
- 7.1.8 The window proposed to the front elevation of the northern dormer would be modest in scale and would not appear overdominant within the streetscene. It would therefore not impact adversely upon the appearance of the host dwelling.

7.1.9 The proposed infill extension would be modest in its scale and would not significantly alter the appearance of the host dwelling.

7.2 Conservation – Acceptable

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

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

7.2.3 The Conservation Officer has reviewed the application and considers that the house itself is of low architectural interest from a conservation view. The immediate surrounding Conservation Area is also of low interest from a heritage view and the proposal would not harm it.

7.2.4 It is therefore considered that the proposed development would preserve the character and appearance of the conservation area.

7.3 Residential Amenity – Acceptable

7.3.1 The proposed dormer extensions and alterations to the roof would not exceed the height of the existing dwelling and would sit within the existing roof slope. The flank wall of No.7 is blank and the facing dormer would not project beyond the front or rear of this neighbour. The impact on No.3 would be mitigated by the separation distance between the dwellings, where the existing garage that separates them would remain.

7.3.2 Having regard to the above, and that the scale of the dormers have been reduced in scale from the original proposal, the development is not considered to result in any unacceptable harm to the neighbouring properties by way of loss of light, outlook or visual amenity.

7.3.3 The proposed windows facing No.3 serve an en-suite bathroom, landing and showroom. The revised plans submitted indicate that these windows would be obscure glazed and non-opening below 1.7m from floor level. Subject to a condition to ensure this it is considered that the proposal would not harm the privacy of No.3.

7.3.4 With regards to No.7 the proposed dormer on this flank would feature an obscure glazed window facing this neighbour and subject to a condition to ensure it remains obscure glazed it would not provide result in a loss of privacy. The proposed rear facing window in the proposed dormer would not provide any significant opportunities for overlooking.

7.4 Highways – Acceptable

7.4.1 The existing property has three bedrooms at ground floor level. The proposed extensions would result in a dwelling with three bedrooms at first floor level, and an additional guest bedroom at ground floor level.

7.4.2 The addition of one additional guest bedroom is not considered to significantly alter the number of residents likely to occupy the property, and the property does benefit from off street parking.

7.4.3 Therefore, it is considered that the proposal would not impact detrimentally upon parking or highway safety.

8 CONCLUSION

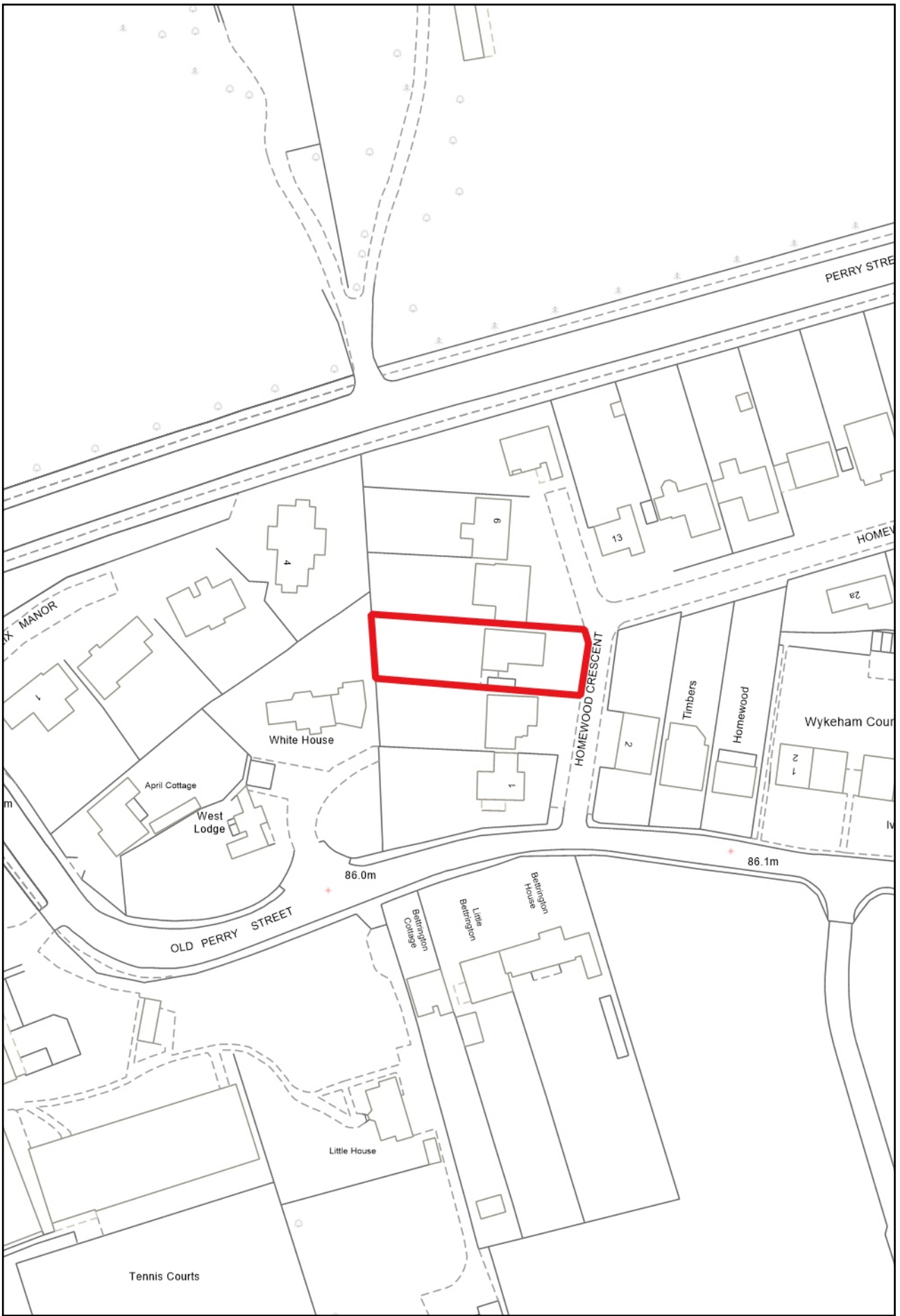
8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the Conservation Area and not harm the amenities of neighbouring residential properties.

