



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

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

THE LONDON BOROUGH
www.bromley.gov.uk

DIRECT LINE: 020 8313 4745

FAX: 020 8290 0608

DATE: 20 October 2020

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

A meeting of the Plans Sub-Committee No. 3 will be held on
THURSDAY 29 OCTOBER 2020 AT 6.00 PM

PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Sub-Committee by visiting the following page on the Council's website –

<https://www.bromley.gov.uk/councilmeetingslive>

Live streaming will commence shortly before the meeting starts.

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

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

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

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 3 SEPTEMBER 2020**
(Pages 1 - 6)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Penge and Cator	7 - 28	(19/03523/FULL1) - Unit 1, 23 Station Road, Penge, SE20 7BE
4.2	Cray Valley East	29 - 42	(20/00312/FULL1) - Olney, Sandy Lane, St Pauls Cray, Orpington, BR5 3HY
4.3	Farnborough and Crofton	43 - 62	(20/00402/FULL1) - Land Adjacent to 15 Sandy Bury, Orpington, BR6 9SD.
4.4	West Wickham	63 - 90	(20/00830/FULL1) - 205 High Street, West Wickham, BR3 0PH.
4.5	Farnborough and Crofton Conservation Area	91 - 100	(20/01245/TPO) - Land Fronting Milan & Dorrington, Sunnydale, Orpington
4.6	Cray Valley East	101 - 122	(20/01444/FULL1) - Cablesheer House, Murray Road, Orpington, BR5 3QY
4.7	Penge and Cator	123 - 130	(20/02740/TPO) - 3 Bower Place, Beckenham, BR3 1FD
4.8	Shortlands	131 - 140	(20/02854/TPO) - Ashiva House, 59 Malmains Way, Beckenham, BR3 6SB

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

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

This page is left intentionally blank

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 6.00 pm on 3 September 2020

Present:

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

Also Present:

Councillors Yvonne Bear, Peter Dean and Christine Harris

10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members were present.

11 DECLARATIONS OF INTEREST

No declarations of interest were reported.

12 CONFIRMATION OF MINUTES OF MEETING HELD ON 9 JULY 2020

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

13 PLANNING APPLICATIONS

13.1 DARWIN

(19/05271/FULL1) - Croft Cottage, High Elms Road, Downe, Orpington, BR6 7JL

Description of application – Demolition of existing buildings Nos. 2, 3 and 4. Subdivision of residential curtilage of Croft Cottage to form two residential curtilages, erection of extensions to building No.1 and conversion to residential dwelling with associated parking, amenity space and shared access with Croft Cottage.

Oral representations in support of the application were received at the meeting. The Chairman read an email received from Ward Member, Councillor Richard Scoates.

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 and Building Control).

**13.2
CRAY VALLEY EAST**

(20/00312/FULL1) - Olney, Sandy Lane, St Pauls Cray, Orpington, BR5 3HY

Description of application – Demolition of existing outbuildings and erection of single storey detached outbuilding for storage, replacement of existing hardstanding, and erection of fence to enclose residential amenity space.

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

Members having considered the report 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 an amendment to Condition 11 and two further conditions to read:-

“11. The detached building hereby permitted shall only be used by Mr Paul Lisney for purposes relating to storage in conjunction with the existing open-air storage use of the site and for no other purpose and shall not be severed to form self-contained commercial units.

REASON: In order to comply with the terms of the application and prevent an over-intensive use of the site, in the interests of the residential amenities of the area and in order to comply with Policies 6 and 37 of the Bromley Local Plan 2019.

12. Before the development hereby permitted is first occupied, all buildings shown to be demolished on plan ref. 002 titled ‘Proposed site plan’ shall be demolished and all debris removed from the site.

REASON: In the interests of the openness and visual amenities of the Green Belt and to comply with Policy 49 of the Bromley Local Plan 2019.

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 buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage of the building hereby permitted without the prior approval in

writing of the Local Planning Authority.

REASON: In the interests of protecting the character of the area, the openness and visual amenities of the Green Belt and the residential amenity of neighbouring properties in accordance with Policies 37 and 49 of the Bromley Local Plan 2019. ”

**13.3
KELSEY AND EDEN PARK**

(20/00947/FULL1) - 42 Manor Road, Beckenham, BR3 5LE

Description of application – Conversion and extension of existing dwelling to enable 6 one bedroom, 3 two bedroom and 1 three bedroom apartments to be provided with associated parking, cycle, bin storage, landscaping and new vehicular access.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Members, Councillors Peter Dean and Christine Harris, in objection to the application were received at the meeting. Supplementary information had been received regarding parking stress and circulated to Members.

Ward Member, Councillor Dean, referred to the number of local objections received and the excellent planning report. In his view the proposed development would be an unacceptable loss to the street character and the amenity to the neighbour and he proposed refusal.

Ward Member, Councillor Christine Harris, had viewed photographs and considered the accurate report together with the proposed roof changes and removal of trees. She also took into account the road access and loss of parking and she objected to the application.

The Chairman agreed with the Ward Members and the conclusion in the planning report and said that the Victorian property on the corner plot was attractive.

Councillor Alexa Michael said that the application failed on planning grounds and would affect the character of the street with loss of amenity to residents. She also referred to road safety hazards and loss of street parking and she seconded refusal.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION**

BE REFUSED as recommended, for the reasons set out in the report of the Assistant Director, (Planning and Building Control).

The vote was 9:0 for refusal.

**13.4
BICKLEY**

(20/01200/FULL1) - Lauriston House Nursing Home, Bickley Park Road, Bickley, Bromley, BR1 2AZ

Description of application - Two storey rear extension to provide 27 additional care home bedrooms (Use Class C2), the formation of separate vehicular access to serve 4 car parking spaces and adjoining residential properties at The Lodge and Orchard Cottage, and external alterations to the façade on the existing building, together with alterations to the car parking area and associated cycle parking and landscaping.

Oral representations in support of the application were received at the meeting. An email from the agent with two attachments dated 1 September 2020 had been circulated to Members.

Members having considered the report, objections, and representations, **RESOLVED** that **PERMISSION BE GRANTED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT for HEALTH £18,360 and PLANNING OBLIGATION MONITORING FEE £500** as recommended, and subject to the conditions and informatives set out in the report of the Assistant Director, (Planning and Building Control).

**13.5
CHELSFIELD AND PRATTS
BOTTOM**

(20/01455/FULL1) - Eastern House, Clarence Court, Rushmore Hill BR6 7LZ

Description of application – First floor side extension, elevational alterations and conversion of ground and first floor into one bedroom flat with single garage.

Supplementary comments had been received from the agent and circulated to Members.

Members having considered the report and objections, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, in order to clarify parking and refuse storage across the overall site.

**13.6
CRAY VALLEY EAST
CONSERVATION AREA**

(20/01682/FULL1) - Land and Garages between 17 and 18 Gardiner Close, Orpington BR5 3HW

Description of application – Demolition of existing garages and erection of 2 two storey semidetached 4 bedroom dwellings with associated parking and cycle and refuse stores.

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

Members having considered the report, objections and representations, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to seek further information with regard to the following:

- potential loss of parking from the detached double garage at No. 18 Gardiner Close and impact on parking availability in the area;
- review of the Tree Preservation Order requested on the adjacent tree; and
- to address loss of residential amenity in terms of the loss of the garage at No. 18 Gardiner Close.

**13.7
PETTS WOOD AND KNOLL**

(20/02083/FULL6) - 35 Willett Way, Petts Wood, Orpington BR5 1QB

Description of application - Demolition of existing kitchen and erection of a two storey part side/rear extension and a single storey rear extension

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

The Meeting ended at 7.45 pm

Chairman

This page is left intentionally blank

Agenda Item 4.1

Committee Date	29 th October 2020	
Address	Unit 1 23 Station Road Penge London SE20 7BE	
Application Number	19/03523/FULL1	Officer - Stephanie Gardiner
Ward	Penge And Cator	
Proposal	Demolition of the existing commercial units (Class B1) and redevelopment of the site for a 2-3 storey residential scheme comprising of 8 (Class C3) residential units with associated landscaping and car parking.	
Applicant	Agent	
Hughes Unit 10, Southmill Trading Centre Bishop Stortford CM23 3DY	Ms Angela Jones 35 Westmark Point Norley Vale London SW15 4BX	
Reason for referral to committee	Controversial	Councillor call in No

RECOMMENDATION	
-----------------------	--

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 50</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
	B1	370

Existing		
Proposed	C3	593

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	5	+5
Disabled car spaces	0	0	

Electric car charging points	0
-------------------------------------	---

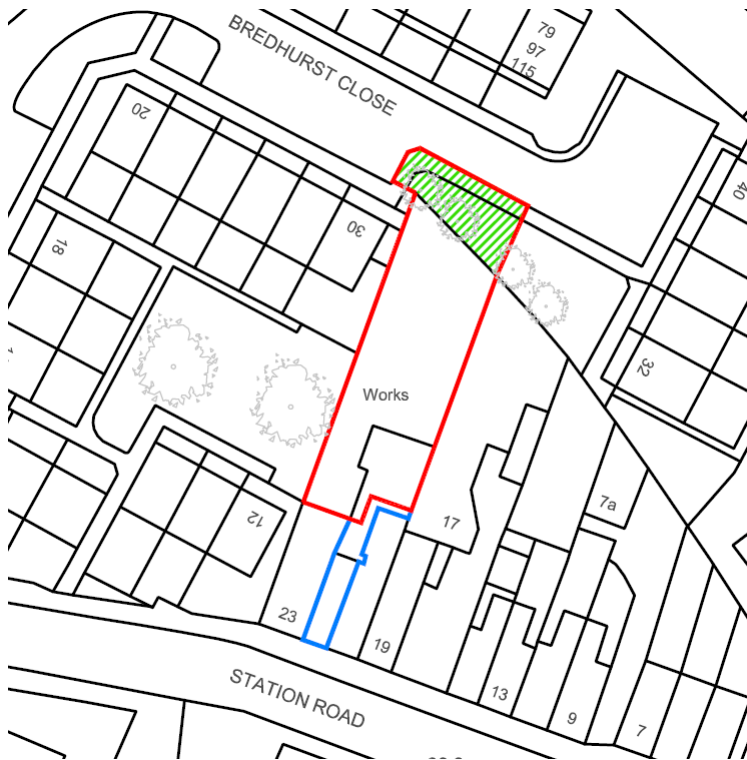
Representation summary	Letters were sent out to 47 neighbouring properties. A further round of consultation was also undertaken based on revised plans.
Total number of responses	12
Number in support	
Number of objections	12

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide 8 new residential units which are all of a good standard of accommodation.
- The proposal would not result in material harm to the character and appearance of the area.
- There would be an acceptable highway impact.

