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DATE: 11 August 2020

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

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

A meeting of the Plans Sub-Committee No. 2 will be held on
THURSDAY 20 AUGUST 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

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 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.

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 planning application reports 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 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 5 MARCH 2020, THE NOTES OF DECISIONS TAKEN UNDER DELEGATED POWERS FOR THE CANCELLED MEETING OF 30 APRIL 2020 AND THE MINUTES OF MEETING HELD ON 25 JUNE 2020.

(Pages 1 - 24)

4 PLANNING REPORTS

Report No.	Ward	Page No.	Application Number and Address
4.1	Shortlands	25 - 34	(19/02719/ELUD) - 77 Cumberland Road, Shortlands, Bromley, BR2 0PL
4.2	Bickley	35 - 60	(19/03683/OUT) - Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley, BR1 2AP
4.3	Chelsfield and Pratts Bottom Conservation Area	61 - 76	(19/05044/FULL1) - Chelsfield Primary School, Warren Road, Orpington BR6 6EP
4.4	Petts Wood and Knoll	77 - 88	(20/00693/FULL6) - 10 Derwent Drive, Petts Wood, Orpington, BR5 1EW
4.5	Bromley Common and Keston	89 - 110	(20/01126/FULL1) - 47 Lakes Road, Keston, BR2 6BN.
4.6	Farnborough and Crofton	111 - 156	(19/04372/FULL1) - 1 Crofton Lane, Orpington BR5 1HH

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Darwin	157 - 160	(HPR2020/019) Direct Action - Evergreen, Jail Lane, Biggin Hill.

6. TREE PRESERVATION ORDERS

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

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PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 5 March 2020

Present:

Councillor Peter Dean (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Simon Fawthrop, Josh King, Alexa Michael,
Will Rowlands, Richard Scoates and Kieran Terry

Also Present:

Councillors Melanie Stevens

21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Colin Hitchins, Neil Reddin and Mark Brock; Councillors Will Rowlands, Kieran Terry and Alexa Michael attended as respective substitutes.

An apology for absence was also received from Councillor Nicky Dykes.

22 DECLARATIONS OF INTEREST

No declarations of interest were received.

23 CONFIRMATION OF MINUTES OF MEETING HELD ON 9 JANUARY 2020

RESOLVED that the Minutes of the meeting held on 9 January 2020 be confirmed and signed as a correct record.

24 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

24.1 BIGGIN HILL

**(19/04888/FULL1) - 9 Jail Lane, Biggin Hill TN16
3SA**

Description of application – Demolition of No 9 Jail Lane and redevelopment (including land to the rear of No 7 Jail Lane) to provide 8 dwellings comprising two semi-detached and six terraced 3/4 bedroom houses with associated vehicular access, garaging, parking and landscaping.

Oral representations in support of the application were received. Oral representations from Ward Member Councillor Melanie Stevens in objection to the application were received at the meeting.

Comments from Ward Member, Councillor Julian Benington in objection to the application were received and circulated at the meeting.

Noting the importance of design, Councillor Fawthrop referred to an appeal decision for **19/02488/FULL1** (APP/G5180/W/19/3238072) 102 Poverest Road, Orpington and suggested that by reason of comparison, this document be submitted alongside any appeal for 9 Jail Lane.

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

1. The proposal constitutes an unsatisfactory subdivision of the plot resulting in a development by its design that is out of character with the surrounding area, resulting in a retrograde lowering in the spatial standards to which the area is at present developed, thereby contrary to Policies 3, 4 and 37 of the Local Plan and Policies 7.4 and 7.6 of the London Plan.

SECTION 3

(Applications recommended for permission, approval or consent)

24.2 CRAY VALLEY WEST

(19/05006/PLUD) - 10 Vernon Close, Orpington, BR5 3AS

Description of application – Single storey rear extension (for which prior approval was not required under planning ref: 19/03968/HHPA), loft conversion with hip to gable extension, rear dormer and three front roof lights. Lawful Development Certificate (Proposed).

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

Comments from Ward Member Councillor Colin Hitchins in objection to the application were received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that a CERTIFICATE BE GRANTED as recommended, for the reason set out in the report of the Assistant Director, Planning.**

**24.3
CHISLEHURST**

(20/00007/FULL5) - Land Rear of 65 Clarendon Way, Leasons Hill, Chislehurst Road

Description amended to read:- Replacement of existing 10.7m high monopole with a 12.5m high monopole supporting 6No. antennae within a shroud.

It was reported that further objections to the application had been received and circulated to Members.

It was also reported that updated drawings had been received and circulated to Members.

The Development Management Area Team Leader reported that the application currently being considered related solely to the monopole and therefore the recommended condition 5 should be removed.

Committee Member and Ward Member Councillor Terry spoke in objection to the application and circulated comparable appeal decisions which supported a case for refusal. Councillor Terry's comments, together with the circulated documents can be viewed at Annex A to these Minutes.

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

1 The proposed equipment, by reason of its height, siting and design, would constitute an obtrusive and highly prominent feature in the street scene that appears out of character and is detrimental to the visual and residential amenities of the surrounding area. This is contrary to Policies 37 and 89 of the Bromley Local Plan.

The meeting ended at 7.35 pm

Chairman

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**COMMENTS ON 20/00007 (REAR OF 65 CLARENDON WAY/VERGE OF LEESONS HILL, CHISLEHURST)
FROM CLLR KIERAN TERRY**

I have a number of concerns in relation to this proposed development as follows:

Detrimental to the living conditions of neighbours backing on to the application site – an objector living immediately adjacent to the site has kindly provided the Council with site photos from her back garden showing the existing mast. The current feature is a prominent and unpleasant feature, seriously impacting the living conditions of the resident here. An extension of the mast to 12.5m will make the mast even more prominent and have an unacceptable impact on her property.

Application is virtually identical to ones previously refused (10/00752/TELCOM and 10/02986/TELCOM) – it is unreasonable for the applicant to come back with virtually exactly the same proposal as one which has been refused twice. Virtually nothing has been done to overcome these reasons for refusal. I would look more favourably on an application which has made reasonable steps to overcome these reasons.

Application is on a hill so will be clearly visible from a significant distance. The trees are deciduous so will provide very little screening in winter. The proposed mast is also taller than these trees so it will be especially visible from lower down the hill. The mast is also much taller and bulkier than neighbouring street furniture making it, if built, an obtrusive and alien feature in the street scene. It will be noticeable to passers-by and detrimental to the adjacent Area of Special Residential Character.

Supporting appeal decisions back a refusal – I have circulated an appeal decision at Foxgrove Road in Beckenham which is a very similar site, is relatively recent in terms of the decision date and supporting planning policy and shares the fact it is on a hill.

Appeal decision document provided by the applicant is completely irrelevant – this is a fairly arbitrary document about a site in Hampshire which has little resemblance to the application site.

I feel some of these concerns could have been resolved with the applicant before planning – a pre-consultation email was sent out however this was sent to Cray Valley West councillors despite being in Chislehurst ward. As such the first I saw of this was in the application list sent to members. The pre-consultation is recommended

I accept there are some benefits to having additional masts – however this cannot come at any cost and this must be weighed against the environmental impact. In my opinion the damage to the street scene outweighs the benefits of the proposal.

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Appeal Decision

Site visit made on 7 March 2016

by **S D Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 April 2016

Appeal Ref: **APP/G5180/W/15/3135520**

Land at **Foxgrove Road, Beckenham, Kent BR3 5BJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by CTIL, Telefonica UK and Vodafone Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/01992/TELECOM, dated 5 May 2015, was refused by notice dated 25 June 2015.
 - The development proposed is installation of 12.5m Hutchinson Engineering Dual Stack T-Range Replica Telegraph Pole on a new root foundation and associated ancillary development.
-

Preliminary Matters

1. The development and location as described in the letter of application are set out above. The Council on the decision notice describes the proposal as installation of 12.5m high telecommunications mast and installation of 4 no associated cabinets at ground level on land outside 56E and 56F Foxgrove Road.
2. In the Appeal Statement the appellants refer to amended plans showing the number of cabinets reduced to one. No such plans were submitted with the appeal. Elsewhere the Appeal Statement suggests the number of cabinets could be reduced to two. In the absence of clarity I have considered the appeal on the basis of the original application which proposes four cabinets.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area and whether any identified harm would be outweighed by the need for the installation in the location proposed.

Reasons

5. The appeal site is located in a predominantly residential area with a mix of sizes, styles and heights of buildings. Plots are generous with buildings set back. There are mature trees and shrubs in gardens and trees in highway land giving a spacious and verdant character to the area particularly when all the deciduous trees are in leaf. There are street lights, pedestrian refuges and other highway fixtures and fittings along Foxgrove Road.
-

6. The proposed mast and cabinets would be positioned on a short stretch of grass verge which adjoins the highway and which is separated from the boundary of residential properties by a pedestrian footway. Foxgrove Road rises up from Westgate Road and the appeal site is near the crown of the hill in a position that would be prominent from both directions.
7. The proposed design would be of simple form imitating the appearance of a telegraph pole. At 12.5m in height, it would be appreciably higher than the street lighting columns, which are shown as about 6m high on the plans, and than the nearest trees, which are depicted as about 7m high, although there are other taller trees further away. The plans show the proposed mast would also have a significantly greater diameter which would set it apart from other columns in the area. Due to its height and bulk and despite the nearby trees the mast would be prominent; over dominant; and visually intrusive in the street scene. This would be particularly so at times when nearby trees are not in leaf when the visual impact of the proposal would not be sufficiently minimised by tree screening.
8. Whilst I acknowledge that signals may be obstructed by tree canopies I have seen no evidence that this particular mast would need to be as high as proposed in this particular location. Moreover, the proposal would not replace any existing equipment in the vicinity such as lamp posts.
9. The proposed cabinets would be of different shapes and sizes and, together with the existing cabinet and lamp post, would create a disparate line of clutter to the further detriment of the character and appearance of the street. Moreover the positioning of one cabinet directly in front of the pedestrian access to the maisonettes at No 56 and another so close to the vehicular access to No 56 means these cabinets would be particularly intrusive and would not amount to good design as envisaged by the National Planning Policy Framework (the Framework) and would be detrimental to the visual amenity of local residents.
10. As set out above I conclude that the proposed mast and cabinets would adversely affect the character and appearance of the area with insufficient screening to minimise the visual impact. Consequently the proposal would conflict with those aspects of Policy BE22 of the London Borough of Bromley Unitary Development Plan (UDP) that require proposals for telecommunications masts or apparatus to demonstrate that the character and appearance of the area and the visual and residential amenity of occupiers of neighbouring properties would not be adversely affected and that the visual impact of the development would be adequately minimised by tree screening or other landscaping. It would also conflict with that part of Policy BE1 of the UDP and those principles of the Framework that require a high standard of design that does not detract from the street scene. A different colour finish would not lead me to any different conclusion.
11. The harm to the character and appearance of the area needs to be weighed against the need for the installation in the location proposed. The evidence indicates that the development is necessary to provide enhanced network services in the area for customers of two providers. These important benefits are in line with the Framework, which recognises that advanced high quality communications infrastructure is essential for economic growth, and with Policy

- 4.11 of the London Plan which encourages a connected economy. I attach significant weight to these benefits.
12. I acknowledge that the sharing of the proposed mast between Telefonica and Vodafone is an approach which is generally encouraged by the Framework as it would reduce potential demand for a further mast in the area. However, in this case, the benefit of mast sharing is not outweighed by the visual harm caused by the scale of the mast and the size, number and positions of the associated cabinets.
 13. The appellants have considered 15 other sites but conclude these are not suitable alternatives and that there are no sequentially preferable sites. Limited details are provided. As described by the appellants six of these relate to existing buildings which are considered too low or where occupiers would find the proposals too intrusive; five appear to be road side locations and are discounted due to lack of response from the Site Provider although the extent to which these have been pursued is not clear. The remaining four are stated as having nearby trees that are too high or the site would be too exposed and/or would be outside the search area. Given the limited nature of the information before me, I am not satisfied that the appellants have robustly explored all less harmful options for the provision of a more environmentally acceptable solution so I afford the lack of an identified alternative limited weight in favour of the scheme.
 14. The proposed site is too far from the Downs Hill Conservation Area to have any significant effect upon it.
 15. Third parties have raised concerns about the health risks associated with this type of installation particularly as there is a school on Westgate Road and Foxgrove Road is the route taken to Ravensbourne Station. However, the appellants have confirmed that the proposal would comply with the International Commission on Non-Ionizing Radiation Protection guidelines and so, in accordance with the Framework, such concerns cannot be given weight in the context of this appeal. Concerns have also been raised about highway safety. However, the Council's Highway Engineer has raised no objections on highway safety grounds and in the absence of substantial evidence to the contrary I see no reason to disagree.
 16. I am aware of the history of a refusal of a lower mast on the site and I am told that the Council has recently refused a scheme with a revised design. This has not led me to any different overall conclusion regarding the appeal proposal before me.

Overall Conclusion

17. I have found that the proposed installation would result in material harm to the character and appearance of the area and would conflict with Policies in the UDP and those principles of the Framework that require good design. I give this significant weight. The proposal would assist in providing good quality communications infrastructure and would satisfy those principles of the Framework and the London Plan that recognise this is essential for economic growth and I attach significant weight to these benefits.
18. It is necessary to balance the harm against the benefits. In this case, I conclude that the need for the development in the manner and location

proposed and the limited evidence there is that there is no more acceptable alternative solution together do not outweigh the harm that I have identified above. For the reasons set out and taking into account all relevant matters raised I conclude that the appeal should be dismissed.

SDHarley

INSPECTOR



Town Planning

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Vodafone Limited
C/o Waldon Telecom (Jenny Bye)
Phoenix House
Pyrford Road
West Byfleet
Surrey KT14 6RA

Application No : DC/10/02986/TELCOM
Date : 9th December 2010

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

NOTIFICATION OF DISAPPROVAL OF SITING AND APPEARANCE OF TELECOMMUNICATIONS APPARATUS

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, hereby **DISAPPROVES** the siting and appearance of the proposal received on 14th October 2010.

Proposal : Replacement of existing 9.5m high telecommunications mast with a 12.5m high shared telecommunications column, replacement equipment cabinet and installation of 1 additional equipment cabinet (CONSULTATION BY VODAFONE/02 REGARDING PRIOR APPROVAL OF SITING AND APPEARANCE)

at : Land Rear Of 65 Clarendon Way Leeson Hill Chislehurst

For the following reasons:-

- 1 The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan.
- 2 The proposed equipment due to its height, siting and design would prejudice the retention and well being of the adjacent mature cherry tree, which makes a significant contribution to the visual amenities of the area contrary to Policies BE1 and NE7 of the Unitary Development Plan.

Signed:



CHIEF PLANNER

On behalf of the London Borough of Bromley Council

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Town Planning

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Vodafone Limited
C/o Waldon Telecom (Jenny Bye)
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Application No : DC/10/00752/TELCOM
Date : 28th April 2010

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

NOTIFICATION OF DISAPPROVAL OF SITING AND APPEARANCE OF TELECOMMUNICATIONS APPARATUS

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, hereby **DISAPPROVES** the siting and appearance of the proposal received on 9th March 2010.

Proposal : Replacement of existing 9.5m high telecommunications mast with a 12.5m high tele mast and installation of additional associated equipment cabinet at ground level (Consultation by Vodafone/O2 regarding prior approval of siting and appearance)

at : Land Rear Of 65 Clarendon Way Leeson's Hill Chislehurst

For the following reasons:-

- 1 The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan.

Signed:


CHIEF PLANNER

 On behalf of the London Borough of Bromley Council

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PLANS SUB-COMMITTEE NO. 2

Meeting Scheduled for 30 April 2020

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

Also

Councillors Katy Boughey, Alexa Michael and Angela Page

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 2 Sub-Committee at the cancelled meeting on 30 April, having considered the following recommendations from Sub-Committee Members and comments submitted by Councillors and members of the public.

APOLOGIES FOR ABSENCE

An apology was received from Councillor Mark Brock.

DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared a personal interest in Item 2.

PLANNING APPLICATIONS

- 1 (20/00513/FULL1) - 46 Worlds End Lane Orpington BR6 6AG (Chelsfield and Pratts Bottom)**

Description of application – A part single and part two storey Vicarage to the rear of the existing vicarage (with a new access/ entrance at Moat Close).

RECOMMENDED that THE APPLICATION BE DEFERRED, without prejudice to any future consideration, for a FURTHER TRAFFIC ASSESSMENT TO BE UNDERTAKEN IN TERMS OF THE LOCALITY AND ADDITIONAL INVESTIGATION TO BE CARRIED OUT ON SITE IN TERMS OF POTENTIAL IMPACT ON BADGERS AND BATS.

2 (20/00659/FULL5) - Transmitter Mast 802348 Sea Cadets TS Narvik, Magpie Hall Lane, Bromley. BR2 8JE (Bromley Common and Keston)

Description of application – The removal and replacement of the existing antenna (supporting flagpole to remain in situ) and 2 No. existing equipment cabinets with a 20 metre high monopole and 6 No. upgraded equipment cabinets, and ancillary development.

The following correction was made to page 7 paragraph 5.15 of the Assistant Director, Planning and Building Control's report. '5.15 From this information it would appear that the additional trips in Moat Close are unlikely to be significant and I have no information that would contradict this. Consequently I think it would be hard to justify a ground of refusal.'

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 a further condition:-

"5. Before the operation of the development hereby permitted the mast shall be painted in Green-RAL6009 (Fir Green). Thereafter the facility shall be retained in that colour and kept free of graffiti.

REASON: In the interest of the visual amenities of the area and to accord with Policies 37 and 89 of the Bromley Local Plan."

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 6.00 pm on 25 June 2020

Present:

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

Also Present:

Councillors Yvonne Bear, William Huntington-Thresher and
Alexa Michael

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members were present.

2 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 5 MARCH 2020 AND THE NOTES OF DECISIONS TAKEN UNDER DELEGATED POWERS FOR THE CANCELLED MEETING OF 30 APRIL 2020

MEMBERS RESOLVED to DEFER THE CONFIRMATION OF MINUTES AND NOTES UNTIL A MEETING COULD BE HELD IN THE COUNCIL CHAMBER.

4 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

4.1 BROMLEY COMMON AND KESTON CONSERVATION AREA

(19/03797/FULL6) - Woodlands, Holwood Park Avenue, Orpington, BR6 8NQ
Description of application – Retrospective replacement tennis court in rear garden with

floodlighting, perimeter fencing and boundary planting.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Alexa Michael, were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, (Planning and Building Control) with the deletion of Condition 1, amendments to Conditions 4, 5 and 7 and an additional condition to read:-

“4. The floodlights hereby permitted shall not be illuminated before 1500 hours or after 2100 hours on any day and only used when natural light is not satisfactory.

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

5. Use of the court should be restricted to ensure that no games are played before 08:00 hours Monday to Saturday and not before 09:00 hours on Sundays. The use of the court should not extend beyond 21:00 hours on any day;

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

7. Within 3 months of the date of this decision, the details of hedging proposed (which should include native species) for the boundary with The Dormers shall be submitted to and approved in writing and thereafter shall be retained permanently in accordance with the approved details.

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

8. The proposed floodlighting shall not be higher than indicated on the approved plans.

REASON: In the interest of the amenities of the adjacent properties order to comply with Policy 37 of the Bromley Local Plan 2019.”

SECTION 3

(Applications recommended for permission, approval or consent)

**4.2
PETTS WOOD AND KNOLL**

(17/05427/RECON) - 78 St John's Road, Petts Wood BR5 1HY

Description of application – Variation of condition 2 (compliance with approved plans) of permission ref.17/05427FULL1 granted for demolition of existing bungalow and garage and construction of 2 no. 4 bed houses, ancillary car parking, new dropped kerb and vehicle access, modification of bus cage and pavement lamp in order to change the garages to living rooms and the studies to utility rooms.

Oral representations in objection to and in support of the application were received at the meeting. An email from the objector dated 22 June 2020 and one from the applicant dated 24 June 2020 had been received and circulated to Members and a further objection had been received.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informative set out in the report of the Assistant Director, (Planning and Building Control) with the deletion of Condition 1, and four additional conditions to read:-

“12. Prior to the first occupation of the development hereby permitted, electric vehicle charging points shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that at least 20% of parking spaces are to have active provision, with the remainder provided with passive provision.

REASON: To encourage the uptake of electric vehicles in accordance with Policy T6 of the Draft London Plan.

13. 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 dwellings 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).

14. No rear access shall be provided to the application site.

REASON: In order to comply with policy 37 of the Bromley Local Plan and to respect the amenity of occupiers of neighbouring buildings and those of future occupants

15. Before the development hereby permitted is first occupied, solar panels shall be installed to the rear (north-east facing) and side (south-east facing) roof slopes of the dwellings in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be permanently retained.

REASON: To comply with Local Plan Policy 123.”

4.3 BROMLEY COMMON AND KESTON

(19/05263/FULL1) - 27 Bloomfield Road, Bromley, BR2 9RY

Description of application – Demolition of existing building and redevelopment of the site by the erection of a 3-storey building comprising offices and four flats.

Members having considered the report and objection, **RESOLVED 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) with a further condition to read:-

“15. Prior to the first occupation of the development, electric vehicle charging points shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that at least two parking spaces are to have active provision, with the remainder provided with passive provision.

REASON: To encourage the uptake of electric vehicles in accordance with Policy T6 of the Draft London Plan.”

4.4 ORPINGTON

(20/00946/FULL1) - 54 Station Road, Orpington BR6 0SA

Description of application - Demolition of existing buildings at Nos.50-54 Station Road and erection of three storey building comprising commercial/office space at ground floor level and 2 two bedroom and 4

one bedroom apartments at first and second floor levels with associated secure bin and cycle storage for commercial and residential use and landscaped amenity space.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor William Huntington-Thresher were received at the meeting. Comments from Environmental Health and three further objections to the application had been received and circulated to Members.

The Agent confirmed that in the event of permission being granted the applicant would withdraw their planning appeal against the refusal of application 19/03187 lodged on 18 March 2020.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning with an amendment to Condition 8, two further Conditions and an Informative to read:-

“8. A proposed planting plan / landscaping scheme to include additional screen planting on the boundary with No. 46 Station Road shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscaping scheme shown on the approved drawings 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 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.

19. The use hereby permitted shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. This shall include measures to promote the use of alternative modes of transport to the private

car, a timetable for implementation and details of the mechanisms for implementation, monitoring and updating. The Travel Plan shall be implemented in accordance with the approved details and timescale.

REASON: In order to comply with Policies 30, 31, 32 and 37 of the Bromley Local Plan and in the interest of the amenities of the future occupants of the development and the adjacent properties

20. i) A Noise Impact Assessment to demonstrate the impact of railway noise on future occupiers of the property, including a scheme to protect against railway noise as necessary, shall be submitted to and approved in writing by the local planning authority prior to construction of above ground works.

(ii) The scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.

REASON: In order to comply with Policy 37 of the Bromley Local Plan and to ensure a satisfactory standard of residential amenity

INFORMATIVE 3: Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 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.

4.5 CHELSFIELD AND PRATTS BOTTOM

(20/01286/FULL6) - Hewitts House, Hewitts Road, Orpington, BR6 7QL

Description of application – Removal/demolition of existing post and rail fence to the highway. Erection of 1.65m high wall, railings and gates to the highway.

An unconditional dispensation had been granted to Councillor Yvonne Bear to allow her to attend Plans Sub-Committee No. 2 on 25th June 2020 for her planning application for Hewitts House, Hewitts Road, Orpington BR6 7QL and to speak as a member of the public in support of the application. The dispensation applied to any subsequent meetings on the same or

similar application until the end of the municipal year.

Photographs had been received in support of the application and circulated to Members.

Members having considered the report and representations, **RESOLVED 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).