8.2 Conditions are recommended to secure matching materials and obscure glazed flank windows.



RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Matching materials**
- 4. Obscure glazed flank windows.**



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5 Homewood Crescent, BR7 6PS


30 June 2020

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Application No: 20/00015/TPO

Ward: Bromley Common & Keston

Address: 9 Almond Close, Bromley BR2 8DS

OS Grid: E: 543257 N: 166723

Applicant: Mr Flemons

Objections: No

Description of Development:

T1 Oak - Fell.

T2 Oak at 11 Almond Close - Fell.

SUBJECT TO TPO 1019 (01.06.1994)

Proposal

1. This application has been made in respect of both T1 and T2 in connection with a subsidence investigation. The trees are positioned at the back of the rear garden, close to the boundary with the neighbouring public footpath. The felling of the trees is proposed to achieve building stabilisation in accordance with the professional recommendations.

Location

2. The application site is comprised of a semi-detached dwelling located on the east side of Almond Close.

Consultations

3. Nearby owners/occupiers were notified of the application and no representations were received.
4. Building Control has confirmed that the investigation is inconclusive.

Considerations

5. The dwelling is typical of the area and was constructed in 1949 with extensions added in 2001, as permitted under planning permission 01/02477/FULL1. An earlier extension was completed in 1996 in accordance with 96/15449/DP. The mature oak trees (T1/T2) in the rear gardens of 9 and 11 Almond Close are subject to the above Tree Preservation Order (TPO) made in 1994. The presence of the TPO reflects the important contribution the tree makes to the locality and the high amenity value merited. Past tree management has taken place under application 04/03619/TPO.
6. Two historic subsidence claims are referenced in the appended Claim Assessment Report. Underpinning was subsequently installed in 2006 under Building Control reference 06/03061/OTHBN6.

7. Damage is occurring across the dwelling, with a focus on the front elevation. The Claim Assessment Report supplied in support of the application may be referred to for information on specific areas of damage. The degree of damage is category 3 (5-15mm) as listed in the Building Research Establishment; Digest 251.
8. Officers made a site visit on 22nd April 2020. The subject trees are confirmed to be within the zone of influence, which is calculated to be 31m based on the tree survey data. The nearest tree (T1) has been measured at 15.9m from the rear projection of the extension and 23.3m from the original outline of the dwelling. The second tree (T2) has been measured approximately 18m from the nearest point of the extension.
9. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. The tree appears to be of normal vitality and has responded well to earlier reduction works.
10. The following supporting documents have been appended to the application:
 - Arboricultural Report (06.06.19)
 - Engineers Addendum Report (09.12.19)
 - Drainage Investigation Report (28.10.19)
 - Claim Assessment Report (18.10.18)
 - Level Monitoring (11.11.19)
 - Root Identification (05.06.19)
 - Soil Analysis (24.06.19)
11. One borehole (TP1) was excavated as part of the investigation. Foundations are stated to be 1950mm in the borehole. Foundation detail is absent from the supporting documents. Root identification in the borehole reveals oak roots are beneath the foundations of the dwelling.
12. Level monitoring results indicate movement associated with seasonal soil moisture loss. Movement is noticeable greater between monitoring stations 2 and 5.
13. The Engineer has recommended the trees be removed to remove the influence on the local soil conditions. The Arboricultural Consultant has agreed that tree removal is required.
14. A drainage survey has been carried out and is inconclusive. The area of concern near the borehole was inaccessible. Further surveying has been recommended by the operative. Drainage surveys are required to rule out drain failure as a potential causal factor.
15. The estimated cost of repairs is £60,000.

Conclusion

16. The foundations are not considered deep enough to withstand the influence of the subject tree within the zone of influence. The required foundation depth has been calculated to be a minimum of 2.22m based on the highest actual plasticity index record and a minimum of 2.5m based on a general high volume change potential, in soil moisture. Where foundations need to exceed 2.5m, a full structural foundation design is required to address the risk of subsidence.

17. Details of underpinning that was installed in 2006 have been retrieved from Building Control under reference 06/03061/OTHBN6. Underpinning to 3m has been installed beneath the extension and then step up to 2.1m depth at the corner of the building, where the porch is. This is a focal point of the damage. The failure of the past underpinning is therefore a possibility. This would need to be ruled out as part of the subsidence investigation.
18. The age of the property dates back to 1949. The trees are older than the property.
19. The reports submitted in support of the application have concluded that seasonal movement is occurring. Movement is most severe at monitoring stations 2-5 as shown with the Level Monitoring supporting document. Drainage passes beneath this area of the dwelling. The drainage investigation is inconclusive and recommendations for further surveying have been made. Drainage failure needs to be ruled out the investigation. The failure of drainage may be a causal factor that, if rectified, may achieve stabilisation.
20. A monetary value has been applied to the tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system.
21. The total value for the subject Oak trees is £119,627.
22. The application is recommended for refusal.
23. The subsidence investigation is inconclusive. A more detailed assessment of the foundations is required to understand the structural integrity of the building. Further drainage surveying is required. The appraisal of alternative repairs should also be explored. The value of the trees exceeds the costs of repair. This is valid consideration in an argument in defence of tree retention.