2. LOCATION

2.1 The application site comprises is a rectangular plot, set to the rear of 23 Station Road and backs onto Bredhurst Close. The site contains several commercial buildings in various states of repair and is accessed via a passageway between no's 21 and 23 Station Road, which is a large three storey building constructed from stock brick that has been converted into residential accommodation. Several of the units within this building are accessed directly from the passageway leading to the application site.



3. PROPOSAL

- 3.1 The proposal seeks consent for the demolition of the existing commercial units to the rear of 23 Station Road and the redevelopment of the site with a 2/3 storey block comprising 8 residential units with associated landscaping and parking.
- 3.2 The proposal would include 5 x 1-bedroom 2 person units and 3 x 2-bedroom 4 person units.
- 3.3 5 car parking spaces would be provided.
- 3.4 The application has been amended in order to reconfigure and reduce the scale of the building.



4. RELEVANT PLANNING HISTORY

85/02374/EUC - 21A and 21B Station Road SE20 use as two self-contained flats
Established Use Certificate - Permitted: 24/04/1986

03/04139/FULL3 - Elevational alterations and change of use from shop (Class A1) to one bedroom flat – Permission.

07/03138/ADV - 1 non-illuminated sign Retrospective Application. Refused

08/00989/ADV - Non-illuminated sign. Refused

15/03347/AXRPA Change of use from Class A1 (Unit 5, 23 Station Road) to Class C3 dwelling house to form 1x one bedroom flat. (56 day application for prior approval in respect of transport and highways, contamination and flood risks under Class M Part 3 of the GPDO). Granted.

16/03564/AMD - Installation of two Velux windows on the flat roof at the rear of the property. The open sky courtyard is to be omitted. Withdrawn - No further action.

20/02146/TPO - 3 x Sycamores - Remove.
SUBJECT TO TPO 2690 (24.2.2020). No objections raised.

5. CONSULTATION SUMMARY

Statutory

5.1 Highways – No objection

The site is located in an area with PTAL rate of 4 on a scale of 0 – 6b, where 6b is the most accessible.

Access- The vehicular access is from Bredhurst Close via a new vehicular crossover leading to the car parking area. There are number of trees and a large area of grass verge which needs to be removed. Furthermore according to the records parking and part of development would be on highway land. The applicant is required to purchase the land (from LBB) and stop up the highway (verge area) in order to provide parking spaces to the rear.

Hugh Chapman, Arboricultural Manager, should be also consulted
Hugh.Chapman@bromley.gov.uk

Car parking- A total of five car parking spaces will be provided. This is acceptable in principle.

Cycle parking- London Plan should be adhered to.

Refuse/ servicing- indicated; please also consult Waste Management team

Providing the above items are addressed; please include the following with any permission:

CONDITION

H01 (Access)

Nonstandard Condition- trees needs to be removed and the land should be purchased and stopped up prior to occupation)

OC03 (Parking)

AG11 (Refuse storage)

AG12 (Cycle parking)

PC17 (Construction Management Plan)

AG24 (Highway drainage)

INFORMATIVE

DI16 (Crossover)

Nonstandard informative – Street furniture/ Statutory Undertaker’s apparatus “Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker’s apparatus, considered necessary and practical to help with the creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant

5.2 Drainage Officer – No objection

Recommend the following conditions. The development permitted by this planning permission shall not commence until the detailed design of the measures in the submitted "Drainage Strategy" Plan with Ref No. STRKSA-Z0-ZZ-DR-C-6000 dated July 2019 have been submitted to, and approved by, the Local Planning Authority.

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

5.3 Waste Services – No comments received.

5.4 Environmental Health – No objections

A Phase 1 Desktop Study has already been carried out by Contaminated Land Solutions (Report 1693-P1E-1, August 2019) which assesses the risk to construction workers and future residents using the conventional source-pathway receiver model for risk assessment. A number of risks have been identified which are classified as Moderate and the recommendation in the Report is to carry out further intrusive sampling. Agree with this approach. Small amounts of asbestos-containing materials have also been identified on the site.

I would recommend that the following Condition be attached should Planning Permission be granted:

Standard Contamination Condition (less part A as this has already been completed) It is also recommend that the following Informative be included:

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.

Before demolition work commences, the Applicant is advised to contact the Health & Safety Executive regarding the requirement for an intrusive asbestos survey, and to ensure that any asbestos identified is removed, handled and disposed of in accordance with current legislation and guidance.

5.5 Street Tree Officer – No comments received

5.6 Arboricultural Officer – No objections.

Adjoining Occupiers

Objection (Paragraph 7.28 – 7.41)

- Block out light
- Overlooking and loss of privacy
- Insufficient parking and lack of on-street parking
- 5 parking spaces are not enough for 8 flats
- Increased congestion
- Noise pollution due to increased volume of residents and building works
- A three-storey block will extend across whole eastern side of neighbouring property and across the communal area. The sun rises in the east and the block will significantly diminish the amount of light that reaches neighbouring garden for at least half the day.
- Dispute the accuracy of the daylight/sunlight and overshadowing report and request an independent report is produced.
- Right to light and loss of light.
- Loss of light to neighbouring solar panels. This runs contrary to planning and climate change policies as established by the High Court in William Ellis McLenna Vs Medway Council.
- The application states that the surrounding area contains a precedent for a range of different building heights and styles. However, the three-storey housing on Station Road and the 4-storey housing on Bredhurst Close are located at a significant distance away from neighbour at Number 30 so no direct overlooking.
- Balconies will overlook neighbours
- Less safe for children playing in Bredhurst Close
- Destruction of 5 trees, the majority of which have been assessed as being of moderate quality with a life expectancy of at least 20 years. These will be replaced with just one and living roofs.
- Trees remove contaminants from the air. The roofs will make some contribution to local air quality but not as much as the existing trees.
- The submission states that 'the amenity of residents will be improved as instead of overlooking poor quality redundant commercial buildings their view will be across

the roofs. This may be true of the station road properties but not for those living on Bredhurst Close.

- Will compromise privacy especially neighbouring gardens.
- Two big trees already restrict light and if the new buildings are built they would permanently block out light.
- Development will add further strain to on-street parking.
- Query accuracy of daylight report.
- Loss of trees and green space.
- Image of Bredhurst Close will be damaged by the removal of trees.
- Bredhurst Close needs to become Permit Parking only. This will stop people parking for the station.
- Neighbouring properties boxed in.
- Increase traffic and pollution
- Destruction of 5 trees. Replaced by living roofs, which makes some contribution to air quality, they will not make as much of a contribution as the existing trees.

Neighbours were reconsulted on the amended plans and the following representations were received:

- Amended plans only make cosmetic changes to the building planned for Bredhurst Close end of site.
- Previous objections still stand and should be considered
- Loss of natural light
- Overcrowding
- Right to light
- Loss of trees and green space
- Parking concerns
- Highway safety concerns
- Insufficient parking provision
- Will increase footfall to the area and space is limited
- There should be parking bays for neighbours of Bredhurst Close
- What provision to replace green space
- Fire safety concerns
- Major disruption to the main entry to the close and within the close. Inconvenient and also a safety risk.
- Value to property
- The existing use was only 9-5 and made no noise to residential neighbours. There will be increase noise and waste

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

Bromley Local Plan 2019

Policy 1 Housing Supply
Policy 4 Housing Design

Policy 13 Renewal Areas
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 83 Non-designated Employment Land
Policy 96 Neighbourhood Local Centres, Local Parades and Individual Shops
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

The London Plan

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 5.17 Waste capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

London Plan (Intent to Publish)

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
H1 Increasing housing supply
H2 Small sites
SI 12 Flood risk management
SI 13 Sustainable drainage
T5 Cycling
T6 Car Parking

Bromley Supplementary Guidance

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (2015)

7. ASSESSMENT

- 7.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

7.6 This application includes the provision of 8 residential dwellings and would represent a moderate contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Principle of development - Acceptable

7.7 Policy 83, which relates to Non-designated employment land is applicable. This policy states that a change to a non-employment generating use will be considered on the following criteria:

- a) whether there is a demonstrable lack of demand for the existing permitted uses, including evidence of recent marketing for reuse,
- b) whether all opportunities for reuse or redevelopment for employment generating uses have been explored, and
- c) where the site is capable of accommodating a mixed-use scheme, whether the proposal includes the provision of a similar quantum of floor space for an employment generating use.

7.8 The applicant has supplied marketing information which provides information from 'The Address', who are a local estate agent. The property was marketed as commercial use for both sale and lease between September 2017 and September 2018 with little interest. The marketing information highlights feedback received from prospective tenants. This identifies several key problems with the site and these are highlighted as being restrictive for future tenants; these include: -

- Existing residential use within the three-storey building at the front of 23 Station Road and the locality not being compatible with the proposed commercial use due to restrictions on hours of business and noise.
- The single restrictive narrow passageway as the sole access was unsuitable.
- Poor street frontage regarding the face of the business and poor footfall.
- Lack of parking for loading and customer.

7.9 The property was also offered as commercial auction in September 2018 and the reserve was not met.

7.10 The site is located to the rear of a three-storey building fronting Station Road. This comprises residential properties which look back over onto the development site. There are also residential properties at ground floor level. This includes residential accommodation within the single storey rear projections immediately abutting the development. The site itself is bounded by residential dwellings to the south west, two storey residential terraces and a communal area of grassland to the west, and Bredhurst Close to the north. To the east are a number of 1/1.5 storey commercial buildings. Access to the site is currently only via a narrow-gated passageway beneath the main building fronting Station Road. This passageway includes entrances to several residential properties.

7.11 In this case, when taking the above site factors in account and Policy 83, it is considered that it has been sufficiently demonstrated that there is a lack of demand and the arrangement of the site, including the access and surrounding uses are

prohibitive to the future commercial uses. Therefore, the loss of the employment in this instance is considered to be acceptable.

Design– Acceptable.