The Meeting ended at 7.11 pm

Chairman

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Agenda Item 4.1

Committee Date	20.08.2020	
Address	77 Cumberland Road Shortlands Bromley BR2 0PL	
Application Number	19/02719/ELUD	Officer - Victoria Wood
Ward	Shortlands	
Proposal	Residential and childminding on ground and first floor Lawful Development Certificate (existing)	
Applicant	Agent	
		Mr Bob McQuillan
77, Cumberland Road Shortlands Bromley BR2 0PL		Downe House 303 High Street Orpington BR6 0NN
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes

RECOMMENDATION	PROPOSED DEVELOPMENT/USE IS NOT LAWFUL
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 9 Smoke Control SCA 21 Urban Open Space</p>

Representation summary	Neighbour letters were sent on the 05.07.2019 and again on 15.07.2019
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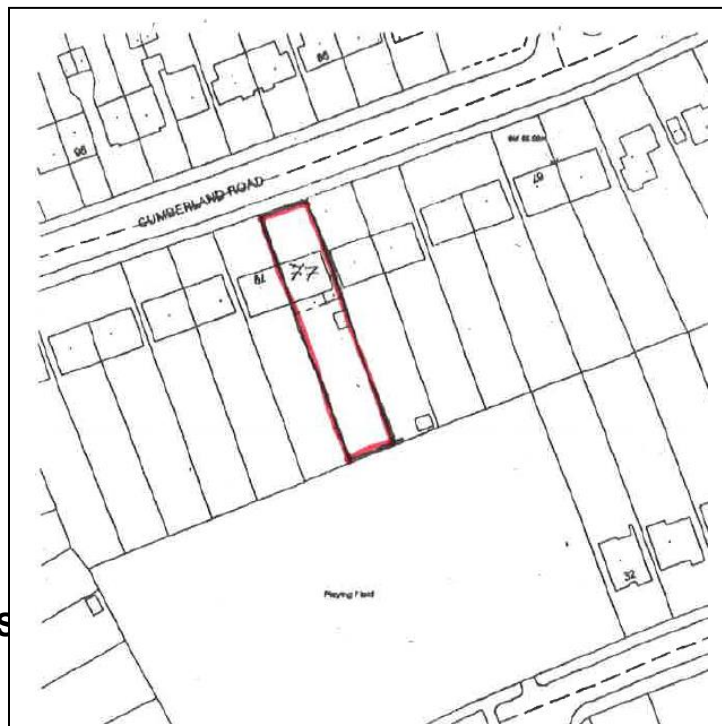
Total number of responses	8
Number in support	5
Number of objections	3

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application seeks a certificate for a mixed residential and childminding use.
- The use is more than ancillary and therefore there is a need to demonstrate childminding activity at a level of intensity that would be sufficient to result in a change of use over the required 10 year period.
- The Council do not consider that it has been sufficiently demonstrated on the balance of probabilities that the activity has been at a consistent level of intensity during that time to demonstrate that the change of use occurred more than 10 years ago and has subsisted continuously since.
- Accordingly it is recommended that the certificate be refused.

2 LOCATION

- 2.1 The host dwelling comprises of a semi-detached dwelling which lies on the southern side of Cumberland Road. The dwellings in the street are generally arranged in pairs of semi-detached houses. The street slopes up from the east to the west, as a consequence of which some of the pairs of semi-detached dwellings have ridgelines that step up relative to each other.
- 2.2 The surrounding area is residential in character with Highfield School to the rear (south).



3 PROPOS

3.1 This Lawful Development application seeks to establish that the premises have been used for residential and childminding for more than ten years before the date of the application (21.06.2019).

4 RELEVANT PLANNING HISTORY

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

4.2 04/00387/FULL6 - Half hip/gable end roof extension – Approved

5 CONSULTATION SUMMARY

A) Statutory

None

B) Adjoining Occupiers

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

Support:

A Number of letters of support have been provided confirming that the applicant has been operating as a childminder since 2009.

Objection:

- The applicant does not specify the number of children for the LPA to understand what the applicant is seeking;
- The submission assumes to seek a certificate for childminding on the basis of 10 continuous years without enforcement action having been taken;
- The starting point is to ascertain whether or not there has been a breach, whilst the applicant does not state this generally low key working from home, but a general rule of thumb is 6 persons/dogs etc.
- The documents provided do not provide enough clarity and therefore the certificate cannot be granted;
- The evidence in the Ofsted reports shows a rise in the number of children from 3 to 13 between 2009-2016. The Ofsted report shows there were not breach in 2009 and as such a breach has occurred over the last 3 years.
- The law states that if there has been an intensification which would constitute a material change of use of land. The evidence that has been provided demonstrates on the balance of probability there has been a significant change in the character.
- 2019 the applicant utilised three childcare assistants which is an increase in staff and incorrectly registered with Ofsted;
- Scale of activity has been concealed;
- The information and document provided does not corroborate the current level of childcare being taken plans for more than ten years;

- The number of children attending this setting should be reduced;
- Unacceptable level of noise and disturbance caused by this setting;
- Detrimental impact on neighbouring amenities;
- Parking in the road and blocking driveways.

Please note that the above is a summary and full text is available upon request, however sensitive information will be redacted.

6 PLANNING CONSIDERATIONS

- 6.1 This Lawful Development application needs to be considered under Section 171B(3) of the Town and Country Planning Act 1990 which provides that in the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

7 ASSESSMENT

- 7.1 Section 191 (2) of the Town and Country Planning Act states that uses and operations are lawful if no enforcement action is taken against them and they are not in contravention of any enforcement notice which is in force. Section 191 (1) of the act allows a person to make an application to determine whether a specified existing use, operation which has been carried out on land is lawful for planning purposes.
- 7.2 Section 191(4) of the Town and Country Planning Act 1990 (as amended) if the Local Planning Authority has not been provided with information satisfying them of the lawfulness at the time of the application of the use specified in the application, they shall refuse the application.
- 7.3 The applicant would need to prove that it is more likely than not that the use of the premises have been used as residential and child-minding for 10 years preceding the date of the application.
- 7.4 If the Local Planning Authority have no evidence of their own, or from others, to contradict or otherwise make the applicant version of events less probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'.
- 7.5 In support of the application the applicant has provided the following:
- Covering letter
 - Two sworn statements from the owner of the property (applicant)
 - Copies of Ofsted registration reports with inspection dates 15/05/2009 & 24/03/2016. Full copy of inspection report 01/10/2020 not provided, however available to view on Ofsted website
 - Email from the Profession Association for Childcare and Early Years confirming membership since 17th December 2008.

- Letters of support from Nos. 71, 75 and 96 Cumberland Road.
 - Letters from parents/carers who have used the childminding service.
 - A plan identifying the land to which the application relates
 - Table setting out year, number of children on roll (including age range), number of children at any one time and number of staff
- 7.6 The application seeks a certificate of lawfulness for a mixed residential and childminding use. It is acknowledged that the applicant has been a registered childminder and the premises have been used for childminding since 2008 given the level of evidence provided. However, the application seeks to demonstrate that that level of use has been of a sufficient intensity to result in a partial change of use of the dwelling from residential to a mixed residential and childminding use. In order to grant a certificate, the Council would need to be satisfied that, on the balance of probability, the mixed residential and childminding use first occurred more than 10 years ago and has subsisted continuously since then.
- 7.7 Whether the partial use of a residential property for non-residential purposes (such as childminding) would result in a material change of use is a matter of fact and degree in each case. It is possible that childminding could be carried out a low level of intensity as an ancillary use of a residential property and without resulting in a change of use. Factors to consider could include the number of children looked after at any one time and for what length of time, and whether any other members of staff are employed.
- 7.8 Currently on site there is the applicant and she employs four assistants; one of whom helps on 4 days; one who helps on 2/3 days and 2 half days; two who are flexible with days and times. The applicant at present has also on average 17 children on site (9 under 5s and 8 x 5-11's). On the roll (this is the register not the number of children in attendance at one time) there are 22 children (13 under 5's, 8 x 5-8's and 1 x 8-11 year old).
- 7.9 The report will now consider and assess the evidence provided by the Applicant in turn:
- 7.10 Two sworn statements by (applicant):
- 7.10.1 The statement confirms that the premises and applicant have been operating as a childminder since 23rd February 2009 and supported by three Ofsted inspections. The statement confirms the days and hours of operation. The statement does not set out the numbers of children over the years, however confirms that a table showing the years between 2009-2019 setting out the numbers of children and staff has been provided. The number of children shown in the table within each of the three age brackets varies over the years. At present the applicant confirms that she has four assistants; one of whom helps on 4 days; one whom helps on 2/3 days and 2 half days; two who are flexible with days and times.
- 7.11 Ofsted Reports and table:

7.11.1 Ofsted report inspection date 15/05/2009 states that there are only three children on the roll, one of whom is in the early years range. The report only records children under the age of eight and it acknowledges the setting also makes provision for older children but they are not counted. This is inconsistent with the table provided by the applicant which states that there were eleven children on the roll (six of which are in the early years range). There is no confirmation of staff working in the Ofsted, however it is noted in the report that the when working with an assistant the childminder may care for up to six children under the age of eight of whom not more than three may be in the early years range group. The table provided by the applicant has not broken down the attendance in the same way as the roll and Ofsted, however it does states that there were 4 under 5's which in turn would be over the Ofsted recommendation.

7.11.2 Ofsted report inspection date 01/10/2010 (full copy obtained from the Ofsted website) states that there are only five children on the roll, two of whom is in the early years range. The report again only records children under the age of eight and it acknowledges the setting also makes provision for older children but they are not counted. This again is inconsistent with the table provided by the applicant which states that there were fifteen children on the roll (eight of which are in the early years range). There again is no official recording or acknowledgement of additional staff working, however the report makes reference that when working with an assistant the childminder may care for up to ten children under the age of eight of whom not more than five may be in the early years range group. The table provided has not broken down the attendance in the same way as the roll and the Ofsted report, however it does states that there were 5 under 5's.

7.11.3 Ofsted report inspection date 24/03/2016 states that the age ranges of children are between 1-6 years with a total number of spaces 6 and 13 on the roll. This again is inconstant with the table provided by the applicant who states that there were nineteen children on the roll and nine children in attendance under 5. The table provided has not broken down the attendance in the same way as the roll and Ofsted report, so the children between 5-8 years cannot be counted. The report again only records children under the age of eight and it acknowledges the setting also makes provision for older children but they are not counted. This report now acknowledges that the applicant works with three part-time assistants; however the table provided states four part-time assistants.

7.11.4 Whilst it is acknowledged that Ofsted is a "snapshot" in time on the day of inspection, the data provided is vastly different and not sufficiently clear to corroborate the table provided by the applicant and to confirm that the childminding activity has been at a level of intensity that would be sufficient to result in a change of use over the required 10 year period.

7.12 Letters of support:

7.12.1 Three letters of support have been provided from the occupiers of Nos. 71, 75 and 96 Cumberland Road these all confirm that the applicant has been a

childminder for over 10 years, however they do not provide any detail over the number of children, hours of operation nor corroborate the number of staff.

7.13 Letters from parents:

7.13.1 Again all these letters support that the applicant has been a childminder for over 10 years, some of the evidence provided also states that there were additional members of staff however no corroborating evidence has been provided to support the number of staff or children being looked after on site at one time.

7.14 Councils Investigations:

7.14.1 From the investigations the Council have carried out the information provided was insufficient to corroborate the statements and does not cover the full 10 year period. It is also noted that the applicant only uses the playroom, kitchen breakfast area, dining room and living room but not at the same time.

8 CONCLUSION

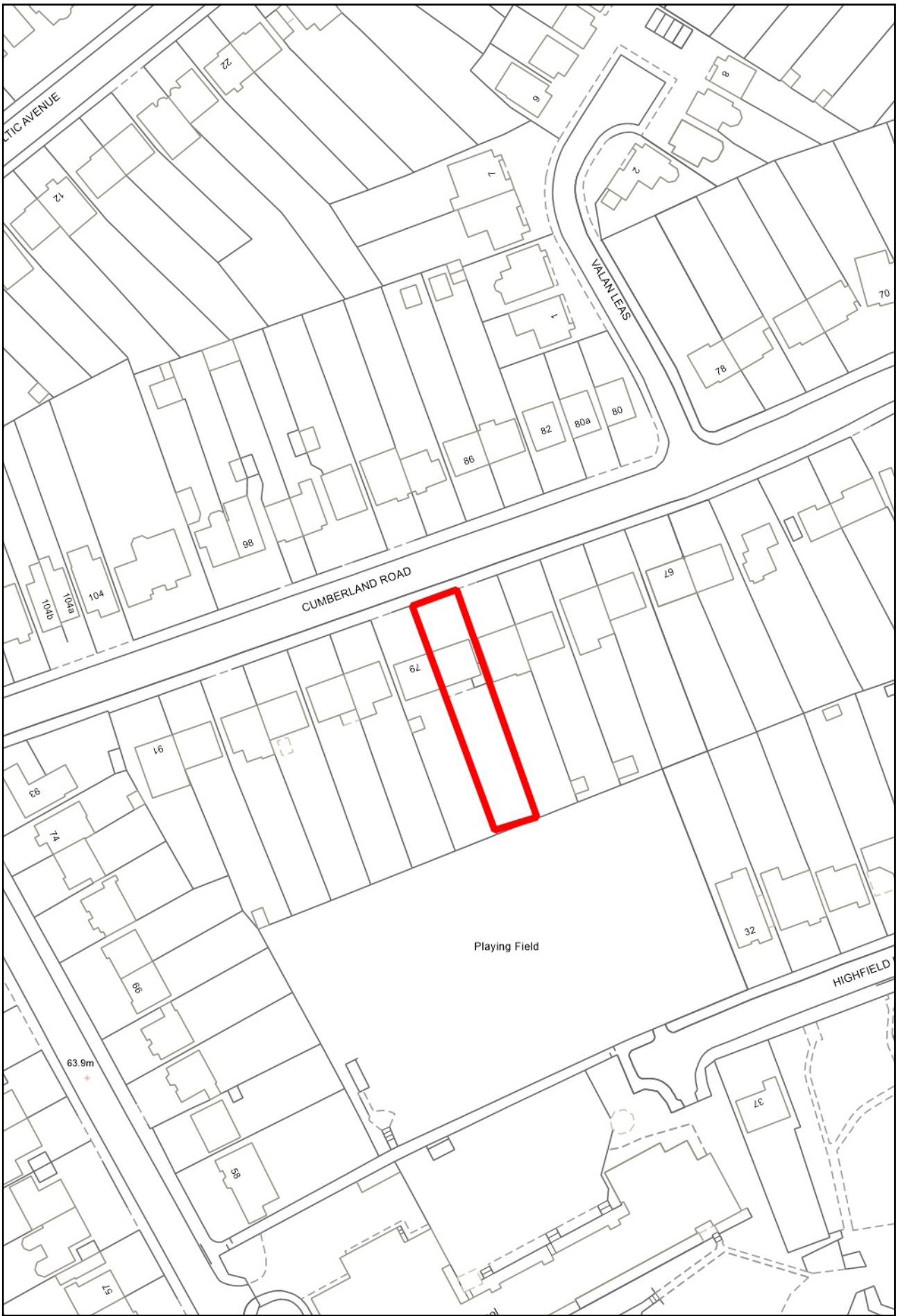
8.1 The application seeks a certificate for a mixed residential and childminding use. As set out above it is considered that the use is more than ancillary and therefore there is a need to demonstrate childminding activity at a level of intensity that would be sufficient to result in a change of use over the required 10 year period. This is a finely balanced cases and whilst it is accepted that childminding has occurred over the 10 year period, the Council do not consider that it has been sufficiently demonstrated on the balance of probabilities that the activity has been at a consistent level of intensity during that time to demonstrate that the change of use occurred more than 10 years ago and has subsisted continuously since. Accordingly it is recommended that the certificate be refused.

RECOMMENDATION: PROPOSED DEVELOPMENT/USE IS NOT LAWFUL


For the following reason:

The Certificate of Lawfulness should not be issued in accordance with Section 191 and 191(2) of the Town and Country Planning Act 1990 as the evidence provided is not sufficiently clear or unambiguous to substantiate on the balance of probability that the level of use has occurred for a continuous period of at least 10 years.

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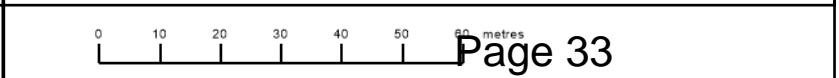
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19/02719/ELUD



11 August 2020

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Application No : 19/03683/OUT

Ward:
Bickley

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

Objections: Yes

OS Grid Ref: E: 543126 N: 169382

Applicant : Mr Martyn Avery

Description of Development:

Demolition of existing dwelling and erection of a three storey building comprising 12 flats with associated parking, amenity space, refuse/cycle store and landscaping. OUTLINE APPLICATION. (Amended drawings and description).

Key designations:

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

Update

The Plans Sub-Committee 2 considered the proposal on 7 November 2019 and resolved to grant planning permission subject to the completion of a Legal Agreement. In the meantime the Applicant has requested to amend the scheme sending revised plans showing:

- Provision of 12x 2-bedroom flats (in place of 1x 1-bedroom and 2x 2-bedroom flats),
- Provision of a “duplex” style flat on the ground and first floors (Flat 5),
- Removal of second floor amenity terrace(s),
- Elevational alterations corresponding to these mentioned changes,
- Revised parking layout,
- Repositioned bin store,

Since the previous Committee meeting on 7 November 2019 a previously outstanding appeal for 13 flats on the application site (18/05565/OUT) has been allowed; and this is a material planning consideration in assessing the current scheme to which appropriate weight shall be attributed. Furthermore, the conditions imposed by the Appeal Inspector to manage that permission are relevant/material considerations for the current application.

The contents of the original report are repeated below in the original format; amended/updated as necessary.

The amended proposal is referred to the Plans Sub-Committee 2 to ratify the currently proposed amendment(s).

Proposal

Outline planning permission is sought for demolition of the existing two storey detached dwellinghouse known as Phoenix Lodge and to erect a three storey building comprising 12 two bedroom flats; 4 flats on the ground floor, 4 flats on the first floor, 3 flats within the roof space (second floor), and one duplex flat across the ground and first floors. The proposed building would measure approximately 35m in length/width, 22m in depth and 10.7m in maximum height. The existing house measures approximately 9.6m in maximum height.

The proposal would utilise the existing highway vehicular access and provide 15 car parking spaces (7 to the front and 8 to rear of the building). A cycle store building would be positioned to the rear of the building and a refuse store to the front. Each of the four ground floor flats and the duplex flat would have a private amenity area and there would be a communal amenity area at the rear of the site and roof terraces serving the second floor units.

The application is accompanied by the following documents:

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

Outline planning permission is sought in this application for details of access, appearance, layout and scale. The matter(s) reserved for later consideration is landscaping.

Location and Key Constraints

The application site is Phoenix Lodge, 14A Woodlands Road, Bickley, a detached two storey dwelling located on the northern side of the highway between the junctions with Bickley Park Road and Vale Road and backing on to the railway line near to Chislehurst Railway Station. The area is residential in nature and characterised by large detached residential dwellings set within generously sized plots. The site lies within the Bickley Area of Special Residential Character and Environment Agency Flood Zones 2 and 3.

Comments from Local Residents and Groups

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

Objections:

- Inaccuracies in the submitted documents
- The current proposal would differ from the previously approved/allowed scheme; including additional windows/balconies,
- Intensification of the residential use of the site and loss of the family home would impact harmfully on local character of the Bickley Area of Special Residential Character
- Overdevelopment of the site
- Excessive scale, height and massing
- Additional windows would overlook neighbouring properties
- Hazardous highway access
- Insufficient car parking would overspill on Woodlands Road
- Increased traffic and parking on an unadopted road
- Increased potential flood risk and other environmental impact
- Increased traffic noise to adjacent residential gardens
- The proposal would set a damaging future precedent for other flatted schemes
- Loss of mature trees would harm visual amenities
- Impact on wildlife and bird species/habitat
- The building should not significantly exceed the height of surrounding buildings
- Windows should not face towards *Rosemullion*, Woodlands Road
- Boundary details/acoustic fencing conditions should be imposed

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

Comments from Consultees

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

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

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

Highways Officer: The site has a low (2) PTAL assessment. The application is outline for access, appearance, layout and scale. Woodlands Road is recorded as

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

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

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

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

West Kent Badger Group – no comments received. Waste Services – no comments received.

Policy Context

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

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

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

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

London Plan (2016)

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

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

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.

After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

Policy GG1 Building strong and inclusive communities
Policy GG2 Making the best use of land
Policy D2 Delivering good design
Policy D4 Housing quality and standards
Policy D5 Accessible housing
Policy D6 Optimising housing density
Policy D10 Safety, security and resilience to emergency
Policy H1 Increasing housing supply
Policy H2 Small sites
Policy H12 Housing size mix
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI5 Water infrastructure
Policy SI13 Sustainable drainage
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking

Bromley Local Plan:

Policy 1 – Housing Supply
Policy 2 – Provision of Affordable Housing
Policy 4 – Housing Design
Policy 30 – Parking
Policy 31 – Relieving Congestion

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

Additional Guidance

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

Planning History

87/02021/FUL – Erection of side extension to form garage and swimming pool enclosure was granted on 28 August 1987.

90/03041/FUL – Erection of first floor side/rear extension was granted on 17 January 1991.

17/00843/OUT – Demolition of existing dwelling and erection of a three storey building comprising 8x 2-bedroom and 1x 3-bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping was refused on 14 December 2017 for the following reasons:

1. The proposed flatted development of the site, in particular the size of the development and amount of hard surfacing would be out of character with the form and appearance of Woodlands Road and would impact detrimentally on

the special character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies BE1, H7 and H10 of the Unitary Development Plan.

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

In the subsequent appeal the Appeal Inspector concluded that the proposal would not have a detrimental impact on the Area of Special Residential Character or on highway safety. However he concluded that the site had the potential to offer suitable bat habitat and in the absence of a suitable bat survey the development had not demonstrated that it would not have a harmful impact on nature conservation. The appeal was dismissed on 24 August 2018.

18/04199/OUT – Demolition of existing dwelling and erection of a three storey building comprising 8x 2-bedroom and 1x 3-bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping was granted on 27 November 2018.

18/05565/OUT – Demolition of existing dwelling and erection of a three storey building comprising 2x 1-bedroom and 11x 2-bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping was refused on 28 June 2019 for the following reason:

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

In the subsequent appeal the Appeal Inspector noted the previous permission for 9 flats, and that the additional residential intensification from 9 flats to 13 flats could be reasonably comfortably accommodated within the site without material harm to the prevailing characteristics of the ASRC nor significantly increasing the size of the building, and ultimately the proposal would still retain the outward appearance of a big house set in a large plot. The Inspector did not consider that there would be additional concerns of flood risk, harm to neighbouring amenities, loss of trees, highway safety or nature conservation. The appeal was allowed on 22 January 2020 and the Inspector imposed relevant conditions to manage the development.

Considerations

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

- Resubmission
- Principle and location of development
- Density
- Housing Matters

- Design and landscaping
- Residential Amenities
- Highways and parking
- Flood Risk and Drainage
- Ecology
- Energy and Sustainability
- Planning Obligations
- CIL

Resubmission

The current application follows the outline permission (18/04199/OUT) and the allowed outline permission (18/05565) providing the following changes:

- amendments to the internal configuration to provide a reduction from 13 flats to 12x 2-bedroom units,
- external alterations including an oriel bay to the rear of the building at first floor level and minor alterations to the sizes of some of the roof level dormers,

The overall height, scale, footprint and external appearance and the 15 proposed parking spaces would remain as previously permitted/allowed.

Principle and location of development

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

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

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

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

In accordance with paragraph 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.

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

The application site lies within an urban area where there is no objection in principle to new residential development. Furthermore, the principle of the development has already been established in the previous permissions. Indeed the previous permissions established a greater quantum of development (13 units) than that in the current proposal (12 units) and as such the current proposal would comprise a net reduction in residential intensity compared with the previous schemes. This proposal application would provide 12 residential units (net gain 11 units) and this would provide a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

Density

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

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

storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

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

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

Housing Matters

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

Unit type/size:

The London Plan Policy 3.8 requires new housing development to offer a choice of housing types and sizes taking into account the housing requirements of different groups. The Bromley Local Plan does not set out a specific requirement of unit sizes however the London Plan encourages the provision of affordable family housing, generally defined as having three or more bedrooms. The site lies in a suburban setting with good access to open space and is therefore suitable for family housing. The proposal would provide 12x 2-bedroom flats and although some 3 bedroom units would be desirable, many of the proposed 2-bedroom units would be generously sized and capable of accommodating up to 4 persons and it would include ground floor wheelchair accessible units. On balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more, a site area of 0.4ha or on sites providing over 1000 square metres of residential floorspace. London Plan Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements

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

As such the proposed development is liable for on-site affordable housing and contributions through Planning Obligation. Bromley Local Plan Policy 2 requires 35% affordable housing (on a habitable room basis) and London Plan Policy 3.11 requires 60% affordable rented and 40% intermediate provision. A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision.