Financial Implications

24. The costs of repair have been made clear. The applicant has expressed the will to seek compensation, should the Council refuse the application. Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.
25. Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs. Members are also reminded of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

T1 Oak - Fell.

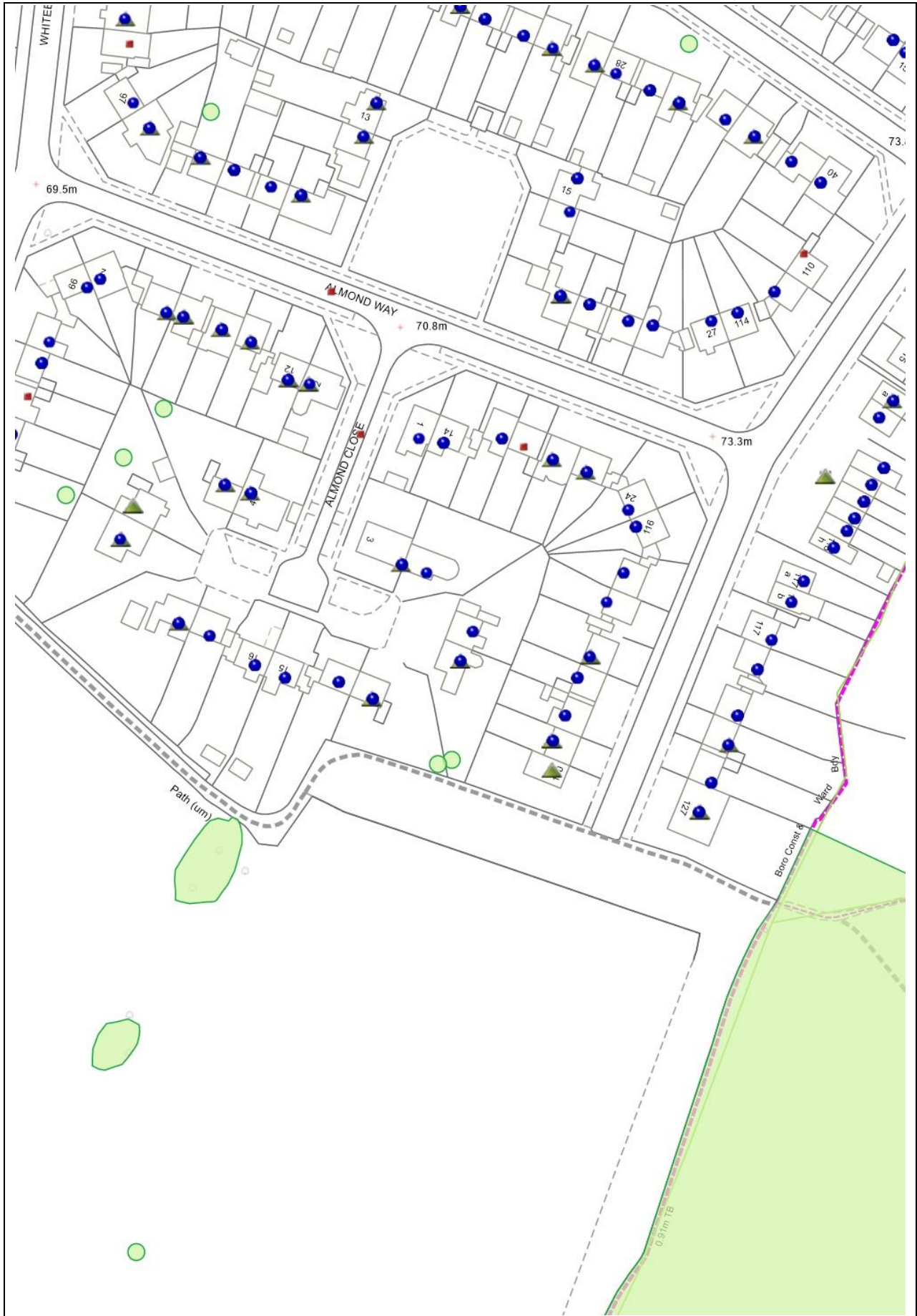
T2 Oak at 11 Almond Close - Fell.