- 7.12 Policy 4 relates to housing design. This requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing developments will also need to respect local character, spatial standards, physical context and density. Policy 37 states that all development proposals should 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.
- 7.13 The site is immediately to the rear of a three-storey building fronting Station Road. The buildings within the locality vary between one/two/three and four storeys in height. The site itself is a rectangular plot of land which currently houses office/warehouse and storage units. To the rear of the site is Bredhurst Close, this is a dead-end road leading to an estate development comprising mainly two storey terracing housing and flatted blocks with forward facing balconies.
- 7.14 The application proposes the demolition of the existing part one/two storey buildings which cover almost all the development site and the erection a stepped rectilinear one/two/three storey flatted block comprising 8 residential units. The surrounding area includes residential properties which are not solely single dwellings houses. There are flatted blocks, with an example of a four-storey flatted development located on Bredhurst Close directly opposite the site; therefore, a three-storey residential flatted block, which has a Bredhurst Close facing elevation, would not be wholly out of character within this setting. Additionally, the overall density of the development at 160u/ha and 400 hr/ha accords with London Plan density ranges for an urban context
- 7.15 The development would front Bredhurst Close and a small open grassed courtyard to the west. This courtyard is surrounded by two-storey residential terrace properties and a two-storey commercial building on the application site. Several of the adjoining terraces are accessed from this courtyard and it also abuts several rear gardens. Access to the site would be via a gate from this area of open space, serviced by an existing walkway and also via Bredhurst Close.
- 7.16 The flatted block would therefore have an active frontage with both Bredhurst Close and the open courtyard space to the west. The building has been stepped, with the lower one/two-storey element closer to the rear of 23 Station Road. This then steps up in height to three-storeys towards Bredhurst Close. The development has taken cues from the massing of larger scale buildings within the immediate locality, including the 4-storey flatted building opposite the site on Bredhurst Close. Additionally, the building is stepped in plan form, with the use of light-wells and differing elevational treatments to help break-up the overall scale and massing of the development. There is currently an existing two-storey building on-site, which sits hard on the boundary with the area of open green space. The proposal would however be set-back marginally from this boundary, providing a degree of visual relief and an active frontage. The proposal would also sit adjacent to a two-storey

residential terrace to the west and single storey warehouse buildings to the east. The east elevation of the proposed development includes several single aspect rooms, which are served by windows looking out over onto the roof of eastern neighbouring plot. Therefore, any future development on this neighbouring plot could be impacted by the position and single aspect nature of these windows. However, this relationship would need to be considered within the scope of any future planning application which came forward.

- 7.17 The site is within an urban location, where there is a mix of higher density flatted schemes, which are interlaced by lower scale terrace houses and commercial properties. The wider estate appears to generally be of 1970s/80s construction and is therefore more contemporary in appearance. The introduction of a part one/two/three-storey modern flatted development of brick and render construction on this previously development site, within this context, is not therefore considered to be wholly out-keeping-with scale of wider development and character and appearance of the area in general.
- 7.18 The building would however be situated on the west side of Bredhurst Close, directly between the lower scale two-storey terrace housing to the west and the single storey commercial units to the east. It would therefore be viewed in the context of these properties. The three-storey massing would be located immediately adjacent to Number 30 Bredhurst Close, which is a modest two-storey end-of-terrace property. The development would extend c.16m beyond its rear at three-storey. The properties to the west and their gardens are not large, and the two/three storey massing would extend across a significant proportion of the plot. Due to the cul-de-sac arrangement, views of the development would somewhat restricted and the primary views would be from the west looking eastward when entering the Close. The neighbouring terraces and courtyard would therefore be in the foreground. The building would step up in height by an additional storey above the roof of this neighbouring terrace. The overall step-up in height is not considered to be a significantly abrupt or a harmful change in scale when considering wider development and urban context, but the overall mass of the building is somewhat exacerbated by the depth of the three-storey element.
- 7.19 The building would be very visible and would result in a densification of the site and the immediate context. However, the site is previously developed and includes a two-storey flat roof commercial building along the eastern edge of the open courtyard. The courtyard is surrounding by residential properties on all remaining sides, albeit these are single residential properties. However, the provision of a residential building, which is stepped both in height and plan form along the eastern edge would adhere to this residential character. The building would be set back providing a degree of visual relief and further provides an active frontage. A condition could be imposed requiring the submission of a landscaping plan in order to soften the boundary treatments along the courtyard edge, as well as further details of facing materials to help ensure the development is of an acceptable high quality.
- 7.20 The development would be very visible from surrounding properties and the public realm, due its position and scale, and it would also result in a densification of the site and area in general. However, when taking into account the design in respect

of the 1970/80s estate, scale of wider development, urban location, and stepped nature of the building in both height and plan form, the overall impact on the character and appearance of the area is considered to be on-balance acceptable.

Standard of residential accommodation – Acceptable

- 7.21 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.
- 7.22 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.23 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.
- 7.24 The development includes the provision of 8 one- and two-bedroom dwellings.
- 7.25 The submitted plans indicate that units would comply with the above standards and would be provided with balconies/or outdoor amenity space.
- 7.26 All habitable rooms would achieve a satisfactory level of light and outlook.
- 7.27 A part M4(2) compliance statement has been supplied and demonstrates compliance where possible.

Neighbourhood Amenity –Unacceptable

- 7.28 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.

- 7.29 The proposed development has been stepped away from the rear of Number 23 Station Road. This property includes residential properties at ground, first and second floor level. There is an existing part one/two storey building on the site, but the two-storey element is set c.12.5m away from the rear elevation and has a limited width/depth.
- 7.30 The proposed ground floor would abut the rear of the ground floor additions at 23 Station Road. At first floor, the proposed development would be set-back from the rear of 23 by c. 12.5m. An additional floor is then proposed at second floor level and this is c.20m from the rear of Number 23. At present, the existing first floor element is of a relatively modest scale and is set further away from the rear elevation, which allows for relatively open prospect. The degree of separation of the first floor of the development to the rear of 23 would not be too dissimilar to the existing building. However, the overall scale of the building would be greater and bulkier due to the added second floor and its general width across the whole of the plot. Nevertheless, whilst visually bulkier, the separation is sufficient in respect of outlook, natural light and overshadowing for the rear windows within Number 23.
- 7.31 Several small windows serving non-habitable rooms would be located within the rear of the ground floor and these would look back towards the internal walkway under Number 23. A further window would also be located at third floor level and would also face back towards this neighbour. But considering the fenestration arrangement and design it is not considered that there would be an unacceptable loss of privacy or overlooking for the properties within Number 23
- 7.32 Number 19 adjoins Number 23 and is located to the east of the site. This is a small two-storey residential property. The rear elevation of Number 23 already extends marginally beyond the rear of this neighbour and there is a two-storey pitched roof commercial building and site to the rear of this property. This commercial building and yard appear to abut the shared boundary with the application site. The eastern elevation of the development would include windows which overlook the roof of the ground floor commercial unit at Number 17. However, they would set away at an oblique angle to the rear of Number 19. Accordingly, it is not considered there would be an unacceptable loss of privacy for this neighbour. Given the existing relationship and arrangement of the buildings in respect of Number 19, together with the commercial nature of Number 17 it is not considered that the development would result in an unacceptable visual impact in relation to light, outlook, visual bulk or overshadowing.
- 7.33 To the west of the site there are the residential terrace properties of 8-12 Bredhurst Close and 20 -30 Bredhurst Close. These are set around a small grass courtyard which includes two large trees.
- 7.34 Numbers 8-12 are located on the south side of the open courtyard and have their principal elevations facing towards this area of open space. Number 12 sits immediately adjacent to the development site, and projects marginally beyond the rear of Number 23. At present, there is an existing single-storey projection at ground floor within the development site, which abuts the shared boundary with the courtyard and space to the front/side of Number 12. Part of this appears to be an

existing ground floor projection associated with Number 23 and an element associated with the development site. The existing two-storey commercial building within the development site also currently sits flush to the boundary with open courtyard for a length of c.11.8m and, based on the submitted plans, this is set back from the front elevation of Number 12 by c.9.4m. The existing ground and first floor structures have therefore resulted in an established visual bulk along the western boundary of the development site.

- 7.35 The proposed ground floor of the development which is set immediately adjacent to the front of Number 12, would be set-back from the boundary. However, whilst it may be taller than the existing building, the set-back would offset this increase, as it provides a degree of visual relief. The first floor of development, at its narrowest point, would be c.10m away from the rear of Number 12 and would be stepped back within the plot resulting in a c.3m separation to the boundary. Finally, the second floor would also be stepped in plan form, which breaks up the massing of the building. The degree of separation of the second floor to Number 12 would be c.19-20m respectively. The overall height, scale and general bulk of this development would be more dominant in appearance and would have an enclosing effect on the courtyard and properties surrounding it. However, this degree of separation and layout of the building is generally sufficient and would not be unacceptably overbearing. Additionally, in relation to the orientation, it is not considered that it would result in an unacceptable loss of light/overshadowing. There are windows within the west elevation of the development, which overlook the courtyard. These would be primarily at an oblique angle to the rear of Number 12 and wider terrace. Several upper floor windows are located within the lightwells and they would look back towards Number 12, but the degree of separation would be acceptable in respect of privacy and overlooking for these neighbours.
- 7.36 Numbers 14-18 Bredhurst Close are located to the west of the courtyard and the separation to the proposed development would be in excess of c.26m. It is not therefore considered that the development would result in material harm to the residential amenities of these properties by way of an overbearing form of development, lost outlook or overlooking.
- 7.37 Number 20-30 Bredhurst Close is located to the north of the courtyard and to the west of the application site. Number 30 specifically is the residential property which sits immediately adjacent to the development. This property is accessed from the road to the north and the rear garden backs onto the open courtyard. The rear elevation of this property includes windows which appear to serve habitable areas and a small garden. There is also currently a large brick wall along the common boundary and single-storey commercial pitched roof building immediately adjacent, but within the development site. The existing two-storey commercial building also within the development site is situated at the end of the garden of Number 30.
- 7.38 The development would be set across three floors adjacent to this property and wider terrace. This would represent a significant increase in the built form immediately adjacent to this neighbour. In order to break-up the massing, the development has been set-back from the boundary and it also has a staggered western building line. The wider portion of the three-storey part of the building would be c.2.2m away from the boundary and this would stop roughly in-line with

the rear elevation of Number 30. The building then steps further away from the western boundary, with a separation of c.3.2m and this section would have a depth of 5.5m beyond the rear of this neighbour. The remainder of the building then steps inwards again from the western boundary by c.7m in the form of a lightwell and then continues in its staggered layout. At three storeys, the development would project c.16m beyond the rear of Number 30. but as outlined above, this has been staggered to break-up the mass of the built form. This arrangement provides articulation to the building and this would help to break-up the massing. In addition, there is a reasonable degree of separation to the boundary, which provides further visual relief. However, when taking into account the scale of the existing buildings within the application site and outlook currently experienced by this neighbour, it is clear that the height and length of the development immediately adjacent to this neighbour would be very visible from the rear windows and garden, and there would be an impact on the residential amenities of this property in terms of enclosure and dominance.