The Financial Viability Assessment in the previous application confirmed that the development would be financially unviable and that it therefore could not sustain on-site affordable housing and the Council's independent review concurred with the Assessment's conclusion. However the Viability Assessment concluded that the development could support a £65,527 sum as a commuted payment in lieu of on-site affordable housing to be provided off-site elsewhere. This was not sufficient to enable the provision of affordable housing on site.

The Financial Viability Assessment has been updated on the current application; stating that the reduced number of units in the current scheme would further reduce the financial viability of the development and that the previously agreed financial contribution can no longer be offered and this is confirmed by the Council's independent review.

Standard of living accommodation:

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

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

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

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

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

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

The London Plan paragraph 3.5, Table 3.3 and the Mayor's Housing Supplementary Planning Guidance outline the minimum requirements for new dwellings. The London Plan states that the minimum size of a 2-bedroom 4-person (2b4p) single storey unit should be 70 sqm and a 2-bedroom 4-person (2b4p) 2 storey unit should be 79 sqm; both with a minimum of 2sqm of built in storage. The submitted plans confirm that the proposed single storey units would measure between 89sqm and 101sqm and the 2 storey (duplex unit) would measure at least 98sqm and this would comply with the requirements of the Technical Space Standards

The London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. The proposal will provide suitable bedroom sizes, living areas and natural light, with only 4 of the 12 flats provided with a single aspect. However all of these flats would be generously sized and 2 of these 4 flats would have a south facing outlook and therefore will receive acceptable levels of sunlight.

The proposed development will be sited in close proximity to the railway track to the north of the site. However the Sound Insulation Testing Report submitted on the previous scheme confirmed there would be no significant harm or noise disturbance to the future occupants providing that the development is carried out in accordance with the recommendations of the report and this could be managed by condition.

Amenity Space:

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

The 5 ground floor flats would have private garden areas, some of the first floor units would have balconies and others would have Juliet balconies. All the upper floor units would have access to the communal amenity area at the rear of the site. Although some of the first floor balconies would be small, these have previously been considered acceptable by the Inspector in light of the provision of a communal amenity area. Furthermore given that the proposed flats would exceed the minimum internal space standard; providing a more generous living space within the flats themselves, this could be concluded to supplement the outdoor amenity space. On this basis on balance the amount and quality of amenity space provided by the proposal would be acceptable and, overall, it is considered that the development would provide a satisfactory form of living accommodation for future occupants.

Design and landscaping

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

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

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

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

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

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

The application site lies within the Bickley Area of Special Residential Character (ASRC) where the Council will seek to preserve the special character and spatial qualities of the area. Woodlands Road is characterised by detached residential properties, although there is a block of flats nearby at No. 2 Denbridge Road, which was converted from a care home. Although the Council previously raised concern over the principle of flatted development in the area the Appeal Inspector considered that the building would have the appearance of a large house (in keeping with the prevailing development character in the area) and concluded that it would not have an adverse impact on the character of the area and that that flatted development in this part of the ASRC could not be harmful or precluded. Furthermore, the Inspector considered that the proposed building would have a similar appearance to the existing dwelling at Phoenix Lodge and would not detract from the character and appearance of the site and its setting. The current proposal would have a similar visual impact to the previous scheme(s) and there would be no additional harm in this respect.

Given the location and size of the proposed building; not significantly dissimilar to the existing building, the proposal would retain the majority of the existing mature trees on the site that contribute towards the character and appearance of the site and its setting in this part of the ASRC. This could be managed by tree protection and arboricultural method statement, through planning condition. New planting would be provided in landscaping scheme managed through the Reserved Matters.

Residential Amenities

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

The application site lies to the northeast of the nearest residential dwelling *Rosemullion*, Woodlands Road. Rosemullion is also positioned on higher ground than the application site. Given the siting and orientation of Rosemullion and the position, size and height of the proposed building it would not have a harmful impact on the residential amenities through overshadowing or overbearing effect.

The main outlook would continue to be to the north and south, and notwithstanding the proposed balconies to the south/front elevation, it would not lead to significantly harmful overlooking to Rosemullion.

The neighbouring property to the west *Skogly*, Woodlands Road, is well separated from the proposed building (approximately 25m) and it is set further forward and as such the proposal would not have a significantly harmful impact on the amenities of Skogly. The other neighbouring dwellings in Vale Road would be positioned a substantial distance from the proposed building (approximately 60m) and the proposal would not have a significantly harmful impact on the amenities of those neighbouring occupants. Indeed the revised scheme would remove some of the previously proposed roof terraces/balconies thereby further reducing the effects of overlooking and noise.

Although the proposal would increase the number of residential units compared with the existing single dwelling the principle of flatted development, and the associated activity, traffic and general noise effects etc. has already been established and accepted and indeed the current proposal would reduce the number of approved units from 13 to 12 and would provide an improvement in this respect.

Although new development should not rely upon planting/landscaping to overcome amenity impacts as it should be acceptable in its own right (and it is concluded to be so in this case), the proposal would provide new landscaping to soften the overall appearance of the development and this would be managed through the Reserved Matters.

Highways and parking

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

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

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

Given the Inspector's conclusions on the previous appeal scheme(s) the proposed highway access and, car parking provision and turning areas in the current scheme

would be acceptable. Furthermore there is no objection from the Council's Highway Department, subject to the recommended condition(s).

Flood Risk and Drainage

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

The site lies within EA Flood Zones 2 and 3 (highest risk) and the Kyd Brook runs through the western part of the site however the application contains a Flood Risk Assessment. Notwithstanding this the Environment Agency requests a scheme to protect and enhance the 8 metre wide buffer zone around the Kyd Brook by the restoration of a natural bank to the eastern bank where it is currently a vertical wall, and suitable native planting to provide ecological enhancements along the buffer zone and recommends that this could be managed by planning condition. There is no objection from the Council's Drainage Engineer subject to a drainage condition.

Ecology

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

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

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

Energy and Sustainability

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

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

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

The submitted Energy Statement provides the following break-down for a payment-in-lieu for Carbon Offsetting:

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

This figure is agreed by the Council and will form part of a legal agreement in the event that planning permission is granted.

Planning obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It

further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

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

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

As mentioned above the proposal would not provide on-site affordable housing. Following an independent review of the submitted Financial Viability Assessment, no commuted sum is offered in lieu of on-site affordable housing. Although Bromley Local Plan Policy 2 requires affordable housing to be provided on site unless exceptional circumstances can be demonstrated, in this case the provision of even a single affordable unit on-site would compromise the financial viability of the proposal and therefore it may be considered that a commuted sum is acceptable in this instance.

In addition, the currently proposed (revised) development would require the following financial contributions agreed by the Applicant, as principle Heads of Terms, should the application be considered acceptable overall:

Health: £7464.00

Education: £36,955.21

Carbon Off-Setting: £16,562.00

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this outline application (as CIL is charged at the Reserved Matters stage) and the Applicant has completed the relevant form.

Conclusion

Having had regard to the above and in context to the recent appeal decisions, the currently proposed development would be acceptable as it would not impact detrimentally on the character and appearance of this part of the Bickley Area of Special Residential Character. The proposal would provide a suitable number of car parking spaces to serve the development, would not impact detrimentally on

the amenities of neighbouring properties and would not impact detrimentally on trees or ecology.

The Council's independent review of the submitted Financial Viability Assessment concluded that a financial contribution towards off-site affordable housing in lieu of on-site affordable housing (due to lack of viability) would be acceptable in this particular case.

For these reasons it is recommended that planning permission is granted subject to the recommended conditions. However as mentioned above, the latest appeal decision 18/05565/OUT is the most recent decision and up-to-date than the Council's previous report to Committee on 7 November 2019, significant weight is attributed to it and the conditions imposed therein, and on this basis those conditions are recommended to manage the currently proposed development.

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

as amended by documents received on 30.10.2019

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

1 Details of landscaping, (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

2 Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.

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

3 The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matter to be approved.

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

4 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

site location plan 19-495-01, existing block plan 19-495-02, site survey 19-495-03, existing demolition layout 19-495-04, existing floor plans 19-495-19, existing elevations 19-495-20, proposed site layout plan 19-021-PL050 Rev B, proposed ground floor plan 19-021-PL100 Rev B, proposed first floor plan 19-021-PL105 Rev A, proposed second floor plan 19-021-PL110 Rev B, proposed roof plan 19-021-PL115 Rev B, proposed front elevation 19-021-PL125 Rev B, proposed east side elevation 19-021-PL130 Rev B, proposed

rear elevation 19-021-PL135 Rev B, proposed west side elevation 19-021-PL140 Rev B,
Highway overview Technical Note 1 by Motion dated 6th September 2019,
Energy statement by Bryenergy Services dated September 2019,
Accommodation schedule by Chartwell Land and New Homes Ltd (undated),
Bat Building assessment and Emergence Survey by Arbeco dated 31 August 2018,
Preliminary Ecological Appraisal (reference ARB738) by Arbeco dated 8 December 2016,
Tree report (reference J53.50) by Broad Oak Tree Consultants Ltd dated 19 December 2016,
Design and Access statement by Addo Designs Ltd dated September 2019,
Planning Statement (reference JA/CL/16/379) by Robinson Escott Planning LLP dated 10 September 2019,
Flood Risk Assessment Development in Flood Zones 2 and 3 (reference 218171 Revision D) prepared by Forge Engineering Design Solutions (undated),
Financial Viability Assessment by Turner Morum dated 18th September 2019.
Reason: In the interests of visual and residential amenity in order to comply with Policy 37 of the Bromley Local Plan 2019..

- 5 None of the apartments hereby permitted shall be occupied until the Council has confirmed in writing that the approved surface water drainage scheme has been satisfactorily implemented. The agreed surface drainage arrangements shall thereafter be maintained for the lifetime of the development.
Reason: In order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan 2019.
- 6 Apart from demolition and site clearance the development hereby allowed shall not commence until details of the proposed slab levels of the building and the existing site levels shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with these approved details.
Reason: In order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan 2019.
- 7 Prior to commencement above slab level of the development hereby allowed, details of the materials to be used for the external surfaces of the building, which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: In the interest of the appearance of the building and the visual amenities of the area and to comply with Policy 37 of the Bromley Local Plan 2019.
- 8 None of the flats hereby allowed shall be occupied until cycle and refuse bins storage, electric car charging points and external lighting have been

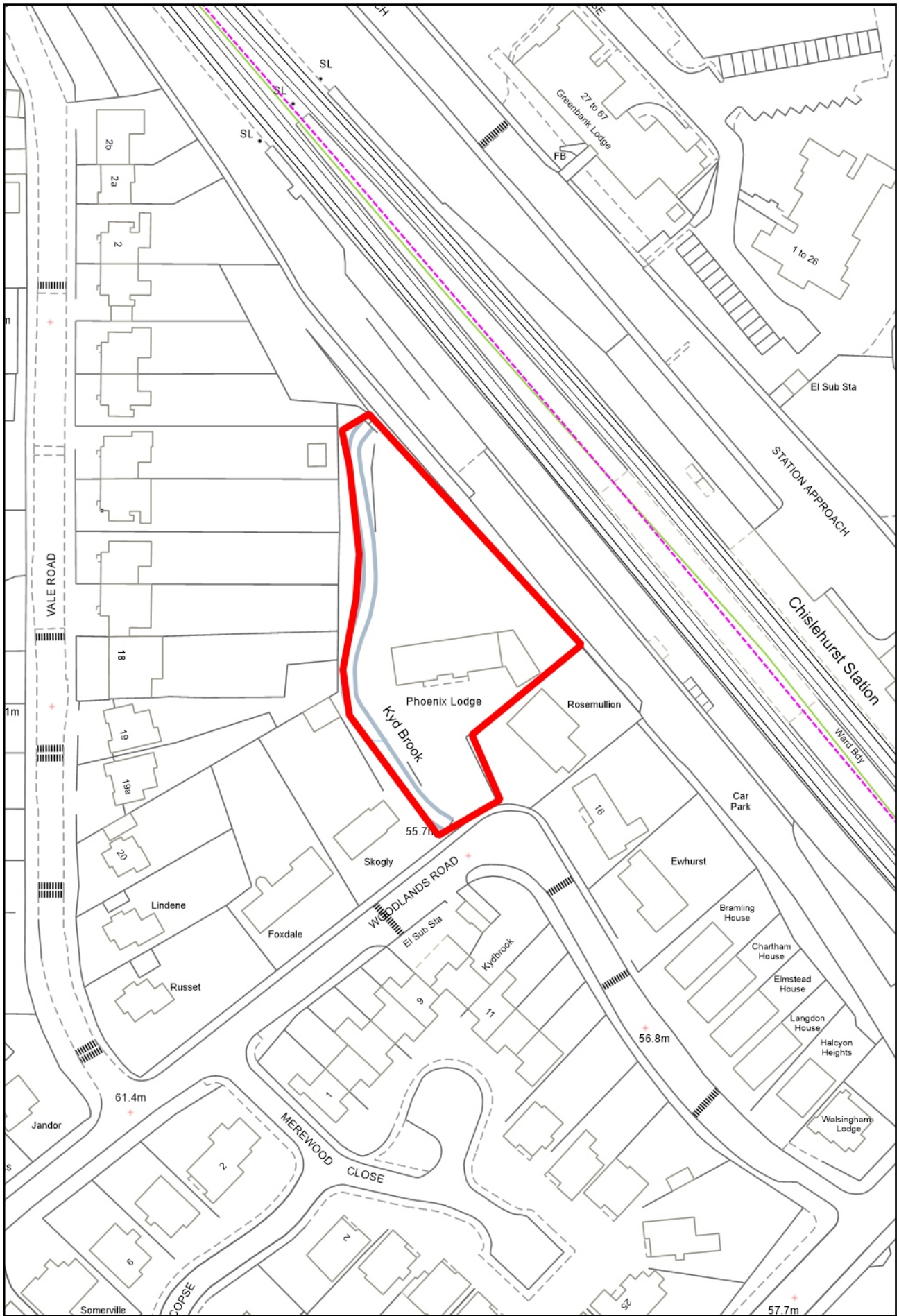
provided in accordance with details that shall have had the prior written agreement of the local planning authority. The cycle and refuse bins storage, electric car charging points and external lighting shall thereafter be retained as agreed.

- 9 None of the apartments hereby permitted shall be occupied until the Council has confirmed in writing that the approved access, car parking and manoeuvring areas have been satisfactorily implemented. These access, car parking and manoeuvring areas shall thereafter be retained and kept available for these purposes for the lifetime of the development.
Reason: To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety, and to comply with Policy 30 of the Bromley Local Plan 2019.
- 10 Prior to commencement above slab level of the development hereby allowed, details of the criteria set out in Building Regulations M4(2) accessible and adaptable dwellings for the units identified in the application as non-wheelchair units and in Building Regulations M4(3) wheelchair user dwellings for the unit identified in the application as a wheelchair unit, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
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.
- 11 No site clearance, preparatory work or demolition shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37, 73 and 74 of the Bromley Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.
- 12 None of the apartments hereby permitted shall be occupied until reasonable measures have been taken to repair any damage to Woodlands Road from construction traffic associated with the development hereby allowed, in accordance with terms that shall have had the prior written agreement of the local planning authority.
Reason: To satisfy the Local Planning Authority that adequate protection of the road can be secured in the interest of pedestrian and vehicular safety and to comply with Policy 32 of the Bromley Local Plan 2019.


You are further informed that:

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3 Please note that any development that is likely to cause an increase in flood risk to other areas will need to consider the use of floodplain compensation to mitigate for this. From the current details it would indicate the area of the new building will be larger than the previous existing building, however the footprint is not encroaching within flood zone 3 supported by site specific topographic levels. As the proposed building is not impacted within the modelled 1in100year plus climate change extent it should not result in an increased impact. We are pleased that flood resilient measures have been considered for the development. Flood resilient design techniques can help minimise the impact of flooding to the development. Further information on flood resilience can be found on the following link http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. We would strongly recommend that occupants register with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. This can be done by calling 0345 988 1188 to register Please be aware that the Kyd Brook is a designated 'main river' and under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>). To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environment-agency.gov.uk.

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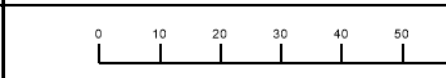
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11 August 2020

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Agenda Item 4.3

Committee Date	20.08.2020		
Address	Chelsfield Primary School Warren Road Orpington BR6 6EP		
Application Number	19/05044/FULL1	Officer - Gill Lambert	
Ward	Chelsfield And Pratts Bottom		
Proposal	Replacement single storey classroom building at rear		
Applicant	Agent		
Mrs Michaela Foley	Mrs Julie Woolman		
Chelsfield Primary School Warren Road Orpington BR6 6EP	39 Knight Street South Woodham Ferrers Chelmsford CM3 5ZL United Kingdom		
Reason for referral to committee	Call-In	Councillor call in Yes	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chelsfield Areas of Archeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Education – D1	115

Proposed	Education – D1	153

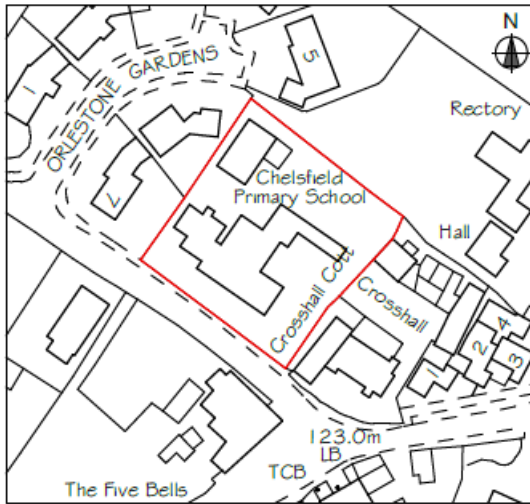
Representation summary	Adjoining owner letters were sent on 18th December 2019 A departure site notice was displayed at the site	
Total number of responses		9
Number in support		0
Number of objections		9

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the Conservation Area or the setting of the locally listed main school building
- The development would not adversely affect the amenities of neighbouring residential properties
- Very special circumstances have been demonstrated to justify inappropriate development in the Green Belt
- No detrimental highways impacts would occur

2 LOCATION

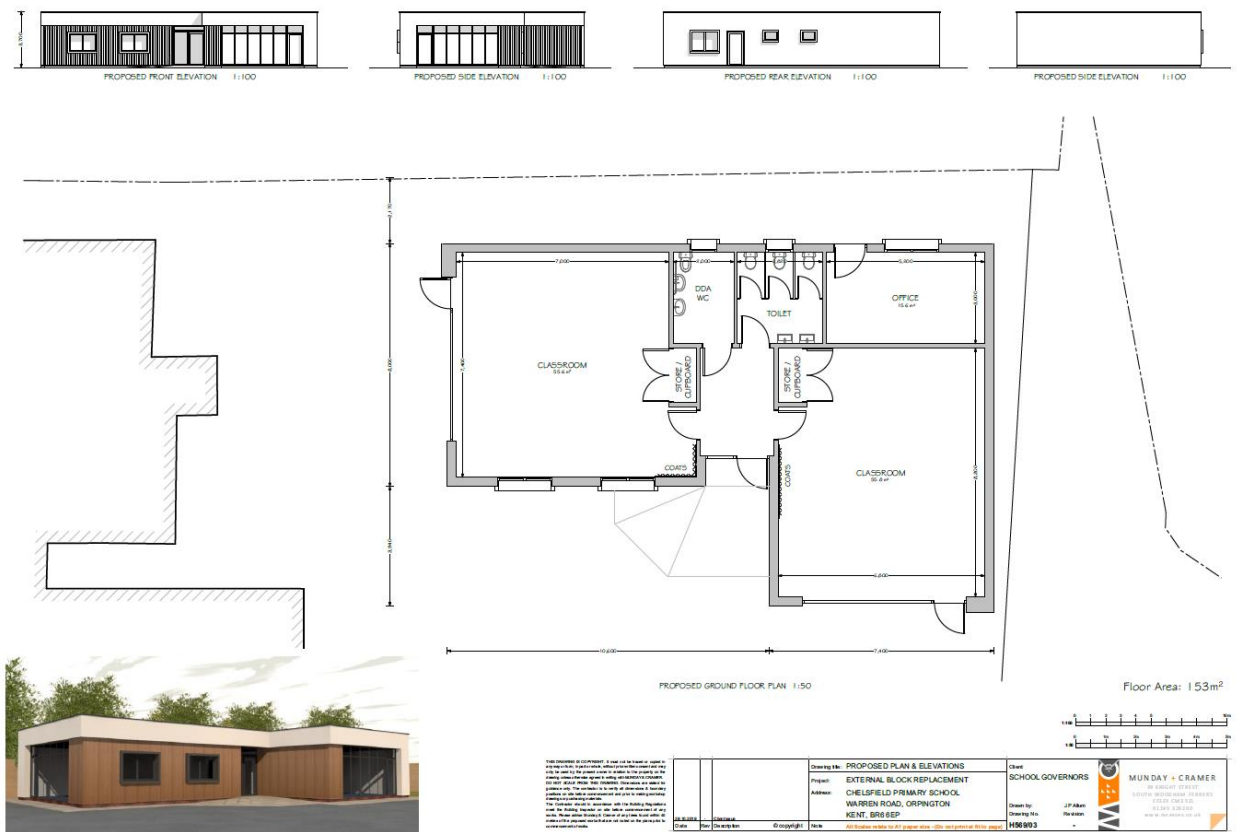
- 2.1 Chelsfield Primary School lies on the north-eastern side of Warren Road, close to the junction with Church Road. It is situated within Chelsfield Conservation Area, and lies within the Green Belt. The main school building is locally listed.



LOCATION PLAN 1:1250

3 PROPOSAL

- 3.1 It is proposed to construct a replacement L-shaped annexe building within the northern corner of this school site which would measure 12m in width and 18m in depth. It would comprise 2 classrooms, toilet facilities and a small office, and its floor area would be 153sq.m. It would replace a slightly smaller 2 classroom building which previously had permission to extend to the side and rear.
- 3.2 The building would be flat roofed and would be rendered with timber cladding. It would be located 7.5m from the main school building, 2.1-2.4m from the north-western boundary with No.6 Orlestone Gardens, and 0.4-1.1m from the rear boundary of the site.



4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was granted in November 2014 (ref.14/03336) for a single storey side/rear extension to the annexe building. This has now expired.
- 4.3 Permission was refused in 2017 (ref.17/01427) for a single storey extension to the annexe building with an access ramp and changes to the site boundary on the following grounds:
- “The proposed extension, by reason of its size and siting, would be harmful to the character of the Chelsfield Conservation Area, and is considered to be inappropriate development in the Green Belt; and therefore by definition is harmful to the Green Belt. The substantial level of harm that would arise from the development by way of harm to the openness of the Green Belt, is not clearly outweighed by any educational or other benefits that would arise. Very special circumstances therefore do not exist. As such the proposal is not sustainable development and is contrary to the aims and objectives of the NPPF (2012) and Policies 7.8 and 7.16 of the London Plan (2015) and G1 and BE11 of the Unitary Development Plan (2006).”
- 4.4 The subsequent appeal was allowed in March 2018 and is extant.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Historic England – No objection

- The proposal is unlikely to have a significant effect on heritage assets of archaeological interest, therefore no objections are raised.

Advisory Panel for Conservation Areas – Objections

- The loss of trees on the boundary prior to this application has caused a serious detriment affecting this proposal. It is important to pull the development back from the boundary and include a landscaping proposal to mitigate the loss of trees.

Drainage – No objection

- There is no public surface water sewer near the site. Standard conditions are recommended.

B) Local Groups

Chelsfield Village Society:

- Detrimental impact on neighbouring residential properties (addressed in para.7.6.2)
- Existing building was meant to be only temporary (addressed in para.7.3.6)
- Detrimental impact on parking and traffic (addressed in para.7.4.5).