REASON:

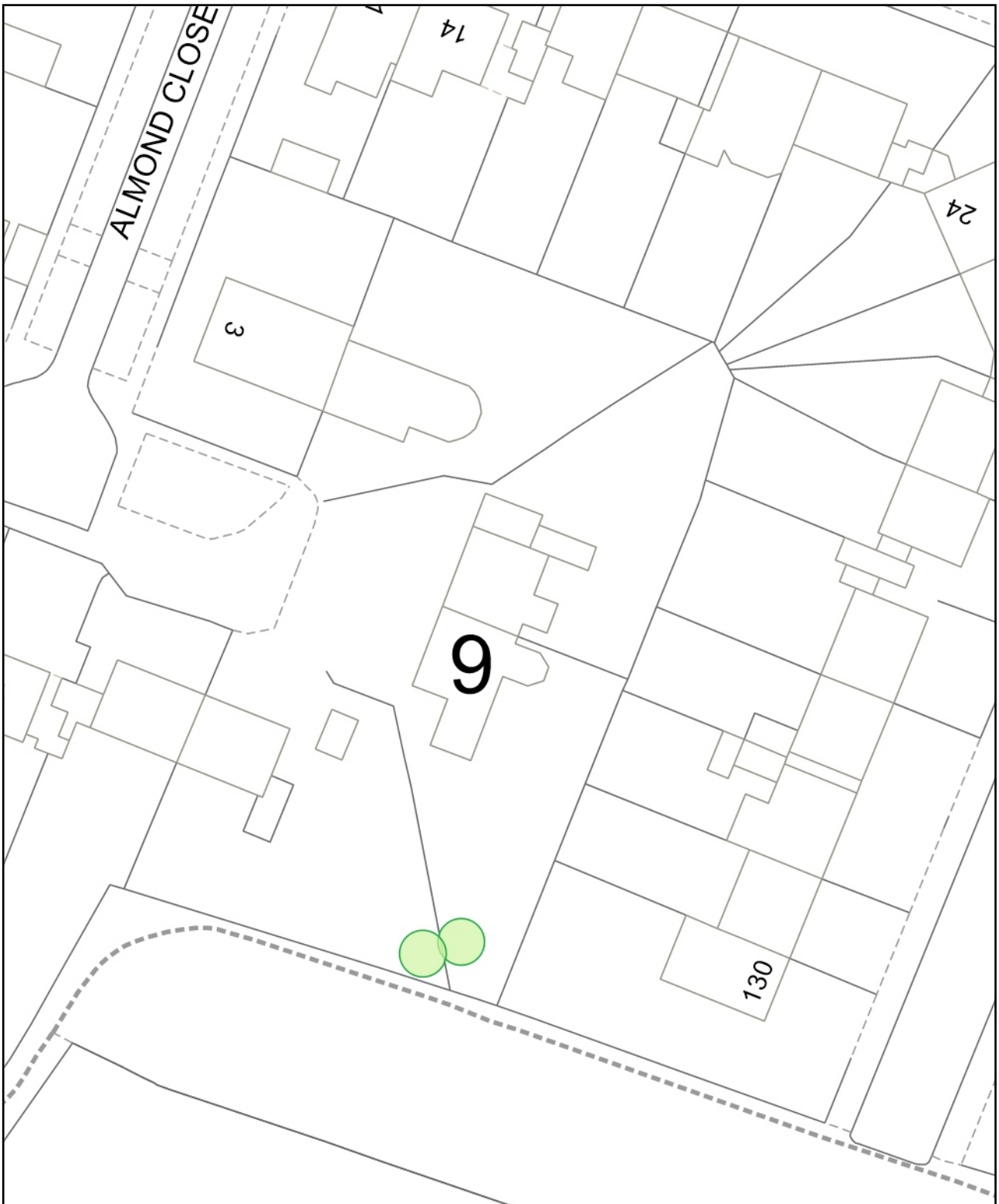
The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Defective drainage has not been ruled out as a contributing factor. The value of the trees exceeds the estimated costs of repair. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.
2. Alternative repair options should be explored and presented to the Council in an appraisal, should further applications be submitted.



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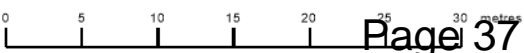


Arboriculture	
	Bromley TPOs
Planning	
	Conservation Areas
Base Maps	
	Bromley Boundary
	Wards
MasterMap	
BOUNDARYLINE	

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17 June 2020 1:500



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Agenda Item 4.3

Committee Date	09.07.20	
Address	Ground Floor (Part) Northside House 69 Tweedy Road Bromley BR1 3WA	
Application Number	20/01631/FULL2	Officer - Joanna Wu
Ward	Bromley Town	
Proposal	Change of use from B1(a) office to D1 eye clinic.	
Applicant	Agent	
Mr James Clarke c/o Fisher German LLP	Mr Scott O'Dell The Estates Office Norman Court Ashby de la Zouch LE65 2UZ Leicestershire	
Reason for referral to committee	Councillor Call-In	Councillor call in Yes

RECOMMENDATION	Refusal
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Bromley Town Centre Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 5</p>

Land use Details		
	Use Class	Floor space (GIA SQM)
Existing	B1 (a) office	538 m2
Proposed	D1 (Eye Clinic)	538 m2

Operational hours	7:30am to 18:30pm (Monday to Saturday).
Staff	30 Full time staff (20 staff at any time)
Visitors (patients)	A maximum of 50 patients per day (including pre-assessment clinic (PAC) and Theatre (TX)).