- 7.39 The development is located to the east of Number 30. The applicant has supplied a daylight, sunlight and overshadowing report in support of the application. This has been based on the original submission, however this related to a deeper and wider scheme than the current proposal and is therefore still considered to be applicable. The report concludes that the impact on the amenities of the immediate neighbours, including 30 Bredhurst Close in respect of overshadowing, daylight and sunlight is within acceptable BRE limits. In addition, due to the orientation, any impact on light/overshadowing would be limited to the morning period.
- 7.40 The proposal includes various windows and openings within the north, east and west elevations of the building. The west elevation, which faces towards 30 Bredhurst Close, includes windows which would sit adjacent to garden/rear of this neighbouring property and terrace. Most of the upper floor units have been designed to be dual aspect and the windows within the upper floors of Units 3 (duplex), 5, 6, 7 and 8 which face towards Number 30 are either secondary windows or serve non-habitable rooms; they could therefore be conditioned to be obscured glazed and non-opening below 1.7m in order to protect the immediate neighbours from direct overlooking and a loss of privacy. However, whilst this would provide direct mitigation, there could still be greater perceptions of overlooking from the development as a result of its scale, proximity with the boundary and number of windows along the western elevation which could adversely affect the neighbours and terrace starting at 30 Bredhurst Close. It is not considered however that there would be adverse harm from the ground floor windows as these would either look out onto the courtyard or a boundary treatment.
- 7.41 To the north and north east of the site there is a four-storey flatted block and a row of two-storey terrace houses. The proposal includes balconies to the east and north, however balconies are noted on the flatted block. These would be overlooking public facing areas generally and the degree of separation between these neighbours to the development is considered to be sufficient and would not result in significant visual harm in respect lost outlook, loss of light, overlooking or a loss of privacy.

Highways - Acceptable

- 7.42 Policy 30 (Parking) sets out the Council's standards for residential parking for new development. Moreover, Policy 6.13 (Parking) of the London Plan also sets standards for new residential development. The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking.
- 7.43 The application site has a PTAL rating of 4. In accordance with Policy 30, developments providing 1-2 bedrooms should have a minimum of 0.7 parking spaces per unit. However, the London Plan states that in areas of good public transport accessibility, such as the application site, developments should aim for less than 1 space for each new residential unit.
- 7.44 The proposal would provide 5 off-street parking spaces to the rear, accessible from Bredhurst Close. These spaces would be created on an existing grass verge, which currently includes several large trees.
- 7.45 Objections have been raised by neighbours with respect to local parking stress, but no objections have been raised by the Highways officer to the level of parking provision or the potential for an increase in on-street parking pressures. However, the area to be used for parking is currently outside of the applicant's ownership and the applicant would be required to purchase the land from the Council. The applicant has had discussions with the Council's asset department relating to the purchase of this land, and these discussions are on-going. Therefore, if the application was deemed acceptable, it would be reasonable and necessary to impose a Grampian condition preventing the commencement of development prior details being submitted, which satisfactorily demonstrate that parking can be constructed and provided in full. This would be needed prior to commencement of the development in order to avoid the situation where development starts and no parking could then be achievable.
- 7.46 The parking spaces are also located on a grass verge with three street trees, which are the subject of a Tree Preservation Order. An application for their removal was permitted earlier this year and this is set out within the History section of this report. Their removal is discussed below.

Trees – Acceptable

- 7.47 Policy 73 relates to development and trees. This states that proposals for new development will be required to take account of existing trees on site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.48 As outlined above, the development site includes a grass verge to the rear, which sits within Bredhurst Close. This land is currently within the Council's ownership, but the applicant is seeking to purchase this land. This verge includes three large Sycamore Trees, which are subject to a Tree Preservation Order. The grass verge and trees contribute to the visual amenity of the area. However, their removal would be necessary to facilitate the area of proposed parking. The applicant has made a Tree Application to have these trees removed and this has been granted consent.

This Tree Application is a material consideration. At present the trees are outside of the applicant's ownership and their removal is at the consent of the Council. As noted, the applicant is seeking to purchase this land and, on completion of this transfer, there would be nothing to prohibit their removal. The removal of the trees and verge would result in the increase in hardstanding, and as such there would be some impact on the appearance street scene as a result of the loss of the trees, however the area is urban in character and a landscaping plan can be conditioned. Therefore, on balance, this impact is acceptable. Two trees are also located within the Courtyard to the west, however from an Arboricultural perspective no objections have raised in respect of harm to these trees from the development.

Contamination – Acceptable

- 7.49 The site has been used for commercial purposes and therefore in accordance with Policy 118 a Phase 1 Desktop Study has already been carried out by Contaminated Land Solutions. which assesses the risk to construction workers and future residents. Several risks have been identified which are classified as Moderate and the recommendation in the Report is to carry out further intrusive sampling. The Council's EHO has not objected to this approach or the findings of the report, provided that a Contaminated land Condition is attached to any permission requiring further investigation. This is a reasonable and necessary condition to protect future occupants. Therefore, no objections are raised in respect of land contamination.

CIL - Acceptable

- 7.50 The Mayor of London's CIL is a material consideration. CIL is payable on this application.

8. CONCLUSION

- 8.1 The development would result in provision of 8 new residential dwellings within a sustainable location, which all achieve a satisfactory standard of accommodation. The development contributes modestly to the borough's overall housing provision. Additionally, the proposal would provide an acceptable level of parking and would not result in an unacceptably highway impact. In respect of neighbouring amenities, there would be some harm to neighbouring residential amenities in terms of dominance, visual bulk and perceptions of overlooking.
- 8.2 In respect of the Council's 5-year housing land supply and the Inspectors conclusions surrounding the recent appeal outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, when weighing up benefits of the development, considerable weight is attributed the provision of new housing within a sustainable location and that the harm arising from the proposal would not significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance the proposal is considered to acceptable.

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

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Condition(s)

1. Time limit of 3 years
2. Drawing number

Prior to commencement Condition(s)

3. Surface Water Drainage
4. Construction Management Plan
5. Grampian Condition requiring the provision of land for parking spaces
6. Contamination

Prior to commencement of Groundwork

7. Landscaping Plan (Hard and Soft Landscaping)
8. Details of Materials
9. Details of Refuse Storage and Management
10. Details of Bicycle Storage
11. Scheme of Lighting for Access

Prior to Occupation

12. Parking Space Arrangements
13. Window details with Obscured Glazing

Compliance Conditions

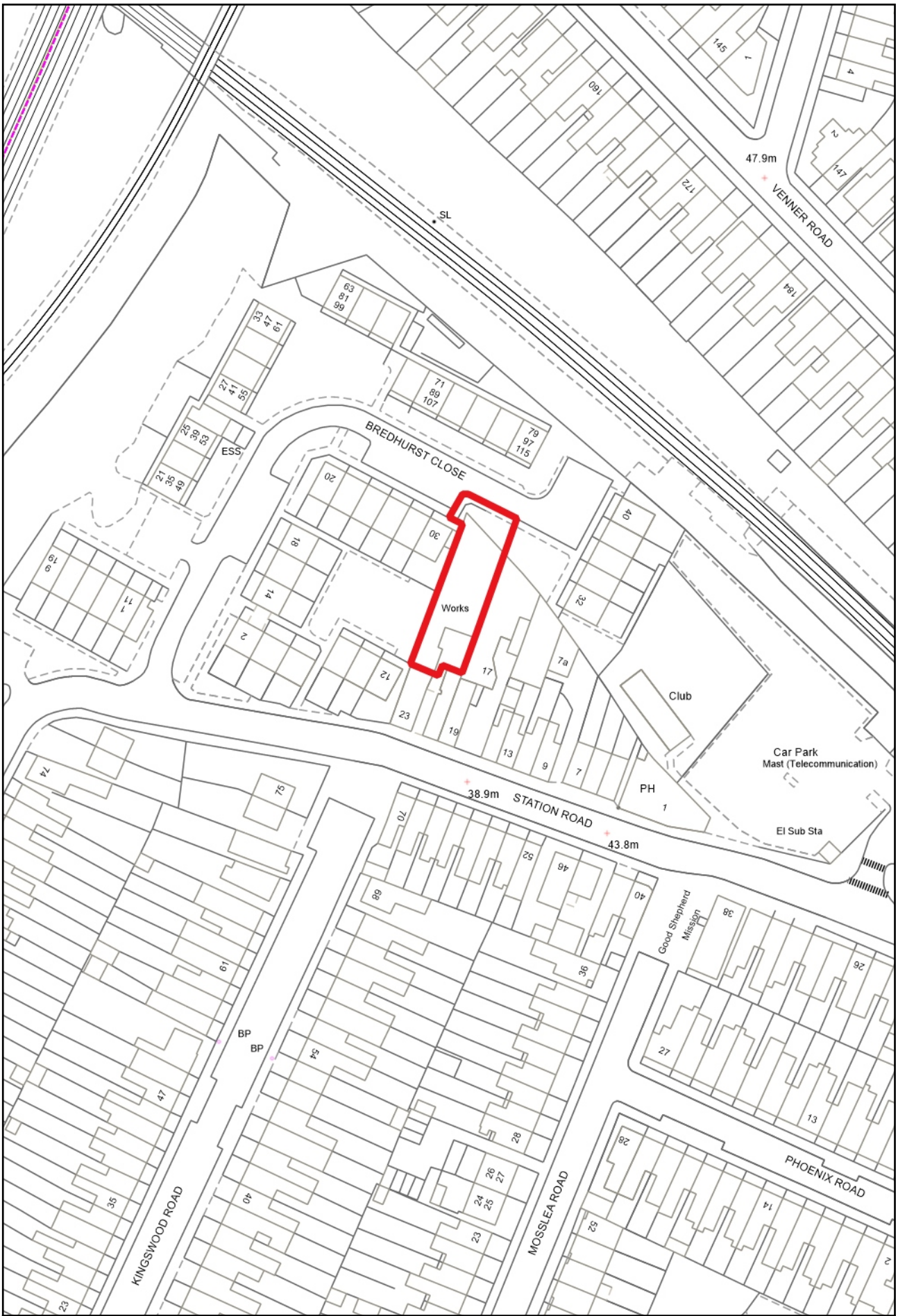
14. M4(2) Compliance.