C) Adjoining Occupiers

Impact on residential amenity (addressed in para.7.6.2)

- Loss of light and outlook to neighbouring properties

Impact on character of the area (addressed in paras.7.2.6, 7.2.9, 7.2.11, 7.2.13, 7.3.5 and 7.4.5)

- The proposed building would be significantly larger in terms of both height and footprint than the existing temporary building
- Building would be overbearing and out of character with neighbouring buildings
- Lack of space for adequate screening of the building
- Inappropriate development in the Conservation Area and Green Belt
- No very special circumstances exist to justify inappropriate development in the Green Belt

General (addressed in paras.7.1.2 and 7.7.1)

- Previous application for an extension to the building was refused by the Council (but permission was subsequently granted on appeal)

- The larger building could result in more pupils
- Detrimental impact on trees and wildlife

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. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

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 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.8 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. However, where no modifications have been directed the draft London Plan policies are capable of

having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.10 National Policy Framework 2019

6.11 The London Plan

- 3.18 Education Facilities
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.16 Green Belt

6.12 Draft London Plan

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

6.13 Bromley Local Plan 2019

- 28 Educational Facilities
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 39 Locally Listed Buildings
- 41 Conservation Areas
- 49 Green Belt

6.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

7 ASSESSMENT

7.1 Principle - Acceptable

7.1.1 Policy 27 of the Bromley Local Plan states that extensions to existing schools will be permitted where they seek to address local need, subject to Local Plan open space and conservation policies, unless there are demonstrably negative local impacts which substantially outweigh the need for additional education provision which cannot be addressed through planning conditions or obligations. It goes on to state

that development should be sensitively designed in order to minimise the footprint of buildings and the impact on open space whilst protecting the privacy and amenities of adjoining properties.

7.1.2 The proposed new building would provide replacement rather than additional classrooms, and although the overall footprint of the building would be 38sq.m. larger than the existing building, it would be only 3sq.m. larger than the extended building permitted under ref.14/03336, and 11sq.m. larger than the scheme allowed on appeal under ref.17/01427 which is still extant. Furthermore, the applicant has stated that there are no proposals for additional pupils. The need for additional space is due to the limited space available for the different and complex needs of existing pupils.

7.2 Green Belt – Acceptable

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

7.2.2 The Green Belt is intended to serve five purposes:

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

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

7.2.4 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.5 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF. Policy 49 of the Bromley Local Plan states that the construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- agriculture and forestry;
- appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2.6 The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case, the proposed development would comprise the replacement of a classroom building with another building in the same use, but the replacement building would be materially larger than the one it would replace as it would increase the floorspace by 38sq.m., which would equate to a 33% increase. The Council is therefore satisfied that the proposed form of development would constitute inappropriate development in the Green Belt.

7.2.7 This conclusion was also reached in the previous appeal decision for an extension to the existing classroom building.

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

7.2.9 The proposed replacement building would be in a similar position to the existing building but would extend 3m further to the rear and 2m further forward. It would be a similar height as the existing building although it would be a fully flat-roofed rather than a mixture of flat and pitched roof. The development would be visible from Orlestone Gardens and would materially increase the amount of built form at the site, therefore, it is considered to cause harm to the openness of the Green Belt, and would also constitute inappropriate development insofar as it would have a greater impact upon openness than the existing development.

7.2.10 This conclusion was also reached in the previous appeal decision for an extension to the existing classroom building, although in that case, the Inspector considered the harm to be limited due to the modest scale of the extension and its discreet position between the existing building and Nos.5 and 6 Orlestone Gardens and lower ground level.

7.2.11 Very special circumstances: There has been a claim made of very special circumstances as follows:

- The existing building is in a poor state of repair, and other safety and security concerns mean that refurbishment and extension would be impractical
- The replacement building is needed as a facility for SAT preparation, for intervention work with pupils with special education needs, and for physiotherapy space for pupils with mobility issues. Existing space within the school is fully utilised, and even if other rooms were available, these are often not fit for purpose or offer insufficient privacy.

7.2.12 The same very special circumstances were put forward in the previous appeal for an extension to the annexe building wherein the Inspector was satisfied that a modern and flexible educational workspace at ground floor level was required to meet the educational needs of children at the school on a permanent basis, that the type and scale of development proposed was the minimum necessary to achieve these benefits, and that there were no other realistically feasible alternatives. The Inspector concluded that the educational benefits were considered to clearly outweigh the scheme's limited harm to the character, openness and permanence of the Green Belt, and that very special circumstances did exist.

7.2.13 In the current case, it is considered that the larger replacement building now proposed would have a slightly greater impact on openness than the permitted extension scheme, but that the educational benefits identified and the fact that refurbishment and extension of the scheme is impractical, would still clearly outweigh the harm to the character, openness and permanence of the Green Belt, and that very special circumstances still exist in this case.

7.3 Design – Acceptable

7.3.1 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.

- 7.3.2 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.3 Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.4 London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 The existing building has a pitched roof with a flat roof to the side, and is timber clad. The proposed replacement building would be flat-roofed and would be of a modern design using a mixture of render and cladding for the walls. The proposed design would be acceptable for a school site, and would not appear overly bulky or out of character with the area.
- 7.3.6 The Chelsfield Village Society have commented that the existing annexe building was meant to be only temporary, however, the current proposals are for a permanent building which must be considered on its own merits having regard to the educational need for the building.

7.4 Heritage impact – Acceptable

- 7.4.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.4.2 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the

significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.4.3 Within or adjacent to a Conservation Area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.4 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.
- 7.4.5 This proposal would not be widely seen in the Conservation Area, and would replace a similar structure. It is considered that Orlestone Gardens has a neutral character in the Conservation Area, and the proposals are not therefore considered to cause significant harm to the character and appearance of the Conservation Area or the setting of the locally listed main school building.

7.5 Highways – Acceptable

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.4 No highways objections are raised to the proposals.

7.5.5 Residential amenity – Acceptable

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

7.5.7 The proposed building would lie adjacent to Nos.5 and 6 Orlestone Gardens, and would be set at a slightly lower level than these properties. It would be 3.7m high, and is not considered to result in undue loss of light to or outlook from the neighbouring properties. Appropriate boundary screening should be provided, and this can be achieved by way of a condition.

7.6 Trees - Acceptable

7.6.1 The proposals are unlikely to result in a change in the circumstances of any existing trees on the site, a condition should be imposed to ensure the retention of all existing trees.

8 CONCLUSION

8.1 The proposals would constitute inappropriate development in the Green Belt and would cause limited harm to its openness, but it is considered that very special circumstances have been demonstrated (in terms of educational need) which justify the development. No harm would be caused to the character and appearance of the Conservation Area or the setting of the locally listed main school building, and the proposals would not have a significant detrimental impact on the amenities of neighbouring residential properties.

8.2 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the character of the area generally.

8.3 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.

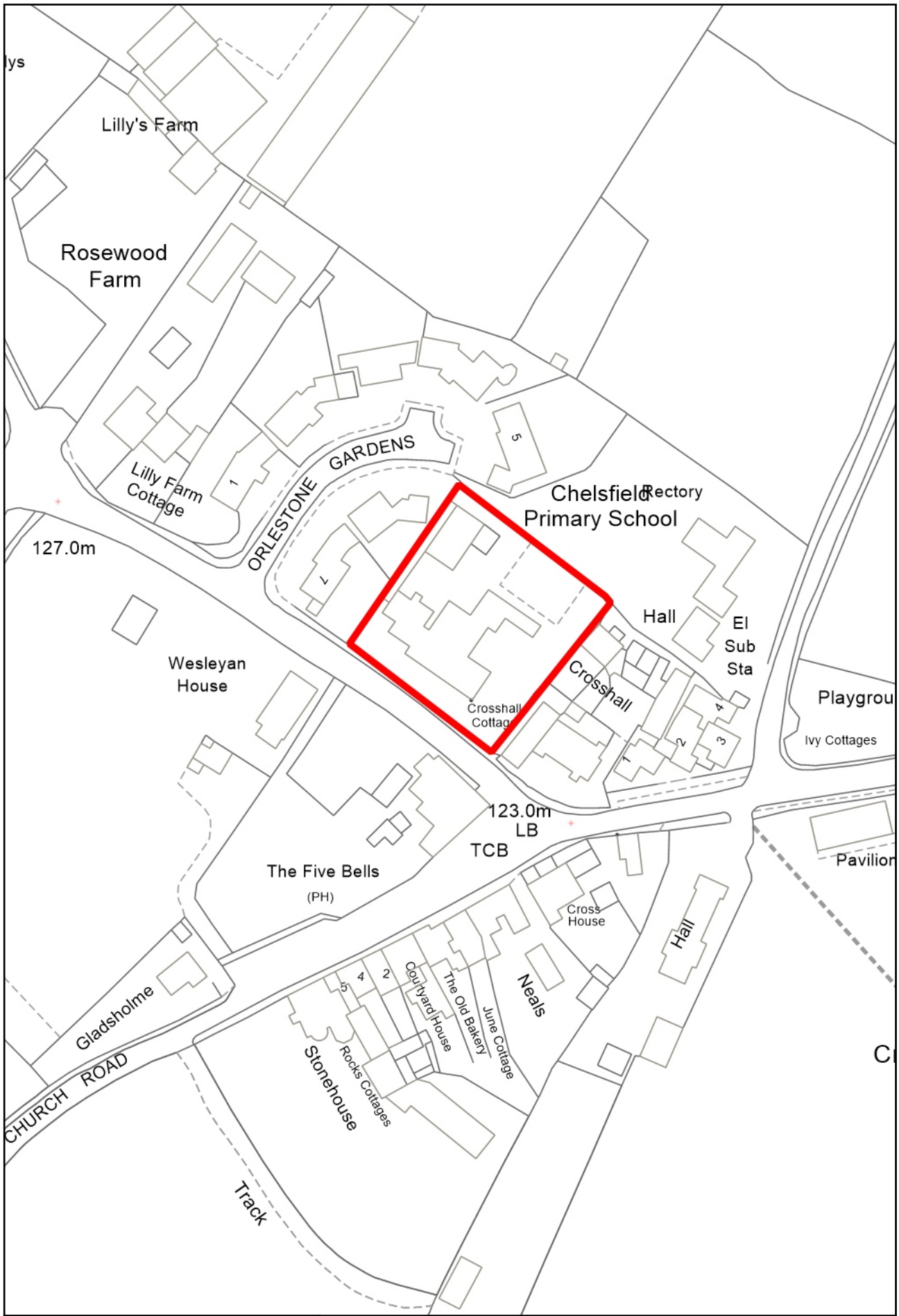
RECOMMENDATION: Application Permitted

Subject to the following conditions:


- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Scheme for surface water drainage**
- 4. Slab levels required**
- 5. Tree retention scheme**
- 6. Landscaping scheme**
- 7. Materials in accordance with plans**


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

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19/05044/FULL1



11 August 2020 1:1250



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Agenda Item 4.4

Committee Date	20.08.2020		
Address	10 Derwent Drive Petts Wood Orpington BR5 1EW		
Application Number	20/00693/FULL6	Officer - Suzanne Lyon	
Ward	Petts Wood And Knoll		
Proposal	Single storey side/rear extensions, conversion of garage to habitable room, enlargement of existing porch entrance, and enlargement of roofspace incorporating hip to gable extension, rear dormer and front roof lights		
Applicant	Agent		
Mr Basant Mercia	Mr Hylton Cartwright		
10 Derwent Drive Petts Wood Orpington BR5 1EW	Apartment 5 Marnock House Kingswood Road Tunbridge Wells TN2 4XP		
Reason for referral to committee	Call-In	Councillor call in	
		Yes	

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS
<ul style="list-style-type: none"> • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Smoke Control SCA 8

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
------------------------	---------------------------	--	-------------------------------

Standard car spaces	1	2	+1
Disabled car spaces	0	0	0
Cycle	0	0	0

Representation summary	Neighbour letters were sent on. 03.03.2020 Consultation is for a minimum of 21 days
Total number of responses	10
Number in support	0
Number of objections	10

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 development would not adversely affect the amenities of neighbouring residential properties

2 LOCATION

- 2.1 The application site is a semi-detached bungalow located on the northern side of Derwent Drive.
- 2.2 A public footpath borders the site along the eastern flank and rear boundaries. Crofton Infant School is located to the rear of the site.



3 ROPOSAL

- 3.1 Permission is sought for a single storey side/rear extension that will have a maximum width of 1.8m and depth of 8.3m, located behind the existing garage.
- 3.2 The proposal also includes the conversion of the existing garage to a habitable room, involving the removal of the garage doors and replacement with brickwork and a window.
- 3.3 The proposed loft conversion includes a hip to gable extension with rear dormer and three front roof lights.
- 3.4 A replacement front porch is proposed, which will project 1.9m forward and will be 2.8m wide.
- 3.5 This application has been 'called-in' by ward Councillors.

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref 86/02504/FUL permission was granted for a 'Single storey side and rear extensions Semi-detached bungalow'
- 4.3 Under ref 02/00148/FULL1 permission was granted for a 'Single storey rear extension for conservatory'
- 4.4 Under ref 02/01698/FULL1 retrospective permission was granted for a 'Side and rear boundary fence'
- 4.5 Under ref 18/05592/FULL6 planning permission was refused for 'Single storey side extensions incorporating garage conversion, enlargement of existing porch entrance, and enlargement of roof space incorporating extension to rear roof to provide first floor accommodation with rooflights to front and side and Juliet balcony to rear'. The reason for refusal was as follows:
 - 1. The proposed development by reason of its design, scale and bulk would result in an overdevelopment of the site resulting in a detrimental visual impact and loss of light to the neighbouring property, and incongruous impact on the prevailing character of the area, contrary to Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance, Policy 37 of the Bromley Local Plan (2019) and Policies 7.4 and 7.6 of the London Plan (2016).
- 4.6 Under ref 19/00185/PLUD, a Lawful Development Certificate was refused for a 'Loft conversion and roof alterations incorporating hip to gable end and 2 front rooflights'. The reason for refusal was as follows:

1. The proposal as submitted would not constitute permitted development by virtue of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.7 Under ref. 19/04604/PLUD, a Lawful Development Certificate was granted for a 'Hip to gable loft conversion with rooflights to front'.
- 4.8 Under ref. 20/01841/PLUD, a Lawful Development Certificate was granted for the 'Conversion of roof space with hip to gable, rear dormer and front rooflights'

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- Revised plans were received 11/03/20 to show the existing and proposed hardstanding and parking layout

C) Adjoining Occupiers (summary)

- Design - **points addressed in paragraph 7.2**
 - Design, scale and bulk is out of character
 - Not subservient or sympathetic to the host dwelling
 - Highly visible
 - Porch is oversized and prominent
 - Will unbalance this pair of properties
 - It would completely remove the existing rear roof pitch
 - Overdevelopment
 - Contrary to policy
- Loss of small home - **point addressed in paragraph 7.2.5**
- Inaccurate plans - **points addressed in paragraph 7.3.4**
 - Clarification needed regarding the chimney
 - Falsely shows a porch at no.12 which does not exist
- Permitted Development - **points addressed in paragraph 7.2.4 - 7.2.5**
 - It is irrelevant to this application
 - The applicant has submitted three applications for Certificate of Lawfulness (Proposed), but no development has been carried out to date
 - The applicant has referred to roof extensions at 31 Derwent Drive, 7 Greenfield Gardens and 31 Greenfield Gardens which are all significantly smaller than the current application and were carried out as 'permitted development'.
- The current proposal fails to address the previous reason for refusal. - **points addressed in paragraph 7.1**

The applicant has provided written responses to the representations received, which are available to view online.

Please note the above is a summary of the material planning considerations and the full text is available on the council's website.

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 Bromley Local Plan (Jan 2019) and the London Plan (March 2016). 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. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 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 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the

SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.8 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.10 The London Plan

7.4 Local character

7.6 Architecture

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

30 Parking

32 Road Safety

37 General Design of Development

6.13 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 This application follows a recent refusal of planning permission under ref. 18/05592/FULL6 for Single storey side extensions incorporating garage conversion, enlargement of existing porch entrance, and enlargement of roof space incorporating extension to rear roof to provide first floor accommodation with rooflights to front and side and Juliet balcony to rear'.

7.1.2 The subsequent appeal (APP/G5180/D/19/3233737) was dismissed. The inspector concluded that the overall scale and form of the proposed extension would add significantly to the side and rear of the existing dwelling,

unbalancing the pair of semi-detached bungalows and creating a dwelling of a roof form that is out of keeping with that of other dwellings in the vicinity. As such it was considered harmful to the character and appearance of the appeal site and its surroundings.

7.1.3 The key changes are as follows:

- Hip to gable extension with rear dormer
- Reduction in first floor rear projection
- Three front roof lights
- Depth of single storey extension increased by 3m, to match existing conservatory.

7.2 Design – Layout, scale – Acceptable

7.2.1 The existing property benefits from a front porch that projects 1m forward and is 2.3m wide. The proposed porch will project an additional 0.9m forward, a total forward projection of 1.9m, and will be 2.8m wide. It will have a flat roof that is 2.5m high. It is set back approximately 6.8m from the front boundary line. The size and design is considered acceptable, with materials indicated to match the existing property.

7.2.2 The proposed conversion of the existing garage to a habitable room includes the removal of the garage doors and replacement with brickwork and a window. It is noted that none of the surrounding bungalows have converted the garage to a habitable room, however it is considered that this element will not impact significantly on the character or appearance of the property or the street scene in general.

7.2.3 The proposed single storey side extension will be 2.6m wide and 8.3m deep. It will be located behind the existing garage therefore will not be visible from the street. It will be set in 1.2m from the eastern flank elevation and a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. The size and design is considered to be in-keeping with the host property, with the materials indicated to match the existing property.

7.2.4 The proposed loft conversion includes a hip to gable extension, rear dormer and three front roof lights. The property forms one half of a pair of semi-detached bungalows; both of which currently benefit from symmetrical hipped roofs. The surrounding properties remain largely unaltered. However, a lawful development certificate has recently been granted under ref. 20/01841/PLUD for a hip to gable extension and rear dormer. The volume of this approved loft conversion was 49.88m³. The proposed loft conversion would increase the width of the rear dormer resulting in a volume of 55.9m³, an increase of 6m³. This modest increase is not considered to result in a significant impact on the character of the surrounding area over and above the approved Lawful Development Certificate (20/01841/PLUD).

7.2.5 Concerns are noted regarding the loss of a small dwelling, however additional habitable accommodation within the roof space would not be against policy in

principle and it is noted a similar loft conversion could be carried out under permitted development. Furthermore, it is noted that similar roof alterations have been approved at nearby properties, including 29 Derwent Drive (20/00521/PLUD), 31 Derwent Drive (16/01893/PLUD), 7 Greenfield Gardens (17/01868/PLUD) and 11 Greenfield Gardens (Building Control ref. 18/00349/IN1).

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

7.3 Residential Amenity – Acceptable

7.3.1 It is noted that the adjoining property, No.12, has been subject to a single storey rear extension that is approximately 2.8m deep and steps out to 4.3m deep. The application site also benefits from a 2.8m deep single storey rear extension, with additional 2.9m deep conservatory extension. Concerns have been raised regarding the impact on neighbouring amenity, with particular regard to light, privacy and visual amenity. The proposed single storey extension will not project beyond the existing conservatory therefore this element is not considered to impact on the amenities of No.12 over and above that already existing. The proposed rear dormer is set within the rear roof slope and will include three rear windows. This will result in some additional overlooking due to its elevation position, however, given the modest size and location at first floor only, this is not considered significant enough to warrant refusal of the application. Furthermore, the orientation of the site is such that the rear gardens are north facing, with the adjoining property, No.12 located directly to the west. As such, the proposal is not considered to impact significantly on the level of light or outlook from the existing rear windows of this adjoining property.

7.3.2 With regards to the neighbouring property to the east, No.8, the proposal includes a hip to gable extension. No first floor flank windows are proposed therefore it is not considered to impact on current privacy levels. Furthermore, a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. Given the separation between properties, the proposal is not considered to adversely impact on the amenities of this neighbouring property with regards to loss of light, outlook or privacy.

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

7.3.4 Other comments have been made regarding the accuracy of plans. The 3D image provided on the Design and Access Statement is indicative only and not considered relevant for the purposes of planning. The applicant has also confirmed in writing that the chimney is to be retained.

7.4 Highways – Acceptable

7.4.1 The proposal results in the loss of one parking space by way of the conversion of the garage to form a habitable room. Revised plans were received on the 11th March 2020 which enlarges the existing hardstanding to provide two parking spaces within the front curtilage of the site. As such, no objection was raised from a highways perspective.

8 CONCLUSION

8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would not result in a significant impact on the character and appearance of the surrounding area and not harm the amenities of neighbouring residential properties.