Vehicle parking	Existing number of spaces	Difference in spaces (+ or -)
Standard car spaces	0	+10 (visitors' car park) +10 at Bromley Cricket Club (staff car park)

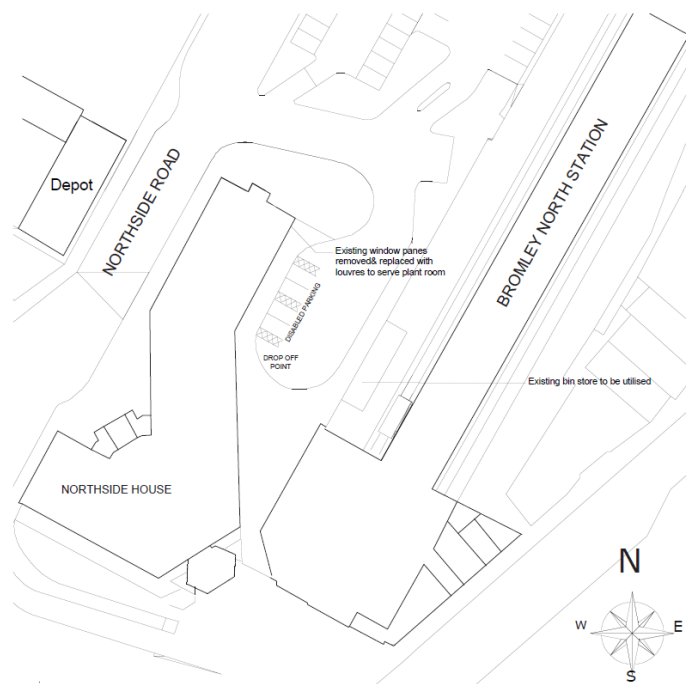
Representation summary	Neighbouring properties were notified of the application by letter dated 28.05.2020; Site Notice was displayed on 09.06.20. Press Advertisement was published on 10.06.20	
Total number of responses	None	
Number in support	N/A	
Number of objections	N/A	

SUMMARY OF KEY REASONS FOR REFUSAL

- The proposed change of use would result in the loss of the Class B1 floorspace in the designated Business Improvement Area, contrary to Policy 84 of the Bromley Local Plan.

1. LOCATION

- 1.1 The application site lies on the northern side of Tweedy Road and comprises of a 6-storey commercial property, adjacent to Bromley North train station. To the rear of the office building there are three car parks and a private, barrier controlled car park for the use of Northside House. There are two well-served bus stops outside the building.
- 1.2 The site is located within a designated Business Improvement Area (BIA) in Bromley Town Centre. It also lies in the Bromley Town Centre (North East) Article 4 Direction area.



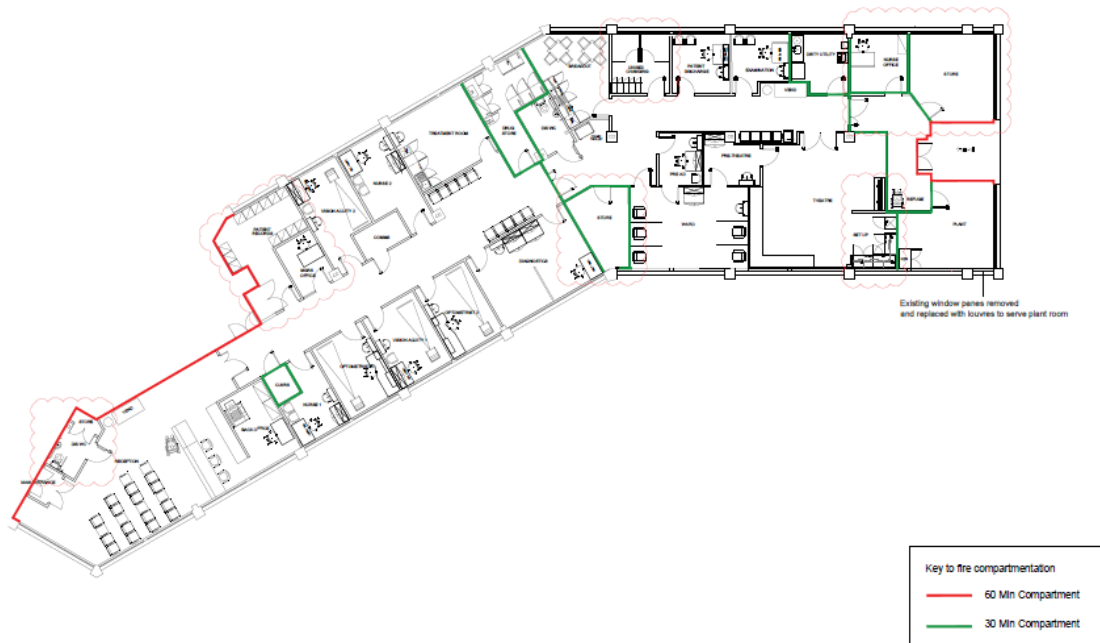


2. PROPOSAL

- 2.1 The proposal is a change of use from B1 (office) to D1 (eye clinic) use.
- 2.2 This application follows on from the previous proposed identical application that the council has recently refused (planning ref: 19/05007). The proposal includes the change of use of an office to an eye clinic, operated by SpaMedica who provide medical services as an NHS partner. The proposed floorspace for the change of use would be 538m², which is currently located on the ground floor (north wing). The proposed hours of operation would be from 07:30 to 18:30 Monday to Saturday. The proposal would not result in any external alterations except the removal of an open windowpane on the north elevation which is to be replaced with louvres to facilitate the inclusion of an internal plant room.
- 2.3 In the Design and Access statement, it is stated that the proposal would create a range of skilled and specialist jobs equating to around 30 full time equivalent clinical staff and a senior regional director. The clinical staff would include ophthalmologists, a Clinic Manager specialist nurse, medical receptionists and a driver. It is considered that the shift patterns and part-time working arrangements would mean that there would be up to 20 clinical staff on site at any one time.
- 2.4 The facility would support hospitals across London and the southern regions whilst also treating up to a maximum of 50 patients per day. This would only comprise of pre-booked day cases with no overnight stays or walk-in/ emergency facilities. The service would include pre-assessment consultations and cataract operations.
- 2.5 With regards to car parking provision, the allocated 10 parking spaces at Northside House would be reserved for patients only. The company have also liaised with Bromley Cricket Club at Plaistow Lane to arrange for staff to park at

the cricket club and then walk from the Cricket Club to the Eye Clinic (approx. 20 mins walk). The proposed pick-up/ drop-off point would be located to the rear of the building near the rear of the office building block.