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


Informative

1. CIL
2. Contamination
3. Crossover
4. Movement of street furniture.

This page is left intentionally blank



© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 19/03523/FULL1



20 October 2020

1:1250



Page 27

This page is left intentionally blank

Agenda Item 4.2

Committee Date	29 th October 2020		
Address	Olney Sandy Lane St Pauls Cray Orpington BR5 3HY		
Application Number	20/00312/FULL1	Officer - Lawrence Stannard	
Ward	Cray Valley East		
Proposal	Demolition of existing outbuildings and erection of single storey detached outbuilding for storage, replacement of existing hardstanding, and erection of fence to enclose residential amenity space.		
Applicant	Mr Paul Lisney		Agent
	33C High Street Chislehurst BR7 5AE		Mr Ryan Townrow
			15 Colepits Wood Road London SE9 2QJ
Reason for referral to committee	Previous application went to committee		Councillor call in
			No

RECOMMENDATION	Refused
-----------------------	---------

<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Biggin Hill Safeguarding Area London City Airport Safeguarding Green Belt Smoke Control SCA 20</p>
--

Representation summary	<ul style="list-style-type: none"> • A site notice was displayed from the 29th May for 21 days. • Neighbour notification letters were sent on the 18th March. • A press ad was published on the 1st April.
Total number of responses	0
Number in support	0
Number of objections	0

Update

The application was previously considered at Plans Sub-Committee 3 on the 3rd September where Members resolved to grant planning permission for the development. The original report confirmed that the building would have a height of 2.5m, however it has subsequently come to light that amended plans had been submitted at validation stage showing the building to have a height of 4m.

In view of this discrepancy, the application is being reported back to Members for further detailed consideration. The other aspects of the proposal are the same as previously considered on the 3rd September.

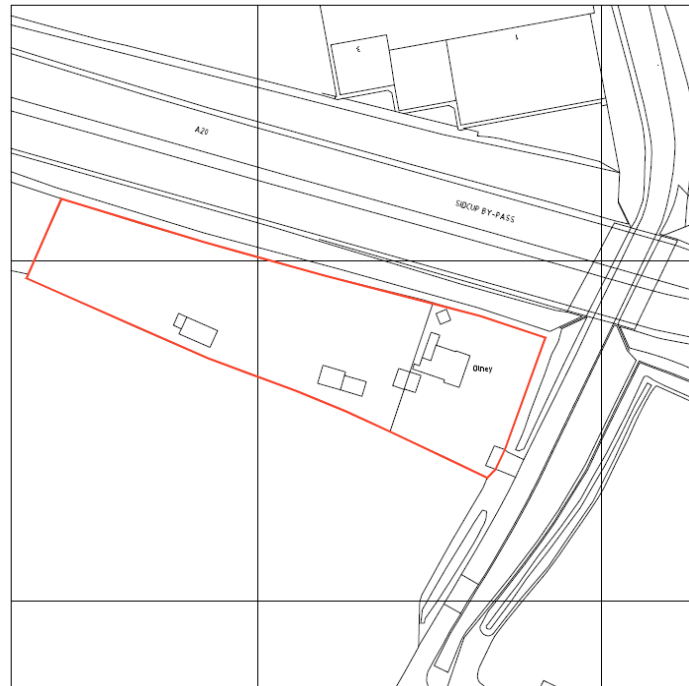
The report and recommendation has been updated accordingly as set out below.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in an unacceptable impact upon the openness and visual amenity of the Green Belt.
- The use of the outbuilding for storage in conjunction with the existing storage use at the site is considered acceptable.
- The development would not adversely affect the amenities of neighbouring residential properties.
- The development would not adversely impact upon Highway safety.

1 LOCATION

- 1.1 The application site lies on the western side of Sandy Lane and is occupied by a detached dwelling at Olney and a separate area to the rear which is currently used for open-air storage, and features a number of existing outbuildings.
- 1.2 The site lies within the Metropolitan Green Belt.



Crown Copyright and database rights 2019, OS 100031961 National Map Centre, Purchased 04/04/2019 1 year licence.

Figure 1: Site Location Plan

2 PROPOSAL

- 2.1 The application seeks permission for the demolition of the existing outbuildings and the erection of a single storey detached outbuilding for storage, replacement of existing hardstanding, and erection of fence to enclose residential amenity space.
- 2.2 The proposed building would have a maximum width of 26m and depth of 9m, and would feature a flat roof with a height of 4m. The building would be split into 4 separate units internally, each with their own entrance door and garage door, though the agent has confirmed that the whole building would be used for storage in conjunction with the existing open air storage use of the site.
- 2.3 A fence is proposed to enclose the adjacent residential area and separate the area used for storage as granted under ref: 19/03169/ELUD. The fence would be of a close-boarded design with a height of 1.8m, featuring an additional 0.3m high trellis above.
- 2.4 The existing hardstanding area is to be replaced with new hardcore covering the same area.

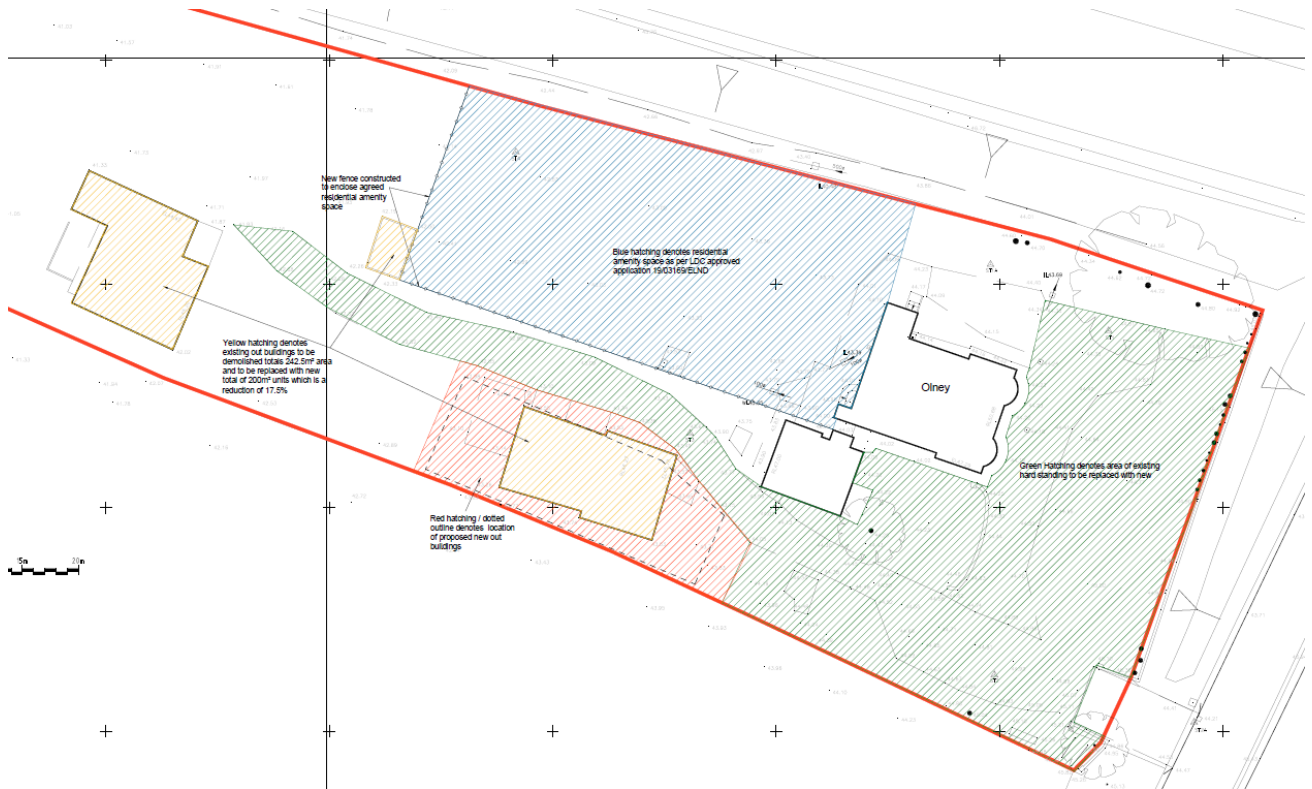


Figure 2: Proposed Site Plan (Existing outbuildings to be demolished in yellow, proposed outbuilding in red)

3 RELEVANT PLANNING HISTORY

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

19/03169/ELUD – The retention of open air storage use (Class B8) at site address – Existing use/ development is lawful.

4 CONSULTATION SUMMARY

A) Statutory

Highways Officer

- The previous pre application was for redevelopment of site to be used for B8 open air storage including security fencing - upgrading of an existing vehicular access to the site and screen planting with possible biodiversity enhancements.
- Whereas this application is to demolish existing outbuildings and erection of single storey detached outbuilding for storage, replacement of existing hard standing, and erection of fence to enclose residential amenity space.
- For the pre-app I had asked the applicant to demonstrate that how articulated lorries will be able to come in, turn around and exit in forward gear from this proposed redeveloped B8 open air storage area. Also these lorries can only go North as there are width restrictions to the South of Sandy Lane. The applicant should also demonstrate that the railway bridge is high enough for these lorries.

- A swept path analysis showing articulated vehicle movements to access / exit the site and within the site were submitted on the 31st July and 11th August. Subject to this, Highways Officers confirmed that these were suitable and no objection was raised subject to conditions.

B) Local Groups

No comments received from any Local Groups.

C) Adjoining Occupiers

No comments received from Local Residents.

5 POLICIES AND GUIDANCE

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (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.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The 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.
- 5.4 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.
- 5.5 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 5.6 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.

5.7 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.

5.8 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.

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

5.10 National Policy Framework 2019

5.11 The London Plan

6.13 Parking

7.16 Green Belt

7.4 Local character

7.5 Public realm

7.8 Heritage assets and archaeology

5.12 Draft London Plan

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive design

5.13 Bromley Local Plan 2019

6 Residential Extensions

30 Parking

32 Road Safety

37 General Design of Development

49 Green Belt

123 Sustainable Design and Construction

5.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

6 ASSESSMENT

6.1 Green Belt – Not Acceptable

- 6.1.1 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.

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.

- 6.1.2 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.

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

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- 6.1.4 The proposed development would construct a new building of approx. 227.65sqm in footprint, though would offset this development by the removal of three existing buildings which have an existing 240sqm footprint. The scheme would therefore consolidate the existing built form from three separate buildings into one, reducing the spread of development across the site and reducing the overall footprint of development.