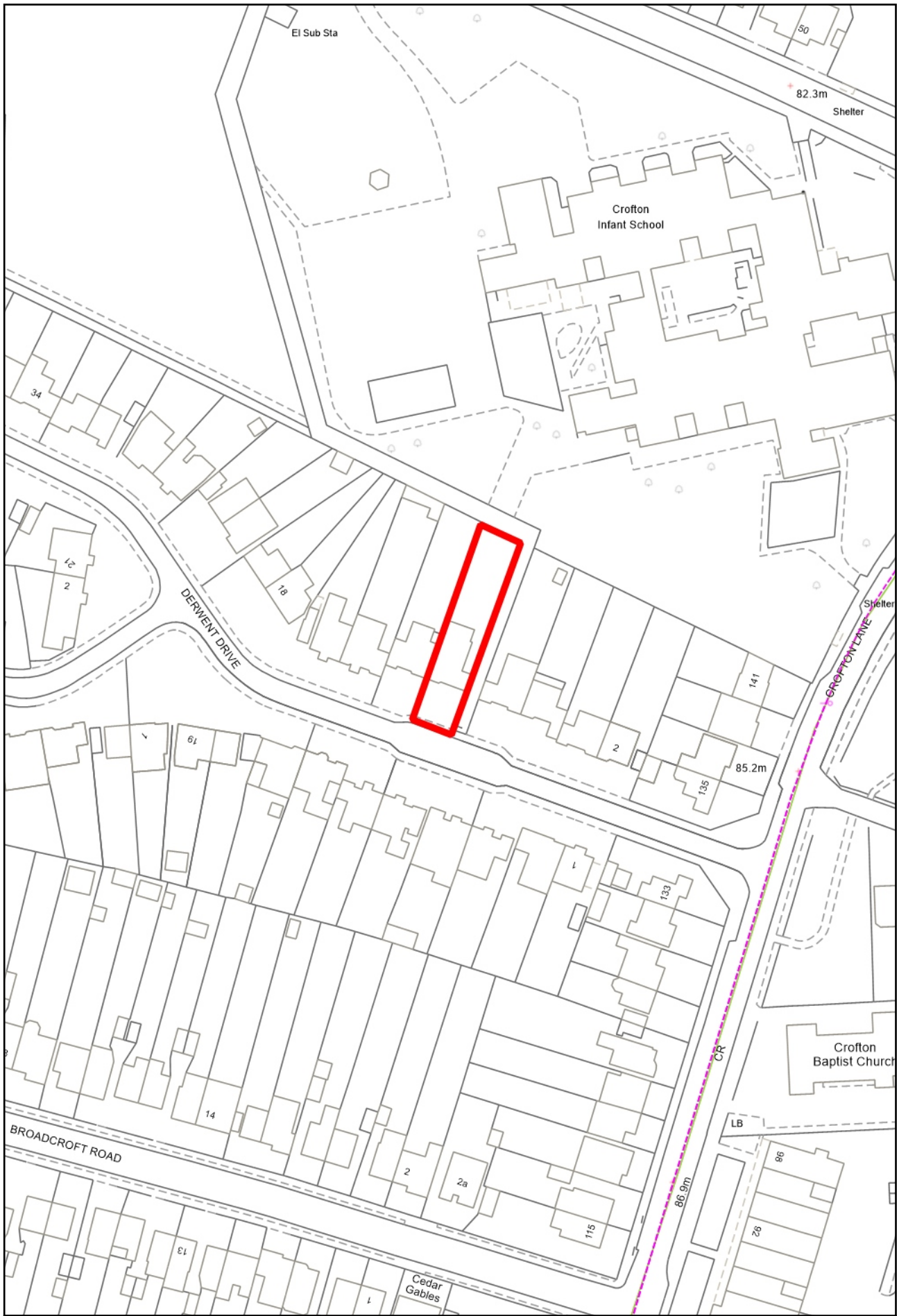
RECOMMENDATION: Application Permitted

As amended by documents received on 11.03.2020


Subject to the following conditions:


- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Matching materials**
- 4. Car parking details to be implemented**
- 5. Surface water details required**

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20/00693/FULL6



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Agenda Item 4.5

Committee Date	20.08.2020	
Address	47 Lakes Road Keston BR2 6BN	
Application Number	20/01126/FULL1	Officer - Russell Penn
Ward	Bromley Common And Keston	
Proposal	Demolition of the existing house and erection of two detached five-bedroom houses.	
Applicant	Agent	
Tim Clapham		
15-17 Middle Street Brighton BN1 1AL		
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Areas of Archeological Significance Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 22</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Dwelling (Use Class C3)	162.5m ²

Proposed	Dwellings (Use Class C3)	396.8m ²
----------	--------------------------	---------------------

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market				2	2
Affordable (shared ownership)					
Affordable (social rent)					
Total				2	2

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	4	1
Disabled car spaces	0	0	0
Cycle	0	4	4

Electric car charging points - Yes	Percentage or number out of total spaces 2 out of 4
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Representation summary	<i>Two neighbour consultations exercises were carried out on 16/4/20 and 9/7/20.</i>	
Total number of responses	4	
Number in support	0	
Number of objections	4	

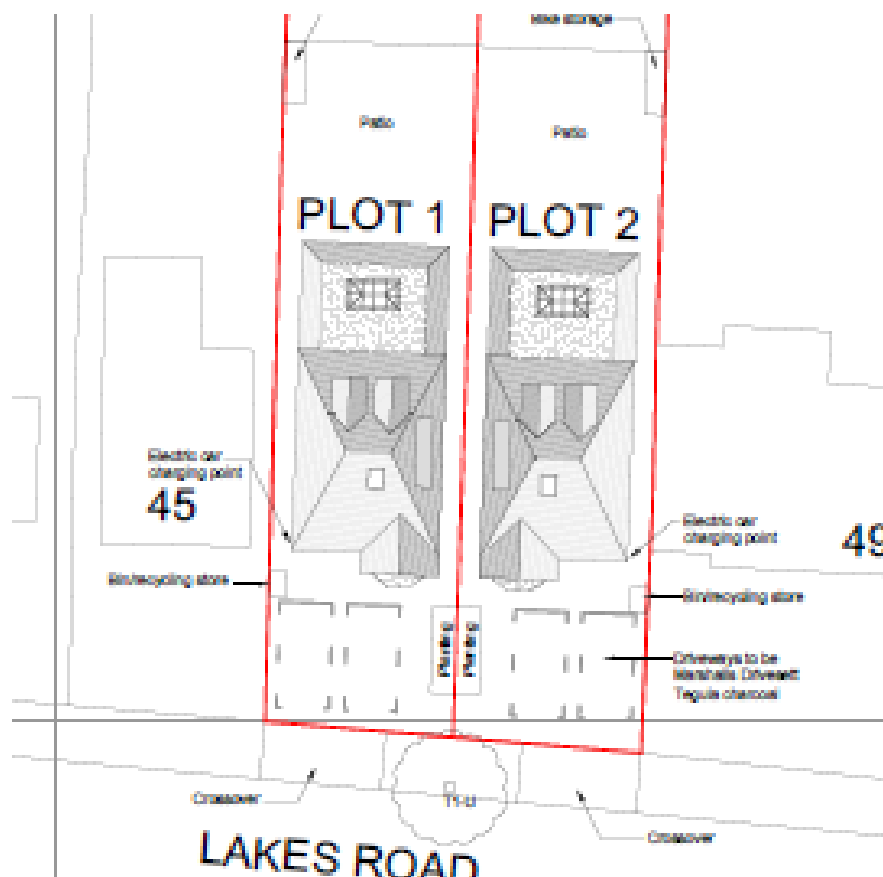
1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The development would have a high quality design and the standard of the accommodation created will be good. The development would be constructed in a sustainable manner achieving good levels of energy efficiency.

2 LOCATION

2.1 The site is located on the north side of Lakes Road and currently comprises a two storey detached dwelling with a detached garage. A street tree is located in the public footway to the front but outside the application site.

2.2 The site is not located within a conservation area nor is the building listed.



3 PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing house and erection of two detached five-bedroom houses.
- 3.2 The two dwellings will be of a detached design with matching characteristics, detailing and materials but are opposite handed in format and footprint but with the same height at 8.25m to the ridge point. The dwellings are separated by a gap of 2m between the flank walls, 1m to the boundary with No45 to the west and 1m to the boundary with No49 to the east. Refuse storage is shown to the front curtilage and cycle storage to the rear curtilage. Two parallel parking spaces are provided for each dwelling directly accessed from Lakes Road.
- 3.3 A traditional design approach is opted for within the scheme. Materials are indicated to be brickwork and tiled roofs. A Materials Schedule indicates the precise details.



4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
 - Ref: 22042: Dining room extension. Approved 21/5/71.
 - Ref: 39597: Extension to enlarge garage. Refused 1/4/75.
- 4.2 There are no more recent or relevant planning applications relating to the site.
- 4.3 As regards No45 Lakes Road. Under ref 19/03763/FULL6 a rear extension and roof extension incorporating two new box dormers to the side flanks, east and west to match existing dormers, incorporating demolition of the existing rear was approved 15.11.2019.

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- No objection to the application.

Environmental Health Pollution Officer – No objection

- Informative recommended in respect of the control of pollution and noise from demolition and construction sites, and any suspected contamination encountered during works.

Drainage Officer – No objection

- The development permitted by this planning permission shall not commence until the detailed design of the measures in the submitted "Drainage Strategy" Report carried out by SuDSmart Pro with Ref No.72937R1 dated 16/03/2020 have been submitted to and approved by the Local Planning Authority in order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

Tree Officer – No objection

- An Oak tree was subject to a Tree Preservation Order (TPO) at the end of the rear garden. The tree has since been felled and the team will investigate the circumstances behind this. The application is supported with a Tree Constraints Plan (TCP) and an Arboricultural Implications Assessment (AIA). There are no trees within influencing distance that would stand as a constraint to the proposed re-development. The proposed tree loss has been justified. The focus will be on achieving a high-class landscape scheme. This can be requested under condition. Tree planting should be a focus of the scheme and not be compromised by the parking layout/hard landscaping.

B) Local Groups

Keston Valley Residents Association

- Keston Valley Residents Association has raised objection and commented that the proposal is an over-development of the site which necessitates a longer depth building thus producing large flank walls which would be detrimental to the neighbouring properties.

C) Adjoining Occupiers

Character and appearance (addressed in section 7.4)

- Houses are narrow and unsightly without precedence on Lakes Road.

- Houses not in keeping with the style of any of the houses on the road.
- Two houses on one plot not appropriate for village setting.
- Unsympathetic to village feel and character of the area.
- Plot more suited to single 5 bed house.
- Concerns the boundaries indicated are inaccurate in respect to boundary to No45.

Overlooking and loss of privacy (addressed in section 7.4)

- 1m spacing will cause loss of light and privacy.
- Will cause overshadowing to adjacent property.
- Overpowering scale, proximity and loss of sunlight to adjacent bungalow property.

Highways (addressed in section 7.6)

- Additional crossover required causing increased parking congestion on street.

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. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

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 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.8 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.10 National Policy Framework 2019

6.11 The London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 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
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

6.12 Draft London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

6.13 Bromley Local Plan 2019

- 1 Housing supply

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

Energy

6.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

National Design Guide – (September 2019)

7 ASSESSMENT

7.1 Principle of development - Acceptable

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

7.1.2 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'.

- 7.1.3 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.
- 7.1.4 This application includes the provision of two dwellings (one additional dwelling), which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.
- 7.1.5 Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.1.6 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.
- 7.1.7 The site is currently developed for a single unit of occupancy for residential use. In this location the Council will however, consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of greater number of housing units on the land as opposed to a single dwelling appears acceptable in principle subject to an assessment of the impact of the proposal on the level of density of the units, unit mix, appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

7.2 Design – Layout, scale – Acceptable

- 7.2.1 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.
- 7.2.2 Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 7.2.3 Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.2.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.5 Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.
- 7.2.6 The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).
- 7.2.7 Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

- 7.2.8 Policy 7.6 states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
- 7.2.9 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.2.10 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.11 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.2.12 In this case the area is primarily characterised by a mixture of period terraced property and 1960's/1970's terraced property to the east and detached and semi-detached dwellings in closer proximity of the site. The closer properties benefit from good sized front and rear gardens, which contribute to a relatively spacious suburban character and appearance with a common building line generally within the immediate section of the road. This form of urban grain results in a development pattern that is both varied and cohesive in context and forms the

character and appearance of the area at this locality that it is considered desirable to maintain.

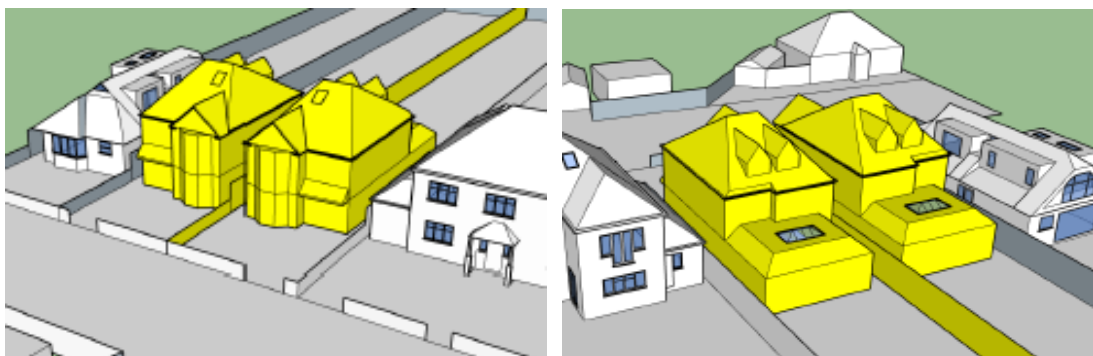
- 7.2.13 The existing building on site comprises a medium sized detached building with a wide footprint facing the streetscene that incorporates a detached garage to the east side. The resultant plot thus appears spacious with good separation to adjacent property incorporating views to greenery beyond between the properties.
- 7.2.14 The proposed detached dwellings design are a response to general advice given to the applicant as a result of the pre application process. The detached dwellings proposed have maintained a 1m side separation to adjacent property boundaries and a 2m gap over the resultant separating boundary. Other recommendations to reduce the scale and bulk of the houses have been taken into account. As a result, a full hipped roof structure has been proposed with feature front bay windows with gable roofs and both dwellings are handed to create symmetry across the site. To the rear a ground floor projection with a lantern lightwell and roof level feature roof dormers are shown that create an interesting rear elevation with reduced a scale at first floor to preclude any sense of overbearance to adjoining property.
- 7.2.15 Therefore, the impact of the dwellings in terms of their mass and scale is considered acceptable to the context of the streetscene and relationship to adjacent property representing an infill development in keeping with its related surroundings.
- 7.2.16 In respect of Policy 8 for side space the policy details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.
- 7.2.17 The detached house scheme has provided adequate separation distances to adjacent property in the context of the prevailing pattern of development and on balance, it is considered that the level of separation indicated between properties is sufficient to maintain the established and individual qualities of the area given the varied styled properties in the immediate locality of Lakes Road.
- 7.2.18 Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.
- 7.2.19 In terms of design approach, the opportunity to construct a similar style of development has been achieved with the traditional design style undertaken which takes its cues from the locality. Traditional brick and tile materials are indicated and as such it is considered that the impact on the character and context of the locality is positive as the dwellings add a suitable traditional infill development.

7.3 Standard of Residential Accommodation – Acceptable

- 7.3.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households
- 7.3.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.3.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.3.4 A Part M statement has been submitted as part of the Design and Access Statement that details compliance with the relevant sections of Part M. A compliance condition is recommended with any permission in this regard.
- 7.3.5 The floor space size of each of the houses is the same at 198.4m² respectively. The nationally described space standards require a GIA of 134m² for a five bedroom potentially eight person dwelling in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for both dwellings is compliant with the required standards and is considered acceptable.
- 7.3.6 In respect of the internal layout of houses, the shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.
- 7.3.7 In terms of amenity space, the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity.

7.4 Residential Amenity – Acceptable/Unacceptable

- 7.4.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.4.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.4.3 In terms of outlook, the fenestration arrangement appears to provide front, rear and flank outlook in the building with flank windows being to non-habitable rooms. Subject to a suitable planning condition to ensure obscure glazing to the flank windows this is considered acceptable.
- 7.4.4 It is noted that neighbouring concerns have been expressed in respect of the proximity of the proposed dwellings scale to neighbouring property and the current residential amenity that they enjoy. In terms of spatial character, this matter has been addressed as above.
- 7.4.5 In terms of amenity a Sunlight and Daylight report has been submitted that investigates the impact of the dwellings to neighbouring property in terms of any alteration to daylight and sunlight. The conclusion of the report identifies a minor impact the windows at the adjacent No45 and No49 Lakes Road and that the proposed development is likely to reduce daylight levels at 7 windows at the adjacent 45 and 49 lakes Road properties where 6 of those windows open towards non-sensitive spaces. The report states that only 1 window is seen to be affected by the proposed development with a VSC level of 26% which is lower than the required BRE criteria with only 1%, meaning that the room would still have good daylight levels. Hence the impact of the proposed development on the adjacent dwellings is seen to be minimal. It is also noted that a recently approved planning permission at No45 yet to be commenced has been taken into account in the submitted report.



- 7.4.6 On balance it is considered that the impact of the scale and bulk of the development will not have an undue effect to neighbouring amenity that would be sufficient to warrant withholding planning permission on this basis.

7.5 Trees and Landscaping – Acceptable

- 7.5.1 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.5.2 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.5.3 The Council's Tree Officer has not raised objection in respect of existing trees and shrubbery on the site that will be impacted by the development. However, minimal details of landscaping have been submitted for the areas given over to garden for external amenity for future occupiers. Further details can be requested by condition.
- 7.5.4 A street tree located within the footway to the front of the site will not be affected by the development. The indicated crossovers on the plans will not impact the tree root protection area.

7.6 Highways – Acceptable

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 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.
- 7.6.4 The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided at the site and access arrangements to and from the site. On balance, it is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.
- 7.6.5 An electrical car charging point is also provided for each house. A condition for further details and requiring installation prior to occupation is recommended in this regard.

7.6.6 Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage for each house. A planning condition is recommended in this regard for further details of containment structures.

7.6.7 All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area for both houses in close proximity to the front curtilage footpath. On balance, the location is considered acceptable. A planning condition is recommended in this regard for further details of a containment structure and capacity.

7.7 Sustainability

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

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

7.7.3 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.

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

7.7.5 A submitted Energy & Sustainability Strategy Report has detailed that the proposed redevelopment has been designed to minimise its environmental impact and maximise its sustainability. The 2 new homes through the inclusion of an energy conscious design and energy efficiency measures with the use of a 'fabric first' approach, the proposed residential development will exceed Building Regulation 2013 L1a standards, with a calculated improvement of 10.6% over minimum standards. The development has also set targets to include the use of Low & zero carbon technologies to assist with the onsite generation of energy, with further reductions over Part L1a to total 74.8%. These measures are welcomed.

7.8 Other matters

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

8 CONCLUSION

- 8.1 Taking into account the above assessment the development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions or impact detrimentally on the character of the area. The impact to trees is considered satisfactory. It is considered that the standard of the accommodation created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.
- 8.2 On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.
- 8.3 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: PERMISSION

Subject to the following conditions:

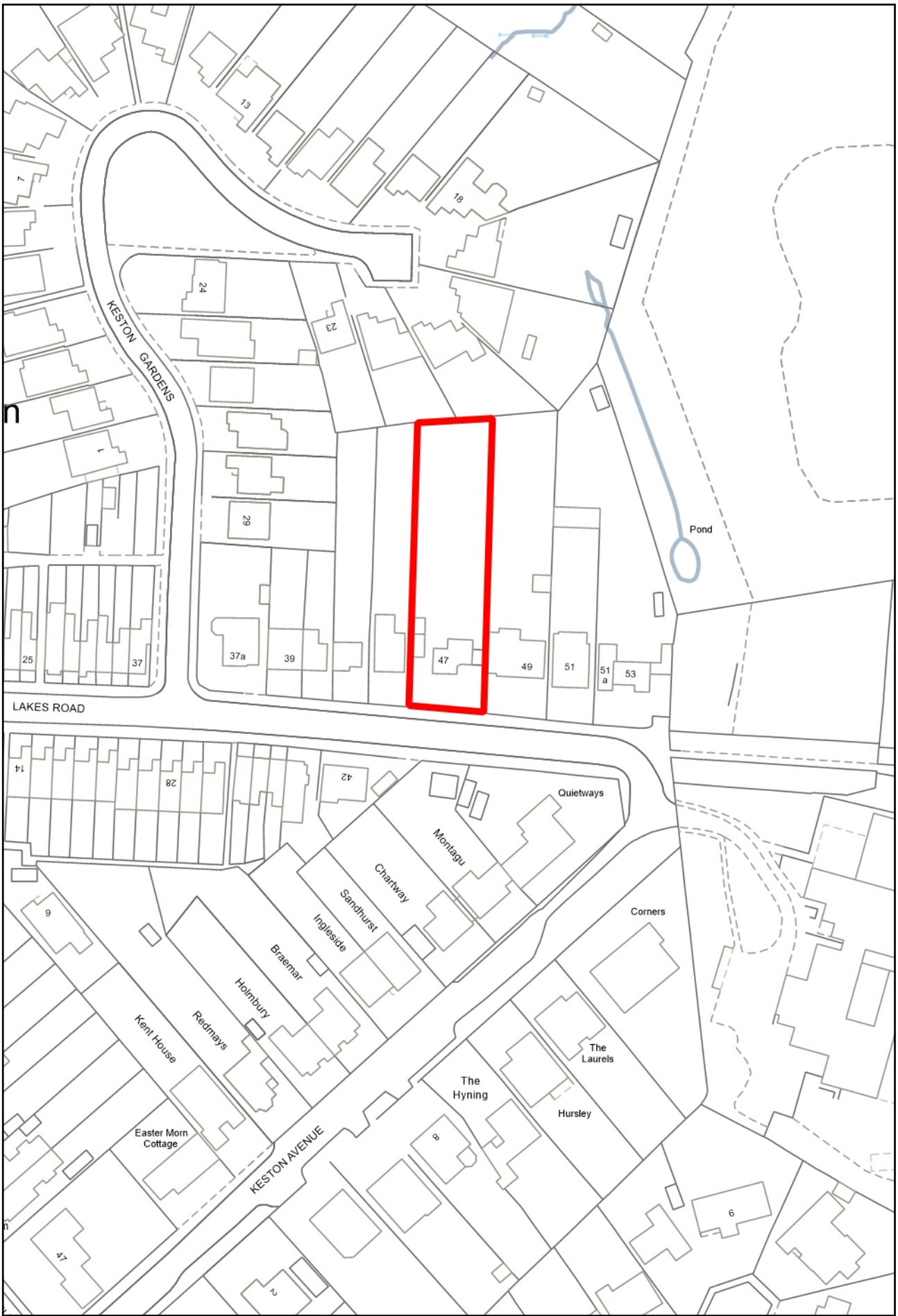
- 1. Standard time limit of 3 years.**
- 2. Standard compliance with approved plans.**
- 3. Details of a Construction Management Plan.**
- 4. Details of sustainable surface water drainage.**
- 5. Details of landscaping.**
- 6. Details of materials.**
- 7. Details of refuse storage.**
- 8. Details of cycle storage.**
- 9. Details of highway drainage.**
- 10. Details of swift nesting bricks installation.**
- 11. Parking arrangements to be installed as approved.**
- 12. Details of electric car charging points.**
- 13. No additional pipes or plumbing to be installed on outside of buildings.**
- 14. Details of hardstanding for construction vehicle wash-down facilities.**
- 15. Removal of all PD rights.**
- 16. Compliance with Part M of the Building Regulations.**
- 17. Removal of PD rights for insertion of additional flank windows.**
- 18. Compliance with sight lines and pedestrian visibility splays.**
- 19. No loose materials for car parking surface.**

Informatives

- 1. Reminder regarding submission of pre commencement conditions.**
- 2. Reminder of CIL payments.**

- 3. Reminder regarding crossovers. Vehicle Crossover Application will need to be made to the Highway's Department.**
- 4. Reminder regarding Part M compliance.**
- 5. Any street works are at applicants costs.**
- 6. Contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974.**
- 7. If suspected contamination is encountered, Environmental Health should be contacted immediately.**
- 8. Reminder regarding the development to achieve the fullest contribution to minimising carbon dioxide emissions.**

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Ordnance Survey 100017661.

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Agenda Item 4.6

Committee Date	20/08/2020		
Address	1 Crofton Lane, Orpington , BR5 1HH		
Application number	19/04372/FULL1	Officer Jessica Lai	
Ward	Farnborough and Crofton		
Proposal	Demolition of existing bungalows (1 Crofton Lane and 132A Crofton Road) and erection of a block of two storeys plus accommodation in the roof space to provide 16 residential units and provision of car and cycle parking, refuse storage, landscaping and boundary treatment.		
Applicant	Agent		
NFC Homes Limited	Mr Edward Buckingham Peter Brett Associates 33 Bowling Green Lane London EC1R OBJ		
Reason for referral to committee	Outside delegated authority/ Major development	Councillor call in Yes	

RECOMMENDATION	Reasons to Contest at Appeal
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KEY DESIGNATIONS Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control

Residential Use				
	Number of bedrooms per unit			
	1	2	3	Total
Private Market	7	7	2	16

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	Domestic garage(s) and private drive	16	+ 16 dedicated parking spaces

Disabled parking spaces car spaces	0	2	+2
Cycle	0	+26	+26

Representation summary	Neighbour letters were sent on 23.12.2019 and a further 14 days planning consultation letter were sent on 11.03.2020. A press notice was displayed in the News Shopper on the 18.03.2020.		
Total number of responses	98		
Number of comment	1		
Number in support	10		
Number of objections	87		

Legal Agreement - Heads of Term	Amount	Agreed in Principle
Health	£11, 952	Yes
Education	£36, 699.87	Yes
Carbon offset	£23, 279	Yes
Highway	£3,000	TBC
Affordable housing Viability review Mechanism (Early and late)	N/A	TBC
Planning obligation and monitoring fee	£2,000	TBC
Total	£76, 930.87	

Background

The application is being reported to Planning Sub- Committee No.2 as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. Members are advised to consider the suggested grounds to contest the appeal as set out in this report.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

There is no in-principle objection to provide more housing at this unallocated site. The proposal could potentially contribute to the Council's housing supply providing a mixture of 1 to 3 bed units. However, consideration should also be given to the design, layout, relationship of the proposed building and its local context and character. The proposed building would comprise of 3 floors with multiple pitched roofs and a flat roof truncated above. The footprint and linear frontage of the proposed building is considered to be excessive when compared with the existing and surrounding properties and does not appear to sit comfortably within the suburban neighbouring area which predominantly consists of low density housing.

The proposed ground floor units would be positioned close to the public footpath, parking spaces and possible communal entrance door. The siting and layout of the proposal would represent a degree of over-intensive development and would fail to provide adequate privacy and usable private outdoor spaces for the future occupiers.

The proposed building would be positioned close to the neighbouring properties at 134 Crofton Road and No. 3 Crofton Lane and would have an adverse impact on residential amenities in terms of an increased sense of enclosure, loss outlook and loss of daylight.

Overall, it is considered that the proposed design and layout of the development would represent over-intensive development, out of scale and character when compared with the existing and the adjoining low density residential developments. The proposal would have an adverse impact on the residential amenities enjoyed by the neighbouring properties and would fail to provide a good quality living environment for the future occupiers.