- 2.6 There would be no external mechanical equipment. Three plant and equipment units would be located in the internal plant room.



- 2.7 The applicants have also submitted two supporting documents, the Office Market Assessment and the Marketing report. The report shows that the proposed location has been marketed for 5 years during which there were 6 viewings in the last 12 months but there was no interest to rent this premises for B1 use.

- 2.8 Also, SpaMedica also state that when considering the suitability of sites for a new clinic, only 5 specific locations originally met their initial search criteria. Subsequently, only this site at Northside House has met all of their assessment criteria for the proposed use as an eye clinic.

- 2.9 The applicants also state that they would like the Council to impose a personal permission should this application be granted so that the application site will return back to B1 (office) use should SpaMedica no longer occupy the site.

3. RELEVANT PLANNING HISTORY

- 3.1 The application site has an extensive planning history predominantly relating to installation of telecommunications equipment on the roof as well as elevation and entrance alterations. A previous application to convert the office to an eye clinic was refused permission in April 2020.

02/03729/ADV - Internally illuminated front and rear entrance signs and two flag poles to front entrance. Application permitted.

02/03730/FULL1 - New cladding to existing ground and first floor columns and new canopies to front and rear of office building, alterations to hard and soft landscaping to front and rear. Application permitted.

02/03731/FULL1 - Construction of detached single storey building for use as a coffee shop to include internal seating, new cladding to existing ground and first floor columns and new canopies to office building, alterations to hard and soft landscaping to include external seating to front. Application permitted.

02/04044/FULL5 - Telecommunications antennae and equipment cabin on roof. Application permitted.

02/04403/FULL3 - Change of use of sixth floor from residential to offices and extension over roof terrace. Application permitted.

13/00650/FULL1 – The resurfacing of the external steps and ramp to the main entrance, with the re-cladding of the existing canopy and the addition of external render to the existing brick planters / hard landscaping and brick facades to the ground and first floors of the front elevation. Application permitted.

13/00651/ADV – Rear illuminated fascia letters. Application permitted.

14/01080/PLUD – Continued use as business offices (Class B1(a)). Application permitted.

19/05007/FULL3 Change of use from B1(a) office to D1 eye clinic - northern ground floor. Application refused.

4. CONSULTATION SUMMARY

A) Statutory

4.1 Bromley Clinical Commissioning Group (CCG): No Objection

The Bromley CCG do not currently commission any activity from this company so they cannot actively support the scheme, however they also have no objections at this stage.

4.2 Transport for London: No Objection

The site is set back from Tweedy Road, which is part of the Transport for London Road Network (TLRN), so the proposal is unlikely to have an unacceptable impact in this respect either during construction or residually.

The only other observation is that the change of use may result in an increase in 'drop off and pick up' vehicular activity and that there is a lack of defined area for this. There would be concerned that if buses accessing the adjacent TfL-owned bus station are affected in any way due to the increased vehicle activity in Northside Road (west side) with the proposed change of use.

4.3 Environmental Health Officer: Consulted but did not comment

4.4 Drainage Engineer: No comment

4.5 Highways: No Objection

B) Local Groups/ Adjoining properties

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

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.

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

- 5.3 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.
- 5.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 5.5 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.
- 5.6 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. 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.
- 5.7 The application falls to be determined in accordance with the following policies:

5.8 National Policy Framework 2019

5.9 The London Plan

- Policy 2.15 Town Centres
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices

5.10 **Draft London Plan**

Policy SD6 Town Centres

Policy SD9 Town centres: Local partnerships and implementation

Policy E1 Offices

5.11 **Bromley Local Plan 2019**

Policy 20 Community Facilities

Policy 26 Health & Wellbeing

Policy 30 Parking

Policy 37 Design of New Development

Policy 84 Business Improvement Areas (BIA)

Policy 92 Metropolitan & Major Town Centre Uses

5.12 **Bromley Town Centre Area Action Plan (BTCAAP)**

Policy BTC1: Mixed Use Development

Policy OS1: Bromley North station

Policy IA2 Business Improvement Areas

5.13 **Bromley Town Centre (North East) Article 4 Direction**

6. **ASSESSMENT**

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

- Resubmission
- Principle of development
- Design – Layout, scale height and massing
- Neighbourhood Amenity
- Transport
- Environmental Health/ contamination/ noise /air quality

6.2 Resubmission

6.2.1 The current application represents a resubmission of an earlier application (planning ref: 19/050078/FULL2) which was refused permission in April. The reason for refusal was:

6.2.2 “The proposed change of use would result in the loss of the Class B1 floorspace in the designated Business Improvement Area, contrary to Policy 84 of the Bromley Local Plan.”