- 6.1.5 The consolidation of development on the site should be given substantial weight in the overall balancing exercise and can be considered a Very Special Circumstance. Furthermore, it is noted that the proposed outbuilding would have a reduced footprint of approx. 12.35sqm compared to the existing overall footprint of the three existing buildings. However, it is noted that it appears the smaller outbuilding (approx. 15sqm) has already been removed from the site and would require permission to be rebuilt. Therefore, the overall weight given to the stated reduction is somewhat limited.

- 6.1.6 The proposed outbuilding would have a height of 4m which would significantly increase the height above that of the existing outbuildings which have a more modest heights (One flat roof with a height of 2.5m, one pitched with a maximum height of 2.6m and

eaves of 1.8m, and one with a dual pitched roof with a maximum height of 3.6m and eaves of 2.7m.).

- 6.1.7 Having regard to the height and flat roof design of the proposed outbuilding, it is considered that this would appear excessive in height, resulting in a disproportionate increase above the existing outbuildings and appearing materially larger.
- 6.1.8 Therefore, whilst the modest increase in footprint is noted it is considered that the proposed outbuilding would constitute inappropriate development and that the very special circumstances would not be sufficient to justify the overall impact that the height and roof design would have on the openness and visual amenity of the Green Belt above that which already exists.
- 6.1.9 The proposed fence would separate the remaining residential area from the area of the site used for storage. Its close boarded design would result in some additional impact on the openness of the Green Belt, particularly given its overall length due to the size of the residential area. The trellis design to the top 0.3m would provide a degree of openness in its design and the impact would be offset somewhat by the reduction in the footprint and bulk of outbuildings on the site. It is considered appropriate to separate the residential use from the storage use, and on balance the overall harm of the fence would not be considered to result in an unacceptable impact to the openness and visual amenity of the Green Belt.
- 6.1.10 The proposed hardstanding would replace existing hardstanding and would cover the same area of the site, predominantly to the front of the site. It is therefore considered this would not harm the visual amenities of the Green Belt.

6.2 Design – Layout, scale – Acceptable

- 6.2.1 The proposed building would have a maximum width of 26m and depth of 9m. The outbuilding would have a smaller footprint compared to the existing three buildings which would be demolished, and would also appear smaller in its maximum height. Therefore the overall scale of the building is considered acceptable.
- 6.2.2 Its design would include a flat roof which is considered appropriate for its setting with the Green Belt and the external materials would consist of facing brickwork which would not detract from the general character of the area. The scale and appearance of the proposed outbuilding is therefore considered appropriate for the site in principle, however this does not outweigh the identified harm to the Green Belt resulting from the height of the development.
- 6.2.3 The proposed close boarded fencing would not appear excessive in its height, and whilst its length would be significant it would provide an appropriate boundary treatment to separate the residential use from the storage use. The fencing is therefore not considered to detract significantly from the appearance of the site and would be an appropriate addition.
- 6.2.4 Having regard to the form, *scale and proposed materials* it is considered that the proposed development would complement the site and would not appear out of character with surrounding development or the area generally.

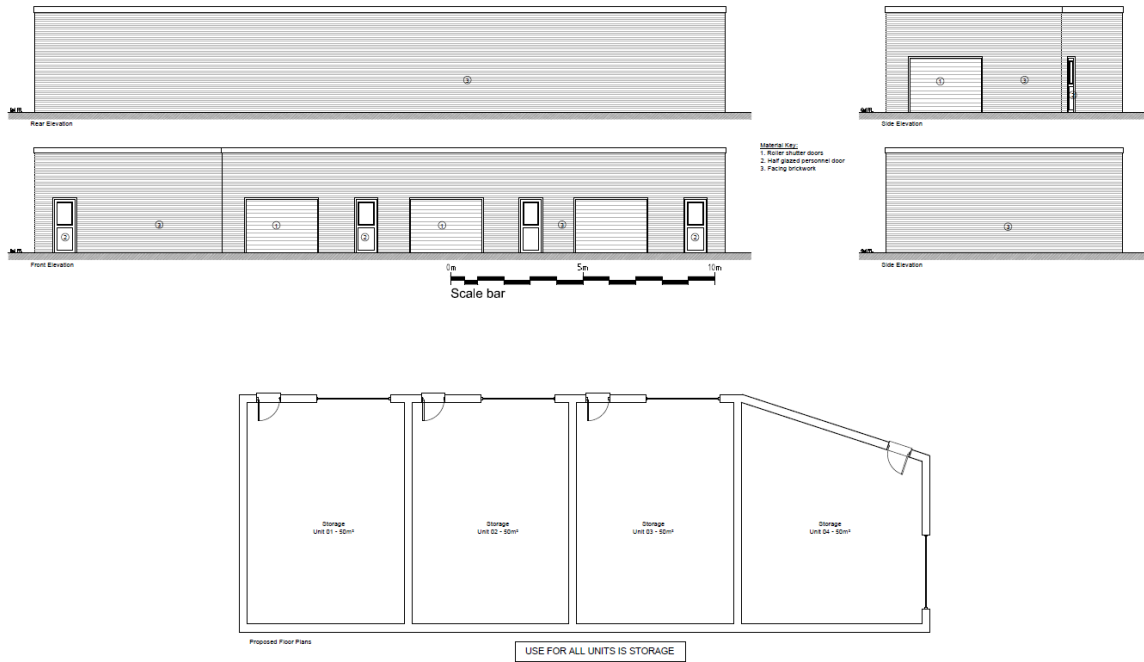


Figure 3: Proposed Outbuilding Elevations and Floor Plans

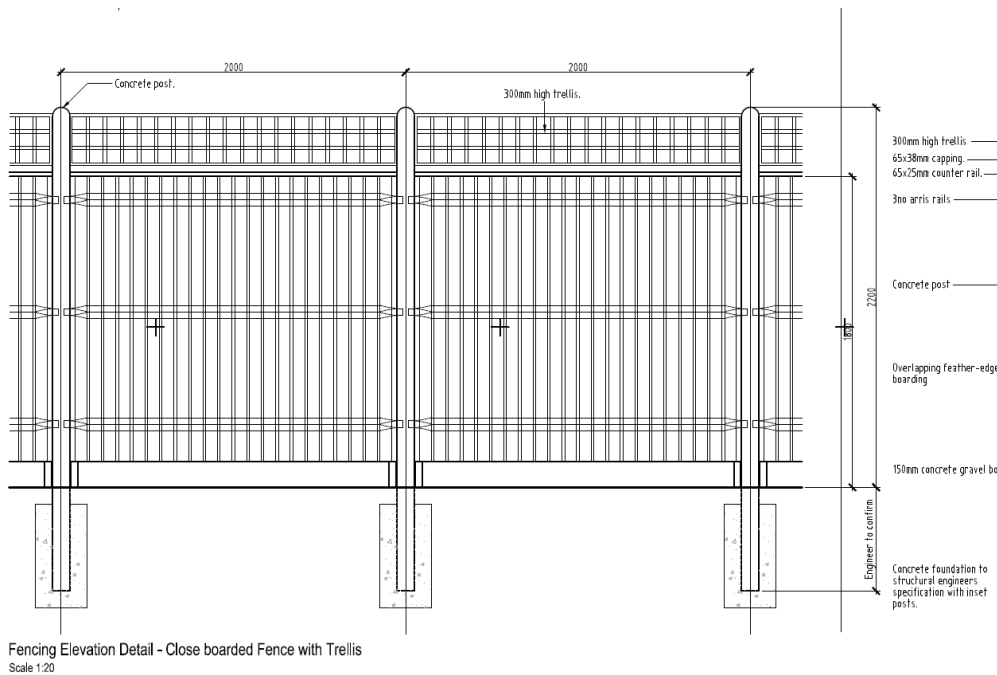


Figure 4: Proposed Fence Elevation

6.3 Principle of Use – Acceptable

6.3.1 With regards to the use of the building, it would be split into 4 separate units internally each with their own entrance door and garage door. However, the agent has confirmed that the whole building would be used for storage in conjunction with the existing open air storage use of the site and the all units (and therefore the outbuilding in its entirety) would be used by the applicant only. A condition is recommended to ensure that this is the case and the use of the outbuilding would remain as storage to accompany the existing use on site.

6.4 Residential Amenity – Acceptable

- 6.4.1 The proposed outbuilding would be set a sufficient distance from the residential property on the site to prevent any serious harm to the amenities of this property. Furthermore, there would be a much greater distance to any other nearby properties and would therefore not be considered to result in any detrimental impact to their amenities.
- 6.4.2 Furthermore, the use would be related to the existing open-air storage use and would therefore not be considered to result in any additional harm to neighbour residents.

6.5 Highways – Acceptable

- 6.5.1 Highways Officers raised no objections to the principle of the development, subject to conditions. However it was requested for it to be demonstrated how articulated lorries would be able to enter the site, turn around and exit in a forward gear from the proposed development prior to determination of the application.
- 6.5.2 A swept path analysis showing articulated vehicle movements to access / exit the site and within the site were submitted on the 31st July and 11th August. Subject to this, Highways Officers confirmed that these were suitable and no objection was raised subject to conditions including a Construction Management Plan