1. LOCATION

- 1.1 The application site comprises of 2 detached bungalows, known as No. 132 Crofton Road and No. 1 Crofton Lane. The site measures approximately 0.162 hectares in area and is located to the west of Crofton Lane.
- 1.2 The site is adjoining to a bungalow to the North (No.3 Crofton Lane) and a two storey detached house to the West (No.132a Crofton Road). To the south-east of the site is a newly completed residential building which comprises of 7 x 2 bed units, known as Middlewood Court. This newly completed building has replaced a former detached house at 132 Crofton Road. There is a public footpath located between the application site and the new residential block.
- 1.2 Crofton Lane is a classified road (A232). The ground level along Crofton Road drops down from east to west and there is an incline on Crofton Lane and the ground level drops down from south to north.
- 1.3 Orpington has a long and interesting history dating back to the Stone Age. There are a number of heritage assets in Orpington Town and some of the assets are located within the Orpington Town Centre. Orpington Railway Station is located approximately 910 metres east from the site. Orpington Town Centre is mainly populated along Orpington High Street and is located approximately 600 metres from the Railway Station or approximately 1,500 metres east from the site.
- 1.4 No. 7 to 111 Clareville Road are post-war 3 storey residential buildings and are located to the west of the site. The site is mainly surrounded by suburban low rise and low density development along Crofton Lane and Crofton Road which stretches from Orpington Station to Bromley Common (A21).

- 1.5 The Public Transport Accessibility Level (PTAL) of the site is rated at 2, on a scale of 0 to 6b where 0 is worst and 6b is excellent. The site is located in Flood Zone 1 and is not subject to surface water flooding. The surrounding highway network is subject to a low to medium surface water flooding risk. The application properties are not listed and the site is not located within a conservation area. There are no trees served with Tree Preservation Orders.



Fig 1: Aerial photo (credit: Google Maps)

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing bungalows (No. 1 Crofton Lane and No.132a Crofton Road) and the erection of a residential building to provide 16 residential flats with 16 parking spaces.
- 2.2 No.1 Crofton Lane is a 3 bedroom bungalow with 2 attached garages. The gross internal floor area measures approximately 1,682sq.ft (156.3sq.m). The footprint of the building measures 11.7 metres wide and 16.8 metres deep
- 2.3 No. 132a Crofton Road is a two bedroom bungalow with a detached garage. The gross internal floor area measures approximately 1,172sq.ft (109sq.m). The footprint of the existing building measures approximately 7.6 metres wide x 12 metres deep.
- 2.4 The proposal would provide 16 residential flats which comprises of 7 x 1 bed, 7 x 2 bed and 2 x 3 bed units including 2 x 2 bed wheelchair units. The proposed accommodation would be provided over three

floors. The proposed housing mix, size and internal floor areas are as follows:

Unit number	Housing Size	Proposed Internal floor area (m2)	Required internal floor area (m2)
Ground floor			
1. (A01)	2 bed/3 person Wheelchair unit	85	61
2. (A02)	3 bed/5 person	109	86
3. (B01)	3 bed/5 person	101	86
4. (B02)	2 bed/3 person Wheelchair unit	85	61
First floor			
5. (A03)	2 bed/4 person	73	70
6. (A04)	1 bed/2 person	55.3	50
7. (A05)	2 bed/4 person	78.1	70
8. (B03)	2 bed/4 person	70	70
9. (B04)	1 bed/2 person	55.7	50
10. (B05)	2 bed/4 person	71.1	70
Second floor			
11. (A06)	1 bed/2 person	52.6	50
12. (A07)	1 bed/2 person	52	50
13. (A08)	2 bed/3 person	63.7	61
14. (B06)	1 bed/2 person	55.4	50
15. (07)	1 bed/2 person	52	50
16. (08)	1 bed/2 person	52.4	50

2.5 The footprint of the proposed building would broadly form an L shape. The principal elevation of the proposed building would be facing Crofton Road, the public footpath and Crofton Lane with a linear frontage measures approximately 51.2 metres in length. The depth of the proposed building would measure between 5.8 metres and 13.8 metres. The roof profile of the proposed building is designed with 6 pitched roofs and would be partially truncated with a flat roof on top.

The height of the proposed building would measure between 10.2 metres and 10.8 metres in height.

- 2.6 Two communal front and two communal accesses would be provided. In addition, the ground floor 2 x 3 bedroom units would be provided with their own private front door.
- 2.7 The first and second floor accommodation would be provided with a balcony. A landscaped area would be provided for the ground floor.
- 2.8 Sixteen parking spaces including 2 disabled parking spaces would be provided to the rear of the proposed building. The vehicle access to the site would be via the existing vehicular access, off Crofton Road and Crofton Lane.
- 2.9 Twenty-four cycle storage spaces and two communal waste storage areas would be provided.



Fig 2: Proposed site/ground floor plan

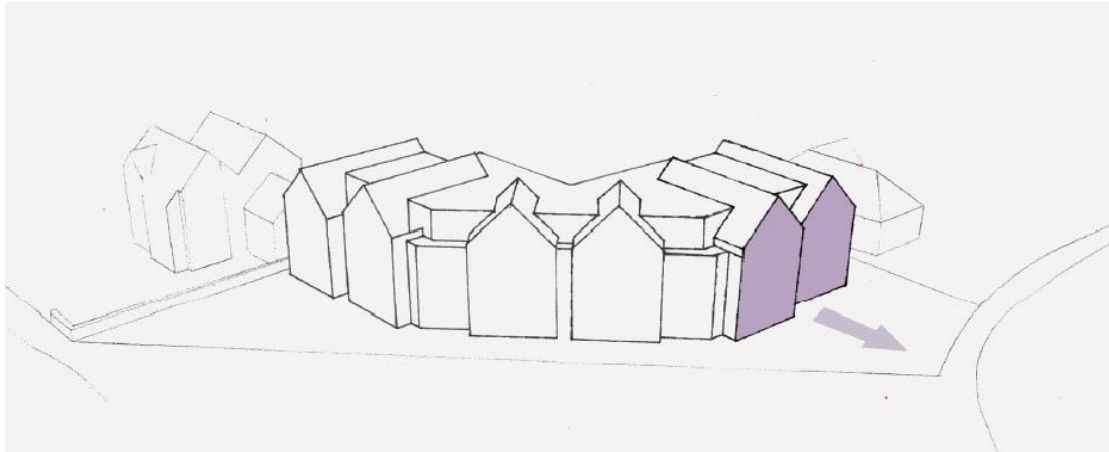


Fig 3: Proposed massing plan (area colour in purple facing Crofton Lane)



Fig 4: Proposed Crofton Lane elevation plan



Fig 5: Proposed Crofton Road elevation plan



Fig 6: Proposed elevation plan facing public foot path



Fig 7 and 8: Proposed elevation plan facing public foot path towards Crofton Road and Crofton Lane

2.10 All trees, hedges and shrubs within the site will be removed, except hedges H23 (Leyland Cypress), hedges H30 (Leyland Cypress) and

hedge 31 (Leyland Cypress and Pyracantha). The trees located offsite will be retained and protected during construction works.

	Numbered	Species	Condition/ Category
Tree			
1	T2	Plum	C
2	T3	Plum	U
3	T5	Snake Bark Maple	C
4	T6	Holly	C
5	T15	Cherry Laurel	C
6	T16	Lilac	C
Hedges			
1	H1	Leyland Cypress	C
2	H22	Californian lilac, Contoneaster and Portugal Laurel	C
3	H26	Leyland cypress, Pyracantha, Silk tassel Bush, Cherry Laurel	C
4	H27	Leyland cypress	C
5	H28	Cherry Laurel	C
6	H29	Leyland cypress	C
7	H30	Leyland cypress	C
8	H31	Leyland cypress and Pyracantha	C
Shrubs			
1	S17	Buddleia and Pyracantha	C
2	S24	Buddleia, Bay, Holly, Choysia and Viburnum	C
3	S25	Camellia	C
Group			
1	G21	Yew and Common Juniper	C
2.	G32	Choysia, Camellia, Common Juniper, Portugal Laurel and Berberis	C

2.11 The existing public footpath does not form any part of this application and the existing barriers along the footpath would be retained.

3. RELEVANT PLANNING HISTORY

Application site

3.1 Full planning permission is sought for the demolition of existing bungalows (1 Crofton Lane and 132A Crofton Road) and erection of a block of two storeys plus accommodation in the roof space to provide 16 residential units and provision of car and cycle parking, refuse storage, landscaping and boundary treatment (Resubmission). Planning reference: 20/02276/FULL1 – Pending consideration (Validated on 8th July 2020).

132a Crofton Road

- 3.2 Planning permission was granted on the 25th March 1993 for a single storey rear extension. Planning reference 93/00275/FUL.

132 Crofton Road

- 3.3 There were 6 planning appeal decisions associated to redevelopment of this site to provide residential units since 2011. The latest planning appeal scheme was allowed on the 15th February 2018 for the demolition of the existing 5 bedroom two storey residential dwelling and erection of a single block of 7x 2 bedroom units with associated access to site, 9 parking spaces, refuse store and bike store. Planning reference was 17/00149/OUT (Appendix 1 for the appeal decision notice). The key planning appeal issues were:-

1. The effect of the development on highway safety
2. The effect of the development on the character and appearance of Crofton Road and Crofton Lane area of Orpington

- 3.4 Paragraph 19 of the planning appeal decision notice concluded the likely residual cumulative effects would not be severe. The appeal scheme has provided sufficient parking and a workable access and layout that would not pose a threat to highway safety. The allowed scheme was considered acceptable on highway safety.

- 3.5 Paragraph 24 of the planning appeal decision notice states that *“the proposals have been progressively revised to the point now where the layout, access and landscaping has been put forward in detail on the basis of 7 x 2 bed flats. There is nothing in the illustrative drawings to indicate that the footprint allocated to the building or the three-dimensional arrangement indicated could not be achieved”*.

- 3.6 Paragraph 26 of the appeal decision notice also states that *“the indicative elevations and floor plans show a two storey building with conventional eaves and rooms within the roof lit by a mix of projecting dormer windows and rooflights. The overall height is shown to be similar to that of the present chalet bungalow, partly achieved by controlling the ground floor level and partly by the use of a flat roof behind frontage pitches. The importance of architectural treatment and the entrance faced would have a symmetry that is evident elsewhere in the area”*.

- 3.7 Paragraph 23 refers to Crofton Road as a *“suburban street”* and Paragraph 30 states that *“the site is within an urban area and is suitable in –principle for redevelopment. The latest scheme would provide additional residential accommodation of a good standard, whilst preserving the character and appearance of the area and living conditions of neighbouring occupiers”*. The impact upon the character

and appearance of the appeal scheme was considered acceptable and the planning appeal was allowed.

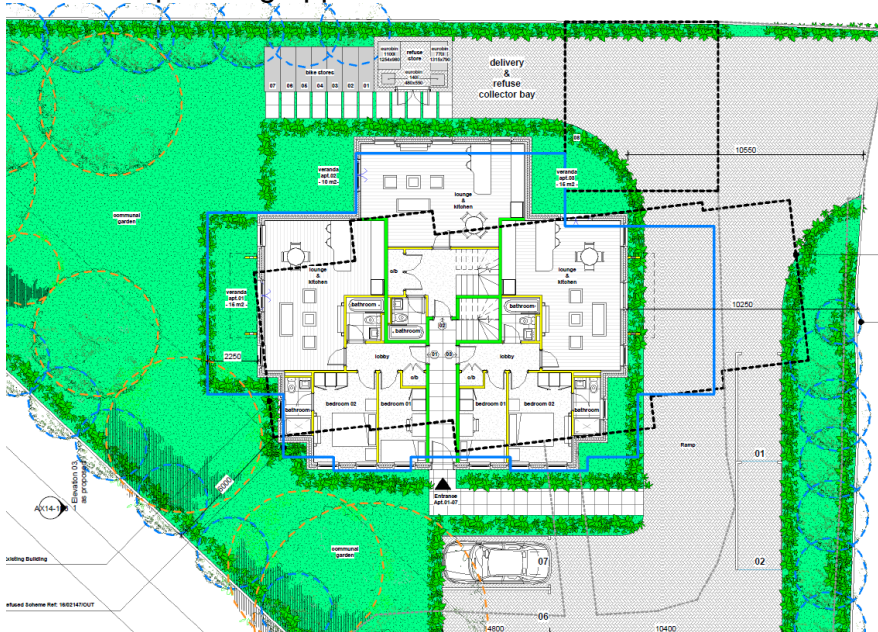


Fig 9: Footprint of the allowed scheme at 132 Crofton Road/Middlewood Court and the former house (Dotted lines in block colours)



vation 01, as proposed
1:50



Fig 10: Elevation plans of the allowed scheme at 132 Crofton Road/Middlewood Court and dotted lines in block colour represent the former houses

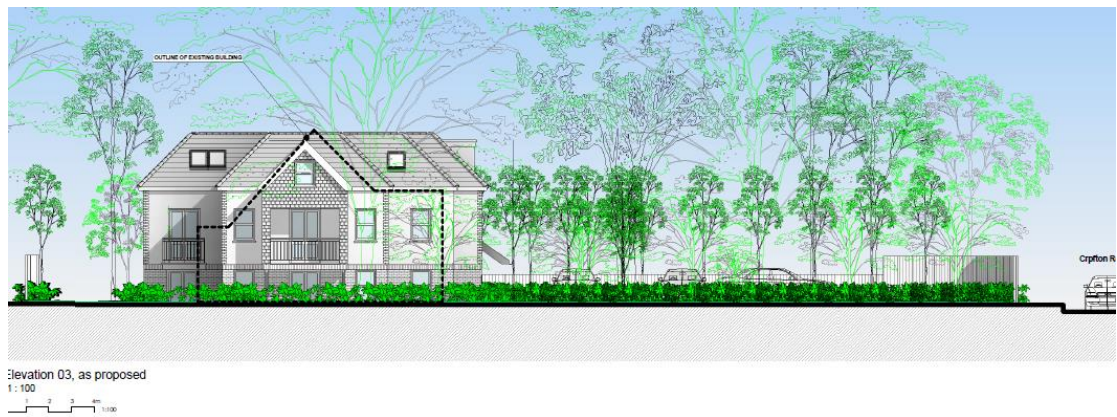


Fig 10: Elevation plans of the allowed scheme at 132 Crofton Road/Middlewood Court and dotted lines in block colour represent the former houses

- 3.9 A reserved matters application to discharge planning condition 1, 5, 7, 8 and 9 of the allowed scheme was granted on the 6th July 2018. Planning application reference 18/01820/DET.
- 3.10 An application for an updated parking layout associated to the appeal scheme was granted on the 8th November 2019. Planning application reference 17/00149/RECON.
- 3.11 An application to revise boundary treatments including vehicular and pedestrian entrance gates and the stopping up of the vehicular access onto Crofton Road associated to the appeal scheme was granted on the 11th November 2019. Planning application reference 19/03601/DET.

4. CONSULTATION SUMMARY

a) Statutory:

4.1 Highways – No objection

The proposal would provide 16 parking spaces and would be in line with the Bromley Local Plan policy requirement. A Transport Statement including parking surveys is also provided which indicates there is ample parking capacity in the surrounding area. A Stage 1 Road Safety Audit including a

design response and swept path analysis have been provided and are considered acceptable. Adequate cycle storage spaces would be provided. Should planning permission be recommended, details of Stage 2 RSA, provision of visibility splay, parking spaces and a construction management plan should be secured by planning conditions. A planning obligation of £3,000 should also be secured via a S106 legal agreement for an amendment of waiting restrictions in the area. The contribution will be returned in 5 years should these contributions not be spent.

4.2 Drainage (lead local flood authority) – No objection

The Drainage Strategy Plan (prepared by Topping Engineers Consulting dated August 2019) shall be implemented in full and the detail should be secured by a planning conditions.

4.3 Thames Water – No objection

Groundwater and surface water drainage

Thames Water would have no objection for the sequential approach to discharge of surface water. Any discharge of groundwater or surface water into a public sewer will require a Groundwater Risk Management Permit and/or a prior approval from Thames Water Developer Services. Thames water would recommend petrol/oil interceptors be fitted in the car park. Should planning permission be recommended, informatives are suggested advising of the above.

Waste water network and sewage treatment works infrastructure capacity

No objection to the planning application in respect to the waste water network and sewage treatment works infrastructure capacity.

Water network and water treatment infrastructure capacity

Based on the information provided, no objection to water network and water treatment infrastructure capacity. An informative advising that 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 is suggested. The developer should take account of this minimum pressure in the design of the proposed development. Thames Water must be notified should the mains water be used for construction purposes.

b) Local groups:

4.4 Crofton Resident Association - Objection

The proposed development would represent an overdevelopment, overbearing and out of keeping with its surrounding area. The proposed building would be located adjacent to a bungalow. It is inaccurate to relate this proposed development as a similar sized plot to the neighbouring

development. The scale of the proposal would double the amount of residential units when compared with the allowed development at No.132 Crofton Road. The existing utilities and services in the area are already stretched and unable to cope with the current demand.

c) Adjoining Occupiers:

Support

4.5 Ten letters of support including a letter from 1 Crofton Lane were received. The grounds of support are summarised as follows:

4.6 Provision of housing and optimise land use

- The proposal would contribute to the Council's housing target, providing good quality residential development and address the community need. The proposal would comply with the government policy and manifesto for more housing.
- The proposal would provide affordable flats for first time buyers. Many residents are being driven out of the local housing market.
- The proposal would optimise and make more efficient land use at a location with good access to local amenities. The proposal would provide adequate cycle storage and promote sustainable modes of transport.

4.7 Acceptable impact upon the amenities and residential amenities enjoyed by the neighbouring properties

- The daylight and sunlight report indicates the proposal would not cause any overlooking or loss of privacy to existing or proposed residents.
- The arboricultural impact assessment report indicates the boundary trees will be protected and no adverse impact to the existing trees. A screen of planting will be introduced with replacement planting there will be a net gain in tree quality. The existing concrete wall will be removed providing more aesthetic outlook for residents whilst also providing natural surveillance of the footpath, creating a sense of security for both occupants and pedestrians.
- The air quality assessment indicates the impact on air quality is considered to be negligible. The transport statement indicates that there is no noticeable impact on the local highway network and no overriding traffic and transportation reasons why planning permission could not be granted. The sustainability statement indicates that there is sufficient wastewater infrastructure both on and off site to serve the development. The proposal would achieve a 100% reduction in regulated carbon emissions.

4.8 Other

- More council tax payable to the Council and could generate attention/improvement to traffic and roads
- The objections for the allowed development at 132 Crofton Road (Middlewood Court) have changed.

Objection

4.9 Eighty-seven letters of objection were received. The grounds of objection are summarised as follows:-

4.10 **Over-development, out of keeping and out of character** (addressed in section 6.2.1- 6.2.6; 6.3.12 - 6.3.15)

- The proposed three storey building would comprise of an extensive building footprint facing the adjoining road and footpath. The proposed building is adjacent to a bungalow and is considered to be over-development and incongruous development when compared with the existing and established pattern of development in the area.
- The character of Crofton and its bungalows is unique. This character should be preserved. The proposed building is considered to be high within a low density and low rise area.
- The Crofton Lane elevation of the proposed building is higher than the other property on the same road. The proposal would represent a substantial overdevelopment, over-intensive and over-crowding development in the area.
- The proposed three storey building is excessive. The roofline of the proposed building is higher than the adjoining two storey Edwardian house which is already higher than most of the 2 storey houses in the area. The proposal would represent an imposing and unneighbourly development in the area.
- The proposal would represent a carbuncle development and would represent a much worse development than the allowed development at Middle wood which comprises of 7 apartments.
- The allowed development at Middlewood Court/132 Crofton Road comprises of 7 x 2 bed flats. Based on the plot size of the application site and the allowed site, the proposal would appear as an over-development. It should also be noted that the scale of this allowed scheme had been reduced to a size and scale comparable to the former house.
- The bungalow and houses in the area are supported gardens. The proposal would result in the loss of good quality landscaping which forms part of the character of the area. The existing trees and planting are considered to be a positive asset in the area and contributes to the character of the surrounding area. The proposal would result in a loss of these assets and impact on the character of the area.
- The proposed building would appear to be out of keeping and character with the buildings on Crofton Lane and Crofton Road.

4.11 Design (addressed in section 6.2.1-6.2.6)

- The proposed building would be located close to the footpath and would discourage pedestrian to access the path. The existing footpath was uninviting. However, the overhanging Leylandii from 132 Crofton Road have been removed and open mesh fencing has been installed along the boundary which already improved the quality of this footpath.
- The proposed accommodation would be cramped development with inadequate living and storage spaces.
- There are no easily identifiable changes in the revised plan, except at ground floor level.
- The revised plan remains a detriment to the surroundings as the roof line of the proposal is higher than most of the properties in the area which are either 2 storey houses or bungalows.
- Does not comply with BLP Clause 2.1.45 Policy 3a 'Backland & Garden Land Development', which states that there should be no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development.
- The government policy no longer supports infill development.

4.12 Housing (addressed in section 6.3.7 - 6.3.8; 6.4.12)

- The proposal would not provide housing affordable for first time buyers or at an affordable price. The proposed flat would be around 4000k.
- There are new housing developments completed in the area including the large scale development by London Square on Starts Hill Road. Is there a need for this development?
- The proposal would not provide affordable housing.
- Loss of much needed bungalows for aging population and elderly
- Inadequate amenity spaces for the number of new units proposed.
- The two and three bedroom units are likely to have children and no safe outdoor play area would be provided.

4.13 Impact on residential amenities (addressed in section 6.5.1- 6.5.12)

- Loss of privacy due to the large number of windows on the upper floor and would be facing the neighbours gardens.
- Loss of sunlight, daylight and outlook.
- The neighbouring windows numbered Window W2 of No 134 Crofton Road, W1, W2 and W3 of No 132 Crofton Road, W3, W9 and W10 of No 3 Crofton Lane Window in the submitted sunlight and daylight report indicates that these windows would be affected. However the impacts are discounted for various reasons. One of the bedrooms would have a reduction of 37% daylight reduction. However this was discounted as 60% of the room area would be benefited from the day light. Whilst the document suggests that all

the criteria are with tolerance, the proposal will directly and adversely impact on the surrounding properties.

- The sunlight and daylight report indicates that the proposal would have "no material effect". The Shadow Diagrams indicates that the proposed building would overshadow the neighbouring gardens at 134 Crofton Road and 138 Crofton Road at 08.00 hours. This reduced to 134 Crofton Road at 10.00. From 12.00 the new building starts to cast shadow over No 3 Crofton Road which continues and worsens at 14.00 and 16.00. The proposal would overshadow the footpath at 16:00 and would not make the footpath safer.
- Overshadowing to the neighbour's garden and impact on their childminder business.

4.14 Highway (addressed in section 6.6.1 - 6.6.3; 6.6.5 - 6.6.17)

Parking spaces

- Inadequate parking ration and the proposal and a minimum of 2 spaces should be provided for each dwelling.
- The proposal would increase parking demand in the area and result in parking overspill to the neighbouring road. There are vehicles parked on the road during work days.
- 32 residential and visitors parking spaces should be provided.
- The existing mini roundabout is already under pressure. The proposal would worsen the situation with the increased traffic.
- This addition in car parking space has substantially reduced the garden to A01. The corner of the garden to B02 has been cut off.

Road safety

- The proposal would impede the visibility of the site which connects to a commuter road.
- The site is near to a busy junction. The road is narrow and is extensively used by emergency vehicles to Princess Royal University Hospital.
- The aesthetics and safety of the pedestrian path is poor during dark hours.
- Road Safety Audit was carried during mid-morning outside rush hour during half-term for 20 minutes. This is not representative of the traffic and safety of road users and pedestrians. The waste collections are carried out during the school run and this should be taken into account.
- RSA does not appear to be accurate as there were 4 crashes on Crofton road in Feb 2020 and cars were left outside 138 and 134 Crofton Lane.
- RSA does not include collisions date, traffic count date and speed data. There was a serious crash on the 11th March 2020 involving 2 cars.
- Impact on pedestrian and road safety impact to school children.

- There are proposed cycling lanes planned in the area next year. The proposal would likely impact on the proposed cycle lanes on Crofton Road.
- The proposal would give rise to safety issue for vehicles exiting Crofton Lane on to Crofton Road.
- There are barriers at both ends of the existing pedestrian path outside the application site. The removal of these barriers could encourage the use of motor cyclists and cyclists.