6.2.3 Compared to the previous scheme, in this new planning application there is no difference in terms of the services they are proposing to provide. However, the applicants have submitted further supporting documents, such as the Marketing report and Office Market Assessment, which have been discussed in paras 2.7 and 2.8 above.

6.3 Principle of development - **not acceptable**

Here below are the policies that are relevant to this planning application.

London Plan (2016)

- 6.3.1 London Plan policy 2.7 Outer London: Economy seeks to address the need to consolidate and develop the strengths of Outer London's office market through encouraging new provision in competitive locations.
- 6.3.2 Strategic paragraph A of policy 4.2 Offices states that the Council should "encourage renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility," and should "seek increases in current stock where there is authoritative, strategic, and local evidence of sustained demand for office-based activities."
- 6.3.3 Annex one of the London Plan outlines Bromley Town Centre's strategic role as a Metropolitan town centre. With an indicative employment capacity of 2,000, "a carefully managed approach should be taken to enhance the business environment and modernise viable office provision."

London Plan Intend to Publish

- 6.3.4 The Intend to Publish London Plan (December 2019) is a material consideration in the determination of this planning application.
- 6.3.5 Table 6.2 of the new London Plan will require Bromley to retain viable office floor space capacity and facilitate the redevelopment, renewal and re-provision of office space where viable and releasing surplus office capacity to other uses. The draft new London Plan is very clear about promoting office space. However it also recognises that some town centres are transitory and therefore mixed-use developments would not be unacceptable provided that the supply and quality of office space is improved.

Bromley Local Plan (2019)

- 6.3.6 Policy 84 "Business Improvement Areas (BIAs)" will seek to manage and improve the supply of high quality office floorspace in Bromley Town Centre through designating the following as BIA:
- A - London Road,
B - Bromley North, and
C - Bromley South.
- 6.3.7 Northside House is located in the Bromley North Business Improvement Area. Policy 84 states that redevelopment proposals resulting in the loss of Class B1(a) floorspace or which compromise the primary function of the BIA will not be permitted.
- 6.3.8 Article 4 Directions are in place within the designated area, removing permitted development rights to change from office to residential use.
- 6.3.9 Policy 84 does not take account of marketing or demand and instead seeks to retain office space within the BIA area. The proposal would reduce the overall floor area of office provision and would therefore be contrary to the requirements of Policy 84, which seeks to improve the supply of office space in the BIA. The proposal would not contribute to the borough's requirements for office space and may be considered to undermine the primary function of the BIA. This is

particularly the case in this instance as the quality of the existing office space is high (Grade A). It is noted that there is no precedence with regards to the proposed change of use at Northside House.

6.3.10 Whilst it is noted that this unit has been vacant for 5 years, the remainder of the building has been fully occupied with some units only recently becoming available. However, there is no evidence to demonstrate that the office is not viable. Therefore, it is considered that the proposal would undermine the function of the BIA in contravention of Policy 84 and would undermine the purpose of the existing Article 4 Direction at the site that was introduced to protect employment floorspace.

6.3.11 Policy 26 “Health & Wellbeing” states that the Council will work ‘proactively with health professionals’ to meet the ‘needs of the community’. The proposal has to consider the implications for health and wellbeing. It is acknowledged that the applicant is SpaMedica, an NHS partner, which provides cataract surgeries for NHS patients in the UK. However, the Bromley Clinical Commissioning Group does not currently commission services from this private operator, and it is not clear how the proposed facility would meet an identified healthcare need. However, even if the Council were satisfied that the proposal would address an unmet health need, Policy 26 would not override the strong protection afforded to the site by Policy 84. The proposal, therefore, would have no more community benefit than another commercial D1 use.

6.3.12 Having considered the case advanced by the applicant, it is not considered that the potential benefits of this proposal would outweigh the loss of Class B1 (a) use and justify a decision contrary to Policy 84.

6.3.13 It is also noted that the applicant has indicated that they would be prepared to accept a personal planning permission, which would require the premises to revert back to Class B1(a) use in the event that SpaMedica were to vacate the site. However, planning permission usually runs with the land and it is rarely appropriate to provide otherwise. In this case it is not considered that this offer would change the conclusions as to the overall acceptability of the proposal; a personal permission would still result in the loss of the existing office floorspace, contrary to Policy 84, which seeks to improve the supply of office space in the Business Improvement Area.

6.3.14 Therefore, the proposal would result in the loss of Class B1 use which should be resisted in accordance with Policy 84 and the application should be refused.

6.4. Design – Acceptable

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

6.4.2 The proposal would not result in any external alterations except the removal of an open windowpane on the north elevation which is to be replaced with louvres to facilitate the inclusion of an internal plant room and therefore, the proposal raises no concerns in respect of design.

6.5. Highways – Acceptable

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

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

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

6.5.3 The proposal lies in PTAL 6a and the public accessibility level is very good. In the Bromley Town Centre Area Action Plan, Site A: Bromley North suggested that "car parking access to the site will need to be determined to minimise congestion on surrounding roads.....Short stay to service health and other mixed use facilities and long stay for commercial units and potential park and ride provision."

6.5.4 With regards to car parking provision, 10 off-street parking spaces for patients would be allocated within the existing Northside House parking area and the car park would be controlled and gated. For the staff parking, there are a total of 10 parking spaces allocated at the Bromley Cricket Club (Plaistow Lane) that the staff could park in and then walk to the Eye Clinic (approx. 20 mins walk). No objection has been raised from Highway officers.