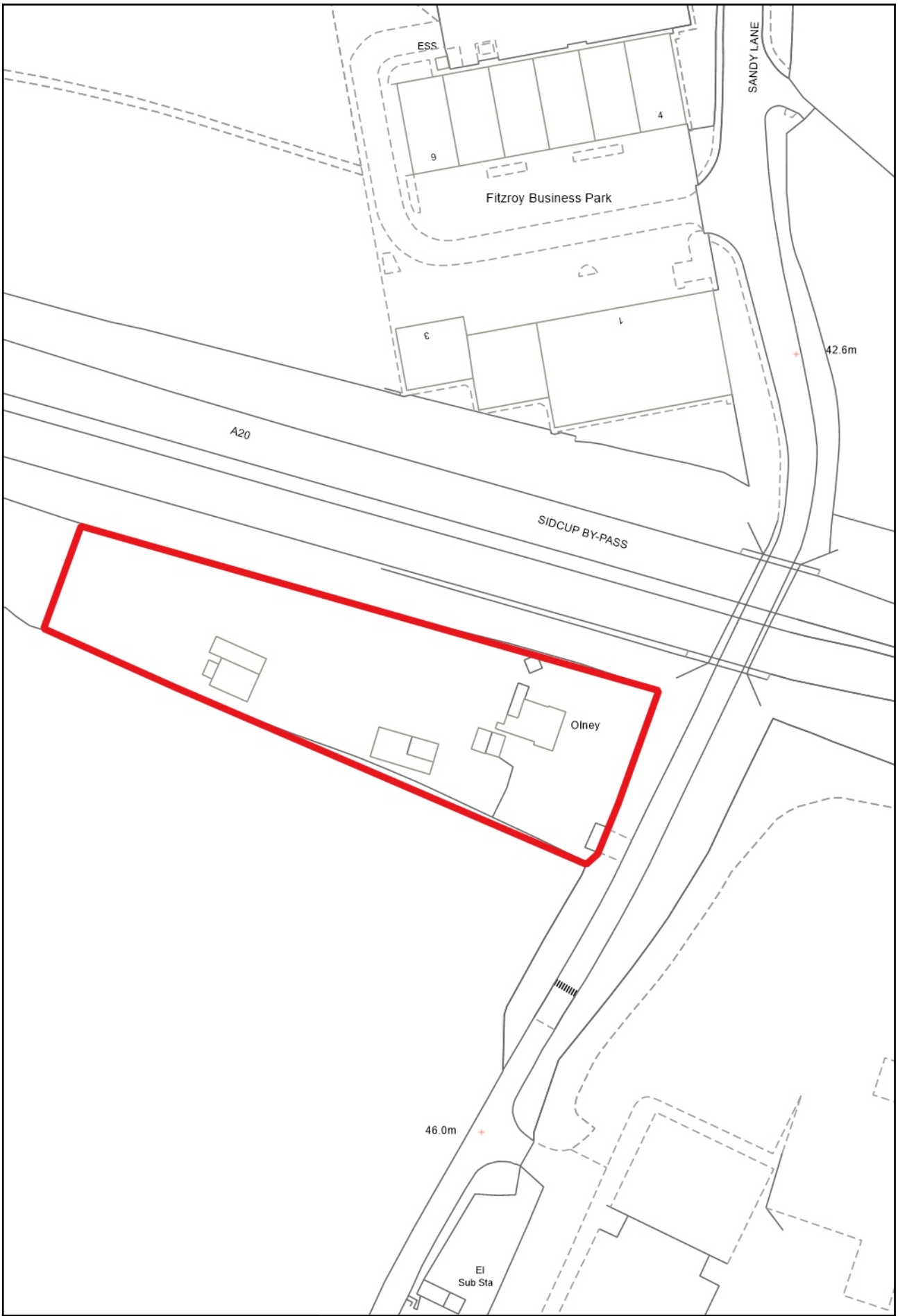
7 CONCLUSION

- 7.1 Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in an unacceptable level of harm to the openness and visual amenity of the Green Belt.
- 7.2 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 Refused


The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on openness and visual amenity. No very special circumstances have been demonstrated to outweigh the harm caused, thereby the proposal would be contrary to Policies 49 and 51 of the Bromley Local Plan and Policy 7.16 of the London Plan.

This page is left intentionally blank



© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.


20/00312/FULL1



20 October 2020

1:1250


Page 41

This page is left intentionally blank

Agenda Item 4.3

Committee Date	29.10.2020	
Address	Land Adjacent To 15 Sandy Bury Orpington	
Application Number	20/00402/FULL1	Officer - Jacqueline Downey
Ward	Farnborough And Crofton	
Proposal	Erection of a 2 bedroom detached dwelling	
Applicant	Agent	
Mr Rana C/O Agent	Miss Leila Cramphorn 16 St. Cuthberts Street Bedford MK40 3JG	
Reason for referral to committee	Deferred from previous committee	Councillor call in No

RECOMMENDATION	Resolve Not to Contest Appeal
-----------------------	-------------------------------

KEY DESIGNATIONS Smoke Control SCA 14

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing		N/A

Proposed	Residential	98.1 sqm
----------	-------------	----------

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		1			1
Affordable (shared ownership)					0
Affordable (social rent)					0
Total					1

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	2	2
Disabled car spaces	0	0	0
Cycle	0	2	2

Electric car charging points	Percentage or number out of total spaces: 0
-------------------------------------	---

Representation summary	Neighbour letters were sent 21/02/2020	
Total number of responses	15	
Number in support	0	
Number of objections	15	

1 UPDATE

- 1.1. This application was originally reported to Members of Plans Sub Committee No. 3 at the meeting held on 14th May 2020, under the Protocol for Planning Decisions during the Covid-19 outbreak. Members voted to request that the Assistant Director (Planning and Building Control) refuse planning permission on the grounds that the proposed development by reason of its design and layout would be out of keeping and character of the surrounding area contrary to Policies 4 and 37 of the Bromley Local Plan and Policy 3.5 of the London Plan. Accordingly, the Assistant Director (Planning and Building Control) deferred the application, without prejudice, for further consideration.
- 1.2. Following the application being deferred at PSC 3, an appeal for non-determination was lodged on the 4th June 2020. Members are therefore asked to consider whether to contest the appeal or not and the original report is repeated below, updated where necessary to reflect the current position with regard to Housing Land Supply which has recently been agreed by the Development Control Committee.

2 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 proposal provides a satisfactory standard of accommodation for the future occupiers
- The parking and access provision is satisfactory from a Highways point of view

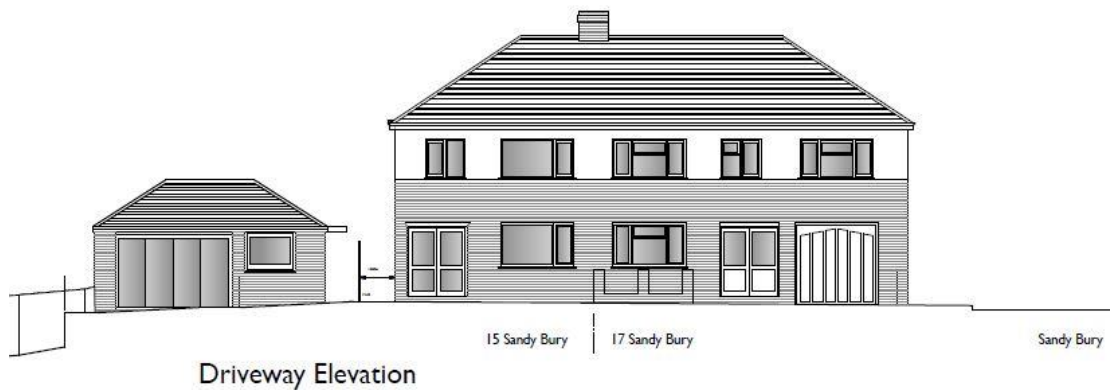
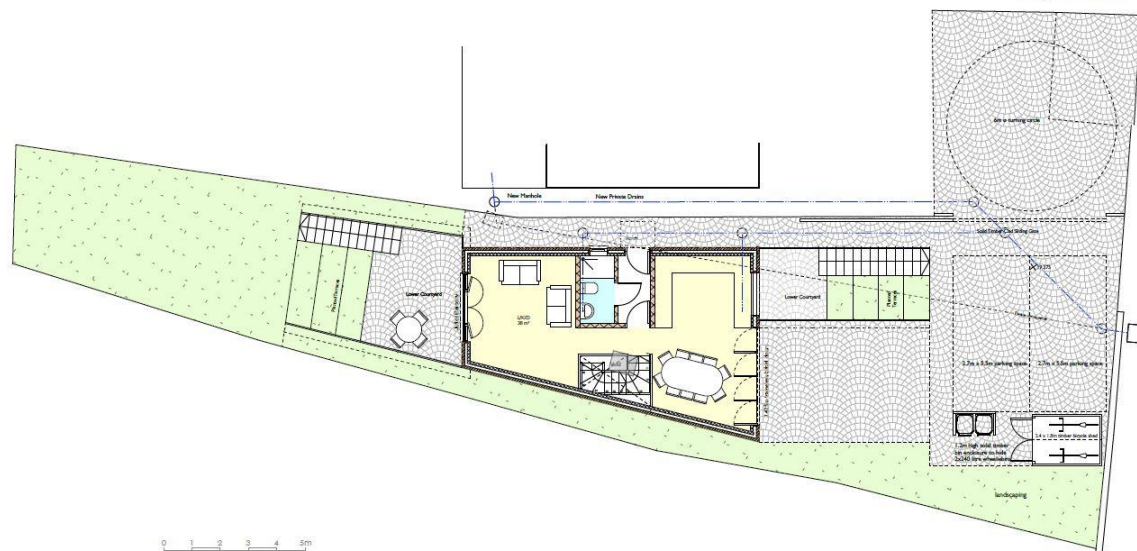
3 LOCATION

- 3.1 The site is located at the southern end of Sandy Bury and currently forms part of the residential garden space for the property at 15 Sandy Bury. The property will be accessed to the front of numbers 17 and 15 Sandy Bury, which are orientated to the north-east, differing to the west facing properties on the south side of Sandy Bury. Sandy Bury is a predominantly residential road, characterised by two storey, semi-detached houses and a few two storey detached houses.



4 PROPOSAL

- 4.1 Planning permission is sought for the construction of a two bedroom, two storey house on land that currently forms the side residential amenity space for the dwelling at 15 Sandy Bury.
- 4.2 The development proposes the addition of a two storey building sited on the area of land to the south of No. 15. The dwelling will have a single storey appearance from the front, with a crown pitched roof and basement level with lower terraces to the front and rear. The principal elevation will be facing the access drive and rear amenity space of 11 Sandy Bury and has no main frontage to the road. Parking is proposed to the front of the new dwelling, with access to this area via a driveway to the front of 15 Sandy Bury where an existing garage is sited. The topography of the land is steeply sloping towards the south-east, as such the proposed new dwelling will be sited at an elevated position when viewed from Tubbenden Lane. A cycle shed and bin store are proposed to be sited on the hardstanding.
- 4.3 The proposal follows previous refusal for a new dwelling, most recently under ref. 18/05610/FULL1. The proposed dwelling would not now project beyond the building line of Nos. 15 and 17 and would now have one level front elevation in place of the 'L' shaped frontage previously proposed.
- 4.4 The application is supported by a Planning statement.