4.14 Pollution and disruption (addressed in section 6.10.4 - 6.10.7; 6.5.12)

- Revised plan indicates the number of parking spaces would be increased and nearer to the neighbouring properties, giving rise to noise and air pollution.
- More temporary traffic lights would be required during construction. A number of sewer, road and building works were carried out in the past 3 years relating to repair and new development. The proposal would worsen the conditions.

4.15 Waste collection (addressed in section 6.6.9; 6.6.12 - 6.6.13)

- Inadequate waste collection arrangement and would pose a risk to other users.

4.16 Flooding and wildlife (addressed in section 6.7.1 - 6.7.2; 6.8.1 - 6.8.5)

- Impact on wildlife, less trees and green coverage would be retained or can be provided within the site.
- The existing trees and planting are visible from the public views and have good visual values.
- Increased localised flooding due to the increased building coverage and hardstanding.

4.18 Inadequate and impact on infrastructure (address in section 7.2)

- Impact on infrastructure such GP, utilities, school and local services

4.19 Other

- Planning statement paragraph 4.1.3 made a false statement stating neighbouring residents have been made aware of the proposal and have raised no objections and this is most certainly untrue. The only support is from the applicant to date. The submitted document is misleading with false and untrue statements.
- There were no discussions with the neighbouring resident as stated in the submitted documents, prior to the formal submission of this application until a neighbouring consultation letter was received from the Council.

- The supporters of this application are either the applicant of this application or people not living in the area such as in West Malling.
- The proposal would set an undesirable precedent in the area. Residents would be targeted by future developers.
- Impact on TV/Broadband signal.
- No allowance was made for servicing and delivery, plumber and builder or spaces for tradesmen.
- Limited neighbouring consultation letters and publicity of the application.
- The timing of this submission during Covid-19 is not ideal.
- The assessments prepared by the applicant are biased as the assessments paid for by the applicant.
- Decrease property value in the area.
- The residents of the application property had already informed that planning approval is likely to be accepted.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan

- 2.6 Outer london: vision and strategy
- 2.7 Outer london: economy
- 2.8 Outer london: transport
- 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
- 3.8 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.5 Decentralised energy networks
- 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
- 7.6 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
- 8.3 Community infrastructure levy

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. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.*
- 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.*
- 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 *After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.*

5.4.5 *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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). 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 **Draft London Plan**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security, and resilience to emergency
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- G5 Urban greening
- G6 Biodiversity and access to nature
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy infrastructure
- S14 Managing heat risk
- S112 Flood Risk Management
- S113 Sustainable Drainage
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential Parking
- T7 Deliveries, servicing, and construction

5.6 **Mayor Supplementary Guidance**

- Homes for Londoners- Affordable Housing and Viability Supplementary Planning Guidance (2017);

- Housing Supplementary Planning Guidance (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).

5.7 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 72 Protected Species
- 73 Development and Trees
- 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
- 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

5.8 Bromley Supplementary Guidance

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums

6. ASSESSMENT

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

- Land Use
- Design, Scale and Massing
- Housing
- Standard of Accommodation
- Impact on Neighbouring Amenities
- Transport and Highways

- Trees and Biodiversity
- Flooding and Drainage
- Energy and Sustainability
- Noise and Air Quality
- Planning Obligations

6.1 Land use– Acceptable

6.1.1. Annex 2 of the National Planning Policy Framework (NPPF) defines previously developed land as, “*Land which is or was occupied by a permanent structure including the curtilage of the development (although it should not be assumed that the whole of the curtilage should be development) and any associated fixed surface infrastructure*”. The application site comprises of 2 domestic single storey detached bungalows with ancillary garages. As such, the site falls within the definition of previously developed land (brownfield land) in the NPPF.

6.1.2 The site is not designated or allocated for any particular use in the Bromley Local Plan (BLP) adopted January 2019 or the current London Plan (2016). The proposal would introduce 16 new residential flats and would not result in a change in terms of its land use. As such, it is considered that there are no land use issues which would arise from the proposed development.

6.1.3 The proposal would result in an intensification of residential use and changes within the site which would have an impact to the character on this suburban neighbourhood, and traffic and residential amenities enjoyed by the neighbouring properties. The planning merits and impacts of this proposal are assessed in line with the development plan in the following sections of this report.

6.2 Design, scale and massing – Not Acceptable

6.2.1 The residential properties along Crofton Road and Crofton Lane are characterised by spacious gardens with a small building footprint, well set back from the road and benefiting from ample soft landscaping opportunities. The suburban houses in the area are low density houses with small buildings covering a small footprint and mainly being around 2 to 3 storeys in height. These characters attribute to part of the established pattern of development in the suburban street on Crofton Road and Crofton Lane

6.2.2 The proposed building would be facing Crofton Road, the public footpath and Crofton Lane with a linear frontage which measures 51.2 metres long. The proposed floor plan indicates that the proposed building is designed with a stagger in the front building line and would wrap around the frontage. The roof profile of the proposed building is designed with 6 pitched roofs and a flat roof above. The proposed

elevations also depicts the proposed building which would appear as three “pair” of houses as described in the design and access statement.

- 6.2.3 Officers note that these design measures are aimed to break down the extensive frontage, bulk and massing of the proposed building. However, it should be noted that the proposed building would be a single building with an excessive linear frontage and up to 10.8 metres in height. The footprint of the proposed building would also extensively cover the site when compared with the existing buildings and the neighbouring properties. Due to its excessive frontage, scale and massing, it is considered that the proposed building would appear out of scale when compared with the neighbouring houses, in particular the detached bungalows located to the north of the site on Crofton Lane.
- 6.2.4 The proposed building is designed with multiple pitched roofs with a flat roof inserted on top. Whilst the flat roof element would be set in from its respective front building lines and measures between 1 and 3 metres at the second floor level, the proposed building would still appear to be 3 storeys in height with front gable walls on the second floor and would remain significantly prominent when viewed from the street scene. The roof profile design appears to be heavily influenced by the amount of the accommodation proposed. The proposed building would also incorporate a number of front projecting balconies on the first and second floors adding onto the bulk and discordant appearance of the proposed building. As such, it is considered that the design and scale of the proposed building would appear to be excessive and would not be in keeping with the neighbouring properties in this suburban neighbourhood on Crofton Road and Crofton Lane.
- 6.2.5 Officers note that the front building line of the proposed building would be sited approximately 8 metres from Crofton Lane and 16 metres from Crofton Road. It should be noted that the ground floor 3 bedroom units would be sited approximately 3 metres from the public footpath. The use of soft landscaping and screening are not uncommon and could be incorporated to ensure a useable private outdoor space and a degree of privacy are provided for the future occupiers. However, it should be noted that these units would be family units and the outdoor area including habitable room windows would be located in a close proximity to the public footpath. As such, it is considered that the siting and layout of the proposed building would also represent a degree of over-development beyond optimising the potential of the site.
- 6.2.6 Overall, it is considered that the linear frontage and the scale and massing of the proposed building would appear to be excessive when compared with existing and neighbouring houses on Crofton Lane and Crofton Road. The roof profile design, siting and layout of the proposal would also present a degree of over-intensive development, out of keeping and out of character with the surrounding area.

6.3 Housing – Not Acceptable on density and scale

Housing provision

- 6.3.1 The London Plan Policy 3.3 (Increasing housing supply) states that there is a pressing need for more homes in London. London Plan Policy 3.8 (mixed and balance communities) seeks to achieve a mixed and balanced community and new development should offer a range of housing choice in terms of housing size and tenure. London Plan Policy 3.9 states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. This is consistent with BLP Policies 1 and 2.
- 6.3.2 Table 3.1 under Policy 3.3 of the London Plan sets a minimum housing target for the Borough of 641 homes per annum. Table 4.1 of the draft London Plan sets a ten year housing target between 2019/2020 to 2029/2030. The minimum housing target in Bromley will be increased to 774 homes per annum upon the adoption of the new London Plan.
- 6.3.3 The Council's draft Housing Strategy 2019-2029 also recognises that there is an increasing need for housing and affordable housing in the Borough due to the rising population of Bromley.
- 6.3.4 The latest Annual Monitoring report published by the Greater London Authority in October 2019 (Year 2017/2018) indicates that the net housing completion in Bromley was above the minimum housing target at 686 units. However, it should be noted that the number of affordable housing delivery remains lower than anticipated, recorded at 88 units.
- 6.3.5 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.
- 6.3.6 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.

6.3.7 In line with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development. The proposal would contribute to the Council's housing supply. The principle to provide 16 additional residential units and a mixture of one to three bed units is therefore supported, subject to the assessment of relevant policies requirements.

- *Affordable housing provision*

6.3.8 Proposals should promote opportunity and provide a real choice for Londoners in ways that meet their needs at a price they can afford. The London Mayor's Viability SPG sets out the Mayor's preferred approach to implementing London Plan Policies 3.11 (affordable housing targets), 3.12 (Negotiation affordable housing on individual private residential and mixed use schemes) and 3.13 (Affordable housing threshold. Proposals which do not meet the 35 percent affordable housing threshold will be required to submit detailed viability information which is scrutinised by the LPA and treated transparently. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social/affordable rent and 40% should be intermediate rent or sale. Priority should be accorded to provision of affordable family housing. This approach is supported by the Bromley Local Plan Policy 2 and the Council's Planning Obligations SPD.

6.3.9 As part of this proposed scheme, a financial viability assessment (prepared by Red Loft; dated November 2019) has been submitted which indicates that the proposal would not be economically viable to provide any on- site affordable housing or off-site financial contributions.

6.3.10 This FVA has been reviewed by the Council and robustly interrogated by independent experts appointed by the Council. The provision of 35 percent affordable housing (a scheme of 4 affordable units) will generate a negative value of £101,656. An appraisal based on no affordable housing was also carried out by the independent consultant as part of the independent assessment. The result indicates that the residual land value of the site will be lower than the bench mark land value which demonstrates that the proposed scheme would not be economically viable to support any affordable housing on site or provide any financial contributions. As such, the absence of affordable housing is considered acceptable in this instance. In accordance with the Mayor's viability SPG and draft London Plan Policy H4, the

affordable housing provision should be subject to an early and late viability review mechanisms.

Density

- 6.3.11 London Plan Policy 3.4 states that planning decisions should take into account the local context and character and its surrounding area, the design principles in Chapter 7 of the London Plan, public transport capacity, and that development should optimise housing output for different types of location within the relevant density range. This approach is supported by Bromley Local Plan Policy 2 and 37.
- 6.3.12 The site is located on suburban streets and within a neighbourhood with low density housing. Based on the footprint of the application properties and the area consisting of low density housing to the west and north, it is considered that the setting of the site is considered to be “Suburban”.
- 6.3.13 The London Plan density matrix indicates that for sites located with a PTAL rating of 2 and within an area with predominantly low density development, small residential building footprints and typical buildings of two to three storeys in height are acceptable. The appropriate density range would be between 150 to 250 habitable rooms per hectare (HRH). The proposed residential density would be 269 HRH (43 habitable rooms in total; site area 0.16 hectares) and this would be above the recommended threshold. This proposed density indicates that the proposal would present a degree of over-intensive development.
- 6.3.14 Residential density is often a starting point in assessing the merits of the proposed accommodation. Consideration should be given to the local context, character and quality of the accommodation. It should be noted that the density matrix will be removed and more focus on design-led approach when the new London Plan is adopted. Draft LP Policy D3.B.1 (Optimising site capacity through the design-led approach) states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.3.15 Given that the residential density of this proposal would exceed the recommended residential matrix and the scale and massing of the proposed building including the footprint of the proposed building would be excessive, it is considered that the proposal would represent a degree of over-development. Furthermore, the residential density of the allowed development at 132 Crofton Lane is 156HRH (21 habitable rooms in total; site area measures approximately 0.135 hectare). As such, this part of the proposal is not considered acceptable.

6.4 Standard of Accommodation – Not Acceptable on privacy, outlook and outdoor spaces for ground floor 3 bed units

Internal floor area

- 6.4.1 London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 - 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016.
- 6.4.2 In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document deals with internal space within new dwellings across all tenures. It sets out requirements for the gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 reflect the national guidance.
- 6.4.3 The proposed floor plan indicates that all proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided.

Storage area

- 6.4.4 Each of the proposed units would be provided with a storage area and would comply with the nationally describe space standards, except the 2 bed/3person units on the top floor (A08) which would be below the required standard by 0.5sq.m. Given that the internal floor area of the proposed unit would be above the minimum requirement, it is considered that the deficiency of storage floor space would not warrant as a standalone reason to refuse this application.

Wheelchair unit and inclusive living environment

- 6.4.5 Paragraph 3.3 under London Plan Policy 3.1 states "The Mayor is committed to ensuring a London that provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city - and share in its benefits - while tackling problems of deprivation, exclusion and discrimination that impede them. This includes understanding and addressing the physical and social barriers that prevent disabled people participating"

- 6.4.6 London Plan Policy 3.8 requires that 10% of new housing meets Building Regulation requirement M4(3) Wheelchair users dwelling; 90% of new housing meets Building Regulation M4(2) accessible and adaptable dwellings. London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.
- 6.4.7 The proposal would provide 2 wheelchair user units on the ground and 2 disable parking spaces would also be provided in the car park.

Dual Aspect

- 6.4.8 Standard 28 of the London Housing SPD states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.
- 6.4.9 Standard 29 of the London Housing SPD states new development should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing exposed to noise levels above which significant adverse effects on health and quality of life occur or which contain three or more bedrooms should be avoided.
- 6.4.10 Whilst 3 x 1 bed units (3 units out of 16 units) would be single aspect, the proposed family units are designed with dual aspect and there are no single north facing units. This part of the proposal is considered acceptable.

Private outdoor space

- 6.4.11 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.
- 6.4.12 Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".
- 6.4.13 A private front balcony with a floor area ranging between 6sq.m and 7.3sq.m would be provided for the residential units on the upper floors. An outdoor area which ranges between 13sq.m and 24.7sq.m would be provided for the ground floor units. Whilst the proposed outdoor area would comply with the policy requirements in quantitative terms, it should be noted that the outdoor area for the ground floor units would be located within a close proximity to a car park or close to the public

footpath. Due to the siting and close proximity to the car park and public footpath, it is considered that the quality of these outdoor spaces would be poor without an adequate distance. Privacy screens and landscaping could improve the usability and privacy for the future occupiers. However, it is considered that the reliance of reactive mitigation measures would not be sustainable and a greater distance should be provided. Due to the siting of the proposed outdoor spaces for the ground floor units, it is considered that the proposal would represent a degree of over-development and would fail to provide a good standard of outdoor space for the future occupiers.

Privacy and Outlook

6.4.14 The proposed ground floor front habitable room windows would be positioned close to the parking spaces, communal path to the communal entrances or public footpath. For example, the second bedroom associated to the ground floor wheelchair unit (Unit A01) would be located approximately 0.7 metres to the parking space numbered 14. The second bedroom window associated to the other 2 bedroom wheelchair units (Unit B02) would also be positioned in a close proximity to the parking space numbered 15, and measures approximately 0.8 metres. The living room windows of the 3 bedroom units (Unit A02) would be located 1.4 metres from the parking space numbered 14 and the communal path leading to the communal front entrance. Due to its close proximity to the parking space and communal path leading to the front entrance, it is considered that layout of the proposal would not provide adequate privacy for the future occupiers. The layout and design of the proposal would represent a degree of overdevelopment on this suburban street.

6.4.15 The proposed bedroom windows for the three bedroom units (Unit A02 and B02) would be facing the public footpath and each of these units would be provided with a private outdoor area between the proposed windows and public footpath. The proposed site plan indicates that landscaping would be incorporated into the proposal and screening measures could also be incorporated to improve the sense of privacy and reduce the sense of overlooking for the future occupiers. However, it should be noted that the distance between the proposed bedroom windows and the public foot path would measure approximately 3 metres, which is less than a car length. Due to this limited distance and close proximity to the public footpath, it is considered that the proposal would fail to provide a good standard of living accommodation for the future. The reliance of screening measures to alleviate over-looking or privacy issues is not considered to be sustainable. The layout and design of the proposal would present a degree of over-intensive development in this instance.

Child Play

6.4.16 According to the London Plan child yield calculator in the SPG and based on the information in the application, the child yield of this proposal would be 4.6 and there is not a requirement to provide an on-site child play area for development generating less than 10 children. This part of the proposal is considered to be acceptable.

Secure by Design

6.4.17 London Plan Policy 7.3 (Designing out crime) states development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.4.18 The Designing out crime officer has raised no objection to the proposal. It is recommended that a planning condition requiring the development to achieve Secured by Design Accreditation be attached should planning permission be recommended for approval. The proposal should incorporate security doorsets to prevent rough sleeping, criminal damage and arson. The permeability, ease of access to the secluded area including bin and cycle storage areas should be secured.

6.5 Impact on Neighbouring Amenities – Not Acceptable

6.5.1 The adjoining properties at No.3 Crofton Lane and 134 Crofton Road would be the nearest accommodation which would experience the impact of this proposed development, in particular the side and rear residential windows and residential gardens.

134 Crofton Road

6.5.2 The rear building line of the existing bungalow (132 Crofton Road) is projected approximately 7.8 metres further than the rear building line of the neighbouring properties at 134 Crofton Road. The flank wall of the existing bungalow is located approximately 6.8 metres from the neighbouring property.

6.5.3 The rear building line of the proposed building would project approximately 6 metres from the neighbouring rear building line. However, the flank wall of the proposed building would be positioned 1 metre from its side boundary and the proposed building would comprise of three floors and would be significantly higher than the existing bungalow and higher than the neighbouring property at 134 Crofton Road.

6.5.4 It is noted that the flank wall of the neighbouring property at No.3 Crofton Lane is located less than a metre from the application site boundary. It should be noted that the property is a bungalow and is of a similar characteristic in the area where the houses are well spaced out and surrounded by spacious gardens.

6.5.5 The proposed building would be 10.6 metres in height and coupled with its siting and relationship with its surroundings, it is considered that the proposed development would appear as an unneighbourly development and would have an adverse impact due to its sense of enclosure and resulting loss of outlook.



Fig 10: Photos taken from 134 Crofton Road, view towards existing bungalow and garage at 132A Crofton Road.

6.5.6 A sunlight and daylight report is submitted in support of this application. Four windows (ground floor W1, W2 and W3 and first floor W1) are tested which indicates that the daylight of these windows would experience a reduction of 12 percent to 17 percent of its former/existing value between 0.79 and 0.84. Whilst the proposal would have an impact in terms of loss of sunlight, the impact is considered to be limited and would comply with the threshold (no greater than 20 percent) in the Building Research Establishment (BRE) guidance.

6.5.7 Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows

with an orientation within 90 degrees to the south need be assessed. There are no habitable room windows which would be within 90 degrees to the south. As such, this part of the development is considered acceptable.

3 Crofton Lane

6.5.7 There are two primary bedroom windows and a secondary living room window facing the application site. Whilst the proposed building would be located approximately 6.2 metres south from the neighbour's bedroom windows, it should be noted that the height of the proposed building would be up to 10.6 metres and would comprise 3 floors. Due to its siting and relationship with the neighbouring properties, it is considered that the proposal would have an adverse impact on the residential amenities in terms of loss of outlook and unneighbourly sense of enclosure.



Fig 11: Front elevation of No.3 Crofton Lane (Credit from Google Street View)

APPROX. GROSS INTERNAL FLOOR AREA 1276 SQ FT 118.5 SQ METRES (INCLUDES GARAGE)

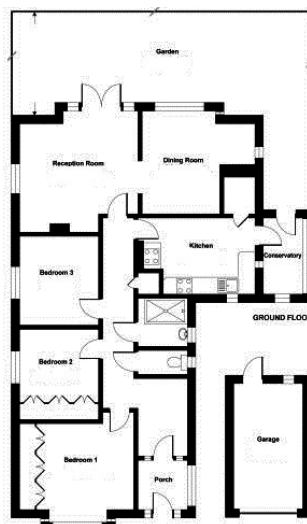


Fig 12: Floor plan of No.3 Crofton Lane (Credit from Rightmove)

6.5.8 The windows on the north, west and south elevation of the neighbouring property are tested. The daylight test indicates that the proposal would have an adverse impact on the living room (rear garden facing/west). There are two south facing primary bedroom windows which would be affected by the proposed development. The vertical skyline component of bedroom windows are outlined as follows:-

Room/VSC value	Bedroom W9	Bedroom W10
Existing	24.24	25.06
Proposed	16.67	14.23
	-0.68(31% reduction)	-0.57 (43 % reduction)
Existing without soffit	31.71	32.53
Proposed without soffit	25.58	23.10
	-0.81(19.3% reduction)	-0.71 (29% reduction)

6.5.8 The sunlight and daylight report indicates that there are no windows that would have an adverse impact in terms of loss of daylight, except window W10 with a reduction of 29%. The report also states that “*The BRE Guide (Clause 2.2.11) allow consideration “without balconies/soffit” as such obstructions can already significantly limited the availability skylight and inherently result in disproportional reductions resulting from even limited obstruction*”.

6.5.9 The BRE Guidance does provide a numerical guideline and should be interpreted flexibly since natural lighting is only one of many factors in site layout design. However consideration should be taken into account in terms of siting, relationship, design and the actual context of the proposal and each case should be assessed on its merits. An existing projecting balcony and/or large soffit could potentially result in a disproportionate lighting reduction as illustrated below.

6 SITE LAYOUT PLANNING FOR DAYLIGHT AND SUNLIGHT

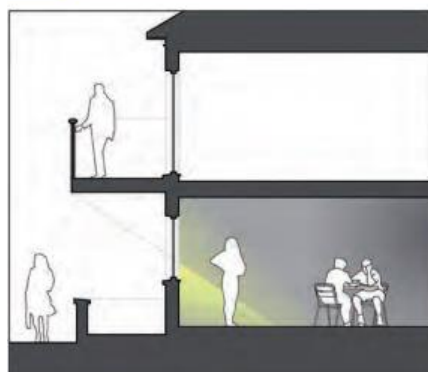


Figure 10: Balconies and projecting access ways can restrict daylight to rooms lit by windows below them

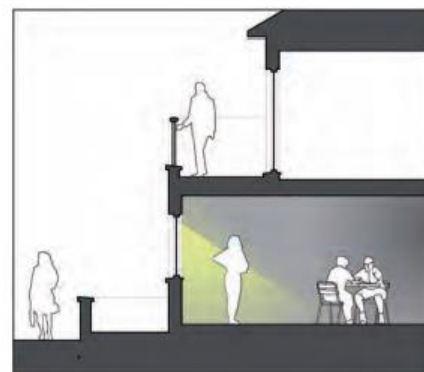


Figure 11: Section showing stepped back rooftop access ways. This gives improved daylight compared to a conventional section (see Figure 10).

Fig 13: Credit from The BRE Site Layout Planning For Daylight and Sunlight – A guide to good practice second edition – Paul Littlefair.

6.5.10 No.3 Crofton Lane is a post-war domestic bungalow. The soffit boards of post-war dwellings are normally around 404mm (15.9 inch) in width. The existing soffit at No.3 Crofton Lane is not considered to be a significant or exceptional feature projecting over the bedroom windows to a significant degree. As such, the suggestion that the proposed bedroom W9 would fall within the BRE guidance is not considered acceptable in this instance.

6.5.11 Furthermore, it should be noted that these windows are both south facing primary bedroom windows. Due to the orientation, close proximity and use of the neighbouring windows, it is considered that the proposal would have an adverse impact to the neighbouring properties in terms of loss of daylight. It should also be noted that the impact upon the bedroom window facing Crofton Lane is not provided in submitted sunlight and daylight report.

Middle Court/former 132 Crofton Road

6.5.12 The north facing windows including the nearest windows (W1, W2, W3 and W4) to the site are tested and would both comply with the BRE guidance in terms of sunlight and daylight.

Sun on Ground (Overshadowing on open spaces)

6.5.13 The BRE guidance makes recommendations concerning the effect of new development on sunlight to open spaces including residential gardens. The guide recommends that the level of overshadowing on such areas should be checked on the equinox 21st march). The BRE guide notes that sunlight into those open spaces is valuable for a number of reasons, to: “provide attractive sunlit view (all year); make outdoor activities like sitting out and children’s play more pleasant (mainly warmer months); encourage plant growth (mainly spring and summer); dry out the ground, reducing moss and slime (mainly in colder months); melt frost, ice and snow (in winter; dry clothes (all year).”