6.5.5 With regards to the comments from Transport for London on the drop-off/ pick up points, on the submitted drawing it indicates that the drop-off/ pick up point would be located to the rear of Northside House, at the end of the cul-de-sac in an area separate to the car park and therefore, accessible. It is considered that the proposal would not have any effect on the traffic flow on Tweedy Road and Northside Road.

6.6. Neighbourhood Amenity – Acceptable

6.6.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential properties from the impacts of development proposals by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

6.6.2 The site does not have many residential uses in the surrounding area. The proposed operational time would be 07:30 to 18:30 Mondays to Saturdays. It is considered that it would not create any detrimental issues to amenity.

6.6.3 There would be no external mechanical equipment. The Environment Health officer did not comment on this application but it is noted that they had

commented on the previous identical scheme and did not raise any objections to the indoor plant room. Therefore, the amenity impact to the neighbouring occupiers would be limited.

7. Conclusion

- 7.1 Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would result in a significant loss of Class B1 office use in the designated Business Improvement Area in Bromley Town Centre.
- 7.2 The applicant has provided material in support of this proposal and this has been taken in to account in the determination of this case.
- 7.3 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.

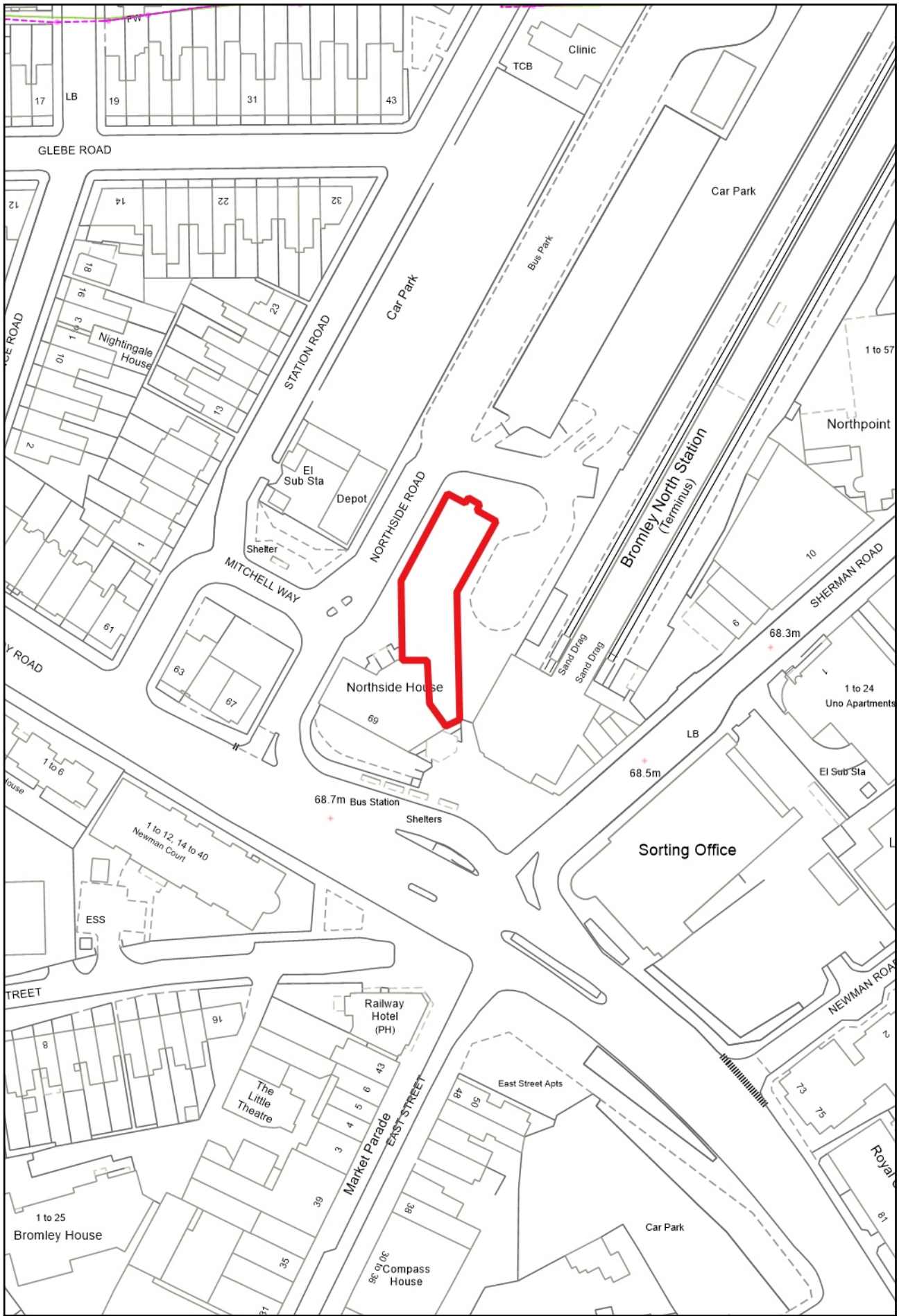
RECOMMENDATION:

REFUSAL

Reason for refusal:

1. The proposed change of use would result in the loss of the Class B1 floorspace in the designated Business Improvement Area, contrary to Policy 84 of the Bromley Local Plan.

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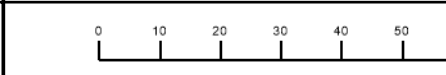


Ground Floor Part
Northside House
69 Tweedy Road



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