5 RELEVANT PLANNING HISTORY

- 5.1 The relevant planning history relating to the application site is summarised as follows:
- 5.2 93/01627/FUL - Single storey front extension – approved
 - 5.3 97/00297/FUL - Proposed double garage and access to Leasons Hill – refused
 - 5.4 06/04131/FULL6 - Proposed first floor side extension – approved
 - 5.5 14/04491/FULL1 - Proposed three bedroom dwelling – Refused
 - 5.6 15/01311/FULL1 - Proposed new 3 bedroom dwelling house – refused
 - 5.7 Reasons for refusal:

1. The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

2. The proposed development would be out of character and scale with the surrounding area and would form backland development contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

3. The location of the proposed dwelling contributes to an overbearing form of development detrimental to the amenities of the owner/occupiers of 162 and 164 Tubbenden Lane contrary to Policies H1, H7 and BE1 of the Unitary Development Plan.

4. The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

5.8. The application was dismissed on appeal (APP/G5180/W/15/3137163), with the Inspector making the following comments:

- Number 15 and 17 are built sideways on to the road and the flank wall of number 17 stands next to the pavement on Sandy Bury, forward of the building line of the properties which face the road. Consequently, the houses do not reflect the prevailing pattern of development in the local area.
- The appeal plot stands on higher ground to the neighbouring properties on Tubbenden Lane to the east.
- Because of its size, blank design of its easterly facing wall and elevated position, the new house would appear very stark and prominent when viewed from the nearby properties
- Whilst the dwelling will be detached, it would be of a similar general style to number 15 when viewed from the road. In contrast to the generally spacious pattern of development on Sandy Bury, the new house would only be about 0.8m from the side wall of number 15. Whilst this is less than the minimum distance which UDP Policy H9 indicates would be required normally, taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with number 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.
- Evidence has not been presented to demonstrate that there would be sufficient good quality and convenient internal living space for future occupiers of the development.
- Overall the front elevation of the proposed new house would reflect the general character and appearance of the development on Sandy Bury
- Whilst the new building would be an unattractive feature which would detract from the general amenity of the gardens on this part of Tubbenden Lane, because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens.

5.9. 17/00280/FULL1 - Proposed chalet bungalow on land adjacent to 15 Sandy Bury - Refused

5.10. Grounds of refusal:

1 The proposed development would be out of character and scale with the surrounding area contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

3 The proposed new dwelling fails to meet the minimum space standards of proposed new development therefore is considered to create a sub-standard level of residential development, harmful to the residential amenity of future owner/occupiers contrary to Policy BE1 and 3.5 of the London Plan.

5.11. The application was dismissed on appeal (APP/G5180/W/17/3185241), with the Inspector making the following comments:

An Inspector writing in 2016 on appeal reference APP/G5180/W/317163 did not appear over-concerned by that proposal failing to provide the separation, stating that 'taking into account the large area of visible space on the east side of the proposed house and its orientation sideways on to the road, the development would combine with Nos 15 and 17 to have an appearance in the street scene which would be similar in scale to some of the extended pairs of semi-detached properties nearby and it would not stand out as unduly cramped when viewed from Sandy Bury.'

That proposal appears to have been for a two storey, three-bedroom 5-person house as opposed to a chalet bungalow with less accommodation now proposed, and it could be that being similar in height and style to numbers 15 and 17 it would have appeared as an extension of those dwellings when seen along the front line, albeit having a gap between. The current proposal would have the low eaves and large sloping roof of a chalet bungalow in order to accommodate rooms within the roof and the effect relative to number 15 would be of a significantly different building form in too close a proximity. Taking account of the large dormer near the boundary, the form appears as two storey high and more than the 1m gap in this instance would be reasonable to reconcile the differences in scale and form.

In fact, it is the form of the proposed building that causes the main identifiable harm to the character and appearance of the area. Not only is a chalet bungalow not part of the local building form, but the near-coincidence of the roof planes of the dormers and

those of the main roof could lead to an unattractive flashing detail and the dormers appear over-large for the area of roof within which they are placed.

It has been decided to place the eaves at the level of the first floor window cills to numbers 15 and 17, where there is a change from brick to render. This is higher than the proposed window head level of the ground floor, leaving an unattractive area of brickwork between. This may well suppress the overall roof size while providing headroom on the first floor, as indicated on the cross section drawing, but would appear disruptive to the street-scene.

As a result the building would not sit comfortably adjacent to number 15 and would cause visual harm to the character and appearance of the area, failing to reach the standard of design sought in the Framework or the Development Plan policies previously cited.

with regard to the living conditions of prospective occupiers, whilst the Gross Internal Area sought in the London Plan Policy 3.5 for only a flat appears to be met, doubts must remain over the space lost by the stairs and the quality of the accommodation relative to the requirements of Unitary Development Plan Policy BE1.

the Inspector for the 2016 appeal concluded that due to the distance and position of neighbouring dwellings on Tubbenden Lane, the proposal would not unduly affect the living conditions of those occupiers. As then though, they would experience the shortcomings identified in the first main issue, as would other occupiers nearer the site.

The proposal would provide housing in an urban area and make better use of land that appears underused. However, the design of the proposal would fail to reach the standard sought in Development Plan and national policy and in a Local Authority area that can demonstrate a 5 year supply of housing land, there is no overriding reason to allow the development as proposed. For the reasons given above it is concluded that the appeal should be dismissed.

5.12. 18/05610/FULL1 – Erection of a three bedroom detached dwelling. –
Refused

5.13. Grounds of refusal:

1 The proposed development by reason of its design and layout would be out of keeping and character of the surrounding area contrary to Policies 4 and 37 of the Bromley Local Plan and Policy 3.5 of the London Plan

5.14. The application was dismissed on appeal (APP/G5180/W/17/3185241), with
the Inspector making the following comments:

- The predominant character of the area is of dwellings with relatively flat front elevations set within long narrow plots. The proposed development would appear when viewed from Sandy Bury as an 'L' shaped single storey dwelling with two dual pitched rooflines.
- It would include a significant projection in front of the prevailing front building line of Nos 15 and 17.
- The significant stagger in the alignment of its front elevation, would sit awkwardly within the surrounding pattern of development.
- The development that would appear incongruous in the street scene, and would be out of character of the predominant aesthetic of the area.
- surrounding roofscape is characterised almost exclusively by tiled hipped roofs, whereas the proposed development includes a green dual pitch roof
- The roof covering and dual pitched design is in stark contrast with the surrounding hipped roof properties and jarring with the surrounding pattern of development
- proposed building would be separated from No 15 by a gap approximately 1 metre wide,
- would appear overly cramped within the plot, as a result of the separation distances between the proposed dwelling and the site boundary fences.
- This cramped appearance combined with the stepped nature of the front projection, would result in an unacceptable relationship with the prevailing character of the area.
- any benefit arising from the proposed landscaping to be minimal.
- conclude that there would be a harmful effect of the proposed development on the character and appearance of the area.

6 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- No objections raised to proposed new access
- Adequate parking will be provided to serve the development.

Drainage – No objection subject to a condition

Environmental Health (pollution) – No objection subject to an informative

B) Adjoining Occupiers

Overdevelopment and out of character (addressed in para 7.2.4 and 7.2.5)

- Out of character with surrounding development, poor external appearance and design
- Overdevelopment of the site - site is too small for a new house and would be too cramped
- Excessive scale and massing - lack of any consultation by the developer, particularly given that this is the third application in respect of the site.

- The proposed site of the construction used to be the side garden of 15 Sandy Bury and inserting a new dwelling in such a cramped space will distort and disrupt the landscape as currently enjoyed by neighbours
- Street elevation appears to have produced a subterranean Hobbit Hole.
- Lack of acceptable side space
- That the houses are not so-called 'front facing' is irrelevant given that they are built at what would originally have been a right hand turn in the road.
- this area used to be an old footpath
- The site is unsuitable to accommodate a detached house of the standard required by planning legislation
- cannot see that the new for another property in Sandy Bury is so desperate as to allow this latest application to succeed
- The examples given in the appeal of other properties where permission was granted to ignore the 1.00m requirement are not relevant because those properties had the relevant space to other sides of the property, where as in this case the proposed development would be cramped.

Harmful visual impact (addressed in para 7.3.1 and 7.3.2)

- Harmful visual impact and loss of outlook
- Lack of privacy to neighbouring houses and loss of light
- The proposed building extends outside the building line of No's. 15 & 17 Sandy Bury and will now also extend across the end of neighbouring garden. This proposal contravenes Bromley Local Plan Policy 1 as the proposal is for building on a residential garden

Increase in traffic and parking (addressed in para 7.5.1)

- As with previous applications it is out of keeping with other properties in this road and will increase the traffic in a road leading up to a very busy school and cause more parking problems.
- Increase in traffic and congestion in the road with disruption due to building work and parking

Drainage and Structural issues (addressed in para through conditions)

- Concerns regarding sewerage and foul drainage and damage to existing sewers
- Concerns regarding landslide and stability of the ground at the site
- Quality and depth of foundations may not be sufficient and excavation will be substantial
- Would interfere with current drainage system in the area

Standards of accommodation (addressed in para 7.4.1)

- Poor quality of accommodation and lack of natural light reaching the rooms
- Landscaping scheme is poor quality

7 POLICIES AND GUIDANCE

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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).
- 7.9 The application falls to be determined in accordance with the following policies:-

7.10 National Policy Framework 2019

7.11 The London Plan

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

7.12 Draft London Plan

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

7.13 Bromley Local Plan 2019

Policy 1 - Housing Supply
Policy 3 - Backland and Garden Land Development
Policy 4 - Housing Design
Policy 8 - Side Space
Policy 30 - Parking
Policy 32 - Road Safety
Policy 37 - General Design of Development
Policy 113 - Waste Management in New Development
Policy 115 - Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems

7.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

8 ASSESSMENT

8.1 Resubmission

8.1.1 This application follows a recent refusal of planning permission under ref. 18/05610/FULL1 for Erection of a three bedroom detached dwelling. The key changes are as follows:

- proposed dwelling would not now project beyond the building line of Nos. 15 and 17
- A hipped roof profile instead of the dual pitched roof
- The separation between the proposed dwelling and No. 15 has been increased from 1m to 2m

8.2 Principle – Acceptable

8.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

8.2.2 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.

8.2.3 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.

8.2.4 8.7.6 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.

8.2.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

8.2.6 This application includes the provision of 1 residential dwelling and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

8.3 Design – Layout, scale – Acceptable

8.3.1 The site is prominently situated to the eastern elevation of the property at No. 15 Sandy Bury and appears as flank garden land comprising an enclosed area of grassland in a poor state of upkeep with various low level shrubs. The site has restricted views from Sandy Bury due to the sites location away from the main highway and to the eastern flank elevation of No. 15 however it has been noted through