6.5.14 The guidance recognises that open spaces has different sun lighting requirements and that it is difficult to suggest a hard and fast rule. It recommends that: “... at least half of the amenity area should receive at least two hours of sunlight on 21st March”. When assessing the impact of a proposed development on the level of overshadowing an existing open amenity, the BRE guide recommends that: “if, as a result of new development the area which can receive two hours of direct sunlight on 21st March is reduced to less than 0.8 times its former size, the further loss of sunlight is significant. The garden or amenities will tend to look more heavily overshadowed”.

6.5.15 The sunlight and daylight report indicates that the proposal would not lead to overshadowing to the neighbour’s garden at 3 Crofton Lane. The proposal would result in overshadowing to the neighbour’s

gardens at 134 Crofton Road. However, the impact would be limited to a reduction of 0.01 times of its former value. As such, it is considered that the proposal would not result in any significant overshadowing to the neighbour's gardens and this part of the proposal is considered acceptable.

Noise

- 6.5.16 The proposed access road to the car park would be located in a close proximity to the neighbouring property at No. 3 Crofton Lane. It is noted that the proposed access would utilise an existing vehicular access. However, the proposal would accommodate up to 15 parking spaces adjacent to the neighbouring property. Due to its close proximity and the number of parking spaces proposed, it is considered that the proposed layout would be an unneighbourly development when compared with the existing conditions.
- 6.5.17 Concerns from local residents regarding noise generated during construction. Construction activities are likely to cause a temporary disruption to the public car park, additional noise and disturbance, additional traffic generation and dust. Should planning permission be recommended, a detailed construction management plan and logistic plan to manage and control the working hours should be secured by planning condition.

6.6 Transport and Highways - Acceptable

Residential parking spaces

- 6.6.1 Table 1 in the BLP Policy 30 (Parking) sets the off-street parking standard for new residential development and the standards, subject to the particular characteristics of the development and the public transport accessibility. The site has a PTAL rating of 2 and a minimum of 0.7 parking spaces should be provided for each 1 or 2 bed unit. A minimum of 1 space should be provided for 3 bedroom units.
- 6.6.2 A total of 16 parking spaces would be provided achieving a ratio of 1 space per dwelling and this would comply with the minimum policy requirement.
- 6.6.3 A Transport Statement (TA) including a parking survey is provided in line with the Lambert Methodology for residential use on the 31st July 2019 and 1st August 2019. For non-residential development, a day time survey would be required. The parking survey covers an area of 200 metres around the site and demonstrates that there is ample parking capacity in the area surrounding the proposed site. As such, it is considered that the proposal would provide adequate parking spaces for the future occupiers and would not result in an unacceptable overspill of parking on the neighbouring roads.

6.6.4 The draft London Plan sets the minimum standards for electric charging facilities for residential development, a minimum of 20 percent of parking spaces should have active charging with passive provision for all remaining spaces. A total of 4 residential active electric charging points should be provided in order to comply with the minimum, 3.2 electric charging spaces requirement. The remaining 12 spaces should be passive. These provisions and details would be secured by a planning condition.

Access and visibility splay

6.6.5 A Transport Statement indicates that there were 10 collisions between 2014 -2019 in the area and there was no serious injuries. The TA also indicates the location of the proposed access to the proposed car park would be via Crofton Lane and would achieve the required 2.4m x 43m visibility splay on a 30mph road.

6.6.6 Following planning consultation, the Council's highway officer has requested a Stage 1 Road Safety Audit be carried out and the audit was carried out in the present with one of the Council's traffic engineers. There are no changes in terms of the geometry of the Crofton Lane and Crofton Road and a speed survey was not required.

6.6.7 The access to the site would be via the existing vehicular access on Crofton Lane and Crofton Road. The proposal would intensify the use of the access with a new car park to the rear of the building, via an internal access road. The purpose of this audit is to identify potential road safety issues or problems that may affect all users of the highway and to recommend measures to eliminate or mitigate these problems. Concerns were raised by residents regarding to the timing and length of the audit. The timing and process of the audit was agreed with the Council's highways team and is considered acceptable in the presence of a Council's highway engineer.

6.6.8 The Stage 1 RSA identified that the details of the vehicle track movement was not provided to demonstrate adequate carriage widths and turning radii will need to be provided. In particular, the swept path for refuse vehicle and parking bays numbered 15 and 16 is required.

6.6.9 A designer's response is provided which confirms waste collection arrangements would be the same as the existing arrangement, via Crofton Lane and Crofton Road. Swept path analysis confirming the manoeuvrability of parking bay number 15 and 16 are provided. The Councils highway and waste services were consulted and raised no objection to the proposal.

6.6.10 The RSA indicates the proposed visibility spays of 2.4m x 43m would appear to be adequate for vehicle speed on Crofton Lane. However, it was not clear from the submitted drawings what will be done with the site frontage onto Crofton lane to achieve the required visibility splays.

The extent of site clearance to achieve the required visibility splays including details of the proposed boundary treatment would be required.

- 6.6.11 The designer's response also confirmed the boundary treatment facing Crofton Lane would not be higher than 0.6 metres and would not obscure the visibility. The Council's highway officer was consulted and considered that the proposal would be acceptable. A Stage 2 Road Safety Audit and a £3,000 planning contribution towards the amendment of waiting restriction in the area should be secured by planning condition and a S106 legal agreement. The planning obligations can be returned should works not be required to be carried out within 5 years of the development.

Waste storage

- 6.6.12 Residential waste and recycling waste associated to the existing facilities will be collected within the site. Waste collection would be via Crofton Lane and Crofton Road and would be the same as the existing arrangement. The proposed building storage area would be located below 18 metres from the road and would be step free. The Council's waste guidance note states that 1 x 1100 litre bin for non-recyclable, 1 x 240 litre bin for paper and 1 x 240 litre bin for bottles should be provided for every 6 flats.

- 6.6.13 A total of 3x 1100 litre bin for non-recyclable, 2 x 240 litre bin for bottle and 2 x 240 litre for paper and 1 x 140 litre bin for food waste would be provided in the communal residential storage area. The Council's highway and waste divisions were consulted and no objection or comment was received. Subject to the bin storage enclosure confirming the storage would be secured and not abused by non-residents, it is considered that this part of the proposal would be acceptable.

Cycle storage

- 6.6.14 In line with the London Plan Policy 6.9, a minimum of 25 long-stay and 1 short stay cycle storage spaces would be required. Two communal residential cycle storage areas with capacity of 24 spaces and 2 outdoor cycle storage spaces would be provided. Should planning permission be recommended, the details dimension of the two –tier cycle storage and outdoor storage fixture should be secured by a planning condition.

- 6.6.15 Concerns are raised from the residents regarding to the impact upon the Council's highway and cycling improvement works in the area. The Council has published an interim transport improvement scheme consultation report in November 2019. This project is intended to allow residents to have a genuine choice of transport options and encourage residents to make local trips to the station schools and shops on foot,

by bike or by bus. The initial key elements of the proposed works were as follows: -

- New and widened footways between Ormonde Avenue and Crofton Lane;
- The provision of physically segregated width flow cycle lanes between Crofton Lane and Orpington Station;
- New zebra crossings and refuges to give more and safer opportunities to cross with a particular emphasis on walking to school;
- Enhancements to the local greenery along the route through the planting of a number of additional trees and low level vegetation

6.6.16 There are no new zebra crossings, widening or narrowing road works proposed near to the existing and proposed vehicular accesses of the application site. The proposed new zebra crossings are located near to 13 Crofton Road, 42 Crofton Road, junction near Crofton Road and York Rise. There no proposed shared footways for cyclists and pedestrians proposed outside or near to the vehicular access of the application site.

6.6.17 The Council’s highway officers have advised that the proposal would not prejudice the proposed highway works, as indicated in the initial highway design. It should be noted that the existing vehicular accesses to the site would be retained and the proposed development will be subject to a Stage 2 Road Safety Audit to ensure conformity of the design response as outlined in the Stage 1 response. The Council’s initial highway design details of the proposed highway works relevant to the application site is attached below.

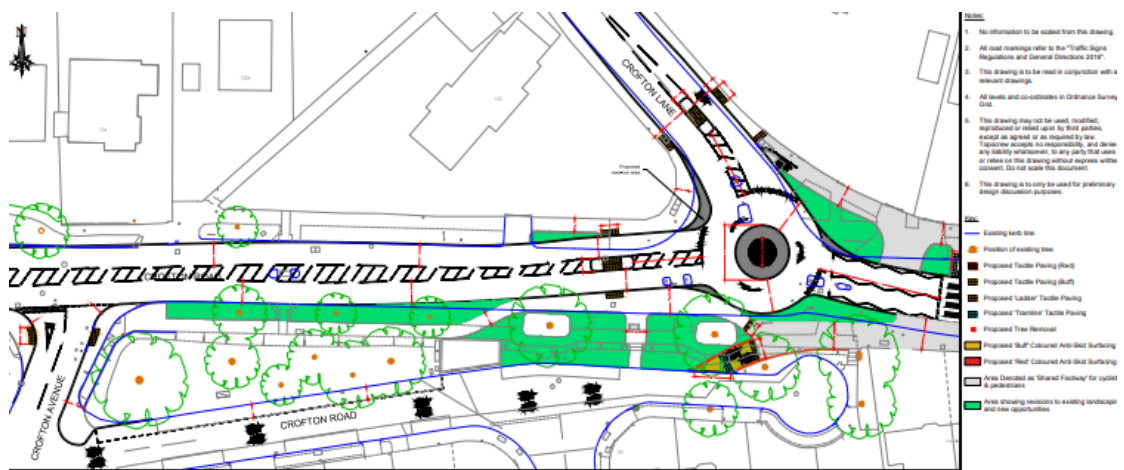


Fig 14: Highway works in consultation

6.7 Landscaping and biodiversity - Acceptable

6.7.1 An arboricultural report is submitted which indicates that there are no trees with any tree preservation orders. All trees, hedges and shrubs within the site will be removed to facilitate the proposed development , except the existing hedges along the eastern and south boundary of

the site would be retained (Hedges H23 (Leyland Cypress), hedges H30 (Leyland Cypress) and hedge 31 (Leyland Cypress and Pyracantha)). The trees located offsite will be retained and protected during construction works.

- 6.7.2 The Council's tree officer has raised no objection to the proposal. Should planning permission be recommended, it is recommended that replacement planting of sufficient quality and quantities be secured by a landscaping condition to mitigate the loss of the planting.

6.8 Flooding and Drainage - Acceptable

Surface water drainage

- 6.8.1 The proposed building and car park spaces to the front and rear of the building would increase the impermeable area of the site from 294sq.m to approximately 1,119sq.m.
- 6.8.2 In line with the national and local planning policies, the Council's drainage officer has stated that the acceptable discharge rate allowable for the 1 in 100 year plus climate change event is the greenfield run-off rate or a maximum of 2 l/s.
- 6.8.3 In order to restrict surface water run-off rate at 2 l/s, an estimated storage volume of 51.2 m³ will be required. A drainage strategy is submitted which indicates that the proposal would include soft landscaping areas and an underground geocellular attenuation storage tank with a storage capacity of 56m³ would also be provided. These provisions would enable surface water to infiltrate into the ground or storage within the site, ensuring the surface water run off rate be kept at the required level and minimising any surface water runoff.
- 6.8.4 The location and dimension of the attenuation storage tank are indicated on the drawing below. The Council drainage officer has raised no objection to the proposal and considers the detailed design of these provisions be secured by a planning condition.

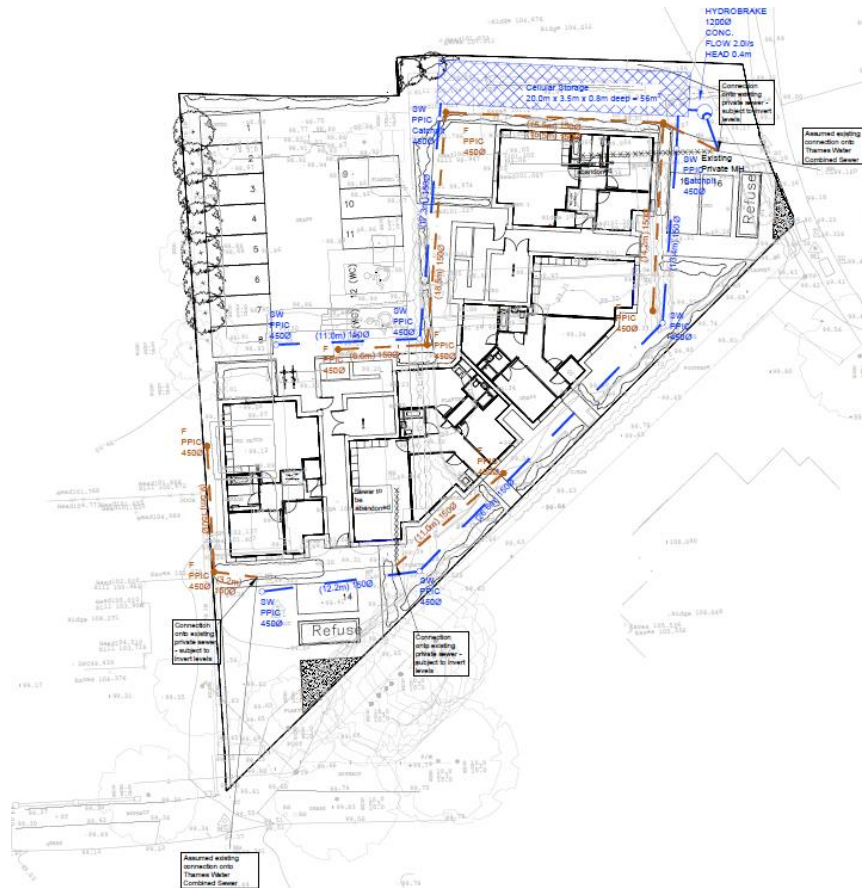


Fig 13. Location of underground attenuation tank.

Water and foul water

6.8.5 New connections connecting to the public water and sewage network will be required and this is covered under Building Regulations legislation (approved document Part H). Thames water was consulted and raised no objection. Thames Water has advised that a ground water risk management permit from Thames water will be required for any discharge of ground water into a public sewer. Thames water aims to provide customers with a minimum pressure of 10m head (approx. 1bar) and a flow rate if 9 litres/minute. Should planning permission be recommended, informatives advising the above would be attached.

6.9 Energy and Sustainability – Acceptable

6.9.1 The London plan sets a minimum on-site carbon reduction to be achieved and allows for any carbon shortfall to be paid as a payment-in-lieu contribution into the local authority’s carbon offset fund. New residential development is required to achieve zero carbon of which, a minimum of 35 percent carbon reduction should be achieved on site.

6.9.2 The application is supported by a Sustainability Statement which has been reviewed by the Council’s energy officer and it is considered the proposed carbon reduction measures have followed the GLA Energy

Hierarchy and the proposal would comply with the policy requirements. The total regulated carbon saving on the site would achieve 35 percent against Part L 2013 of the Building Regulations Compliant Development.

6.9.3 The statement indicates that cumulative on site carbon saving including the use of solar PV panels at the roof level would achieve 6.97 tonne on-site carbon saving which is equivalent to 35 percent carbon reduction. In line with the GLA Energy Assessment Guidance, the shortfall of 65 percent carbon saving, equivalent to 12.933 tonne (£23,279) would be secured by a S106 legal agreement.

6.9.4 Furthermore, it should be noted that the required carbon contribution would be increased upon the adoption of the new London Plan as the carbon price will be increased from £60/ tonne to £95/ tonne. The required carbon contribution will be increased to £36,859.05 upon the adoption of the new London Plan.

6.10 Noise and Air Quality - Acceptable

Noise

6.10.1 British Standard BS 8233:2014 Guidance on Sound and Noise Reduction for Buildings set the standards provides indoor ambient noise level for residential dwelling as follow:

Activity	Location	07.00 to 23.00	23.00 to 07.00
Resting	Living room	35 dB L _{Aeq, 16hour}	-
Dining	Dining room/area	40 dB L _{Aeq, 16hour}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq, 16hour}	30 dB L _{Aeq, 8hour}

6.10.2 An external sound monitoring survey was undertaken on the 16th Sep 2019 and 17th Sep 2019. The noise results on the southern and eastern facades are as follows:

Index	Measured Free-field Noise Level, dB		Target Internal Noise Level - dB	
	Day	Night	Day	Night
Southern Façades (MP1)				
L _{Aeq}	57	51	35	30
L _{AFmax}	-	70	-	45
Eastern Façades (MP2)				
L _{Aeq}	64	57	35	30
L _{AFmax}	-	75	-	45

6.10.3 The survey results indicates that double glazing, ventilation or façade insulation would be required to ensure the internal noise level of the residential units would be below 35dB during the day hours and below

30dB during the night hours. The noise assessment also indicates that the proposal would achieve the required standards. The Council Environmental Health Officer was consulted and raised no objection to the proposal, subject to the glazing, ventilation and façade insulation details. Should planning permission be recommended, these details should be secured by a planning condition.

Air Quality

- 6.10.4 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.
- 6.10.5 The application site is neither located within nor adjacent to an Air Quality Management Area. The proposal is not considered to be a potential polluting use nor would it generate a significant amount or volume of traffic.
- 6.10.6 The Council's Environmental Health Division has raised no objection to the proposal and recommended that an updated Construction Environmental Management Plan (CEMP) including the air quality management monitoring during construction should be submitted and agreed by the Local Planning Authority prior to commence of the work.
- 6.10.7 A further planning condition requiring any Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) should be attached. Should planning permission be recommended, these details would be secured by planning conditions.

7. OTHER ISSUES

Planning obligations and CIL

- 7.1 Developer contributions associated to new development are secured by means of planning conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Level (CIL). This is in line with BLP Policy 125 and the Council's Planning Obligations SPD.
- 7.2 The proposal is liable to the Mayor of London's CIL and is subject to planning obligations. In line with the Council's Planning Obligation SPD, the following planning contributions are identified and should be secured prior to the development: -
- Health contribution: £ 11952.00;

- Education contribution: £ 36,699.87; ,
- Energy £23,279;
- Highway: £3,000;
- Affordable housing review mechanism; and,
- Planning obligation monitoring fee £2,000.

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.

7.4 The proposal is liable to the Mayor of London's CIL and the applicant has completed the relevant form.

8. CONCLUSION

8.1 The proposal in its current form would represent an over-intensive development within a suburban neighbourhood and would appear out of keeping and character when compared with the existing or established pattern of development in the rear.

8.2 The proposal would have an adverse impact on the residential amenities enjoyed by the adjoining properties in terms of loss of outlook, privacy, loss of day light and unneighbourly sense of enclosure. The proposed accommodation would fail to provide useable private outdoor spaces for the ground floor units due to its proximity to the public footpath, parking spaces or communal entrance.

8.5 Having regard to the presumption in favour of sustainable development, the merits derives from this proposal would not significantly and demonstrably outweigh the impact arising from this proposal when assessed against the policies in the National Planning Policy Framework taken as a whole. As such, it is considered that the proposal cannot be supported for the reasons outlined below.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS.

REASONS:

1. Design, scale and massing

The proposal, by reason of its extensive linear frontage, scale, massing and roof profile design would appear out of keeping and out of character with the locality, appearing as an over-dominant structure and an over-intensive development within a suburban neighbourhood with an excessive residential density, contrary to London Plan Policy 7.4, draft London Plan Policy D2, Bromley Local Plan Policies 4 and 37.

2. Standard of accommodation


The proposal, by reason of its close proximity to the public footpath, communal entrance door and parking spaces would represent a cramped and over-intense development which fails to provide a good standard of living environment for the future occupiers in terms of privacy and provision of useable private outdoor spaces for the ground floor units, contrary to Bromley Local Plan Policies 4 and 37.

3. Impact on residential amenities

The proposed building, by reason of its siting, close proximity to the primary bedroom windows associated to No, 3 Crofton Lane and the neighbouring property at 134 Crofton Road would be an unneighbourly development and would have an adverse impact on the residential amenities in terms of an increased sense of enclosure, loss of outlook and loss of daylight, contrary to Bromley Local Plan Policy 37.



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Report No. **London Borough of Bromley**
HPR2020/019
PART ONE - PUBLIC

Decision Maker: **PLANS SUB-COMMITTEE NO. 1**

Date: **Thursday 6 August 2020**

Decision Type: Urgent Non-Executive Non-Key

Title: **DIRECT ACTION - EVERGREEN, JAIL LANE, BIGGIN HILL**

Contact Officer: John Stephenson, Head of Planning and Development Support Team
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: Darwin;

1. Reason for report

Evergreen is a privately owned detached bungalow set in approximately 2 acres of land on a busy country lane. The site is enclosed and secured by metal gates to the front of the property. The site is located within the Metropolitan Green Belt.

The property is the subject of probate and one of the sons has been residing at the premises. The son (occupier) has been taking in waste materials for some time for which he has been paid per load. A large amount of waste materials has been brought onto the property by the occupier for payment and despite both magistrates and county court proceedings the waste materials remain in situ which is causing further issues in relation to rat infestation.

2. **RECOMMENDATION(S)**

That Members decide on a course of action, taking into account the cost implication that would be incurred.

Impact on Vulnerable Adults and Children

1. Summary of Impact: n/a
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Quality Environment:
-

Financial

1. Cost of proposal: Estimated Cost
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): n/a
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Evergreen is a detached bungalow set in approximately 2 acres of land on a busy country lane. The site is enclosed and secured by metal gates to the front of the property. The site is located within the Metropolitan Green Belt.
- 3.2 The property is the subject of probate and one of the sons has been residing at the premises. The son (occupier) has been taking in waste materials for some time for which he has been paid per load. A large proportion of the rear garden of the property has been filled with waste materials to a considerable height.
- 3.3 On 6 August 2019 a S215 untidy site notice was served on the occupier which he failed to comply with as a result a summons was issued and the occupier attended Magistrates Court, where he pleaded guilty to failure to comply with the enforcement notice. The waste materials were not cleared and the occupier continued to bring in further waste materials for payment.
- 3.4 On 5 March 2020 an injunction was obtained from County Court which prohibited further waste materials being brought onto the site.
- 3.5 Complaints continued to be received alleging further materials were being brought onto the site however the required evidence to deal with the alleged breach of injunction was insufficient to pursue that course of action.
- 3.6 A further summons at Magistrates Court was listed for hearing in relation to the failing to comply with S215 enforcement notice but due to illness the defendant was unable to attend and due to the Covid19 outbreak a further date was not given.
- 3.7 On 11 June 2020 a further warning letter was sent to the occupier advising him that if the waste materials were not cleared from the site within one month further action would be taken by way of a summons.
- 3.8 On 13 July 2020 the site was visited, waste materials were clearly visible from the gate.
- 3.9 A further application for a summons is in progress.
- 3.10 Notwithstanding the prosecutions being undertaken the issue of the waste materials will remain as the Magistrate is unable to require removal of those materials as part of the sentence.
- 3.11 Complaints continue to be received regarding large scale rat infestation. Environmental Health from London Borough of Bromley has advised that they are unable to take any effective action due to the ongoing presence of waste materials.
- 3.12 Should the criminal and civil proceedings be unable to secure the removal of the waste materials direct action is sought to allow the Council to employ a contractor to remove the said waste materials and place a charge of the land. The cost of removing the materials is unknown at this time but could be substantial given the amount of waste that is on site. Advice is also being sought for further injunctive action in relation to the removal of the waste.

4. FINANCIAL IMPLICATIONS

We would need to obtain three quotes in line with the Council's procurement policy. Any direct action taken will result in a charge being placed on the land to secure recovery of the costs to the Council.

5. LEGAL IMPLICATIONS

In order to pursue a committal application for the breach of the current injunction, evidence would be required to show that a breach was taking place by the occupier. Gathering such evidence to a court standard is not proving possible at this point.

In order to pursue injunctive relief to require the removal of the accumulated waste, the Council would have to show that the criminal court was proving ineffective. A single conviction would be insufficient to do this. Further prosecution has been commenced, but progress is slow due to the current restrictions.

If the council pursues direct action, a charge could be made against the property, meaning that the costs could be recovered when the property, which is currently on the market, is sold.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy implications, personnel implications, procurement implications
Background Documents: (Access via Contact Officer)	[Title of document and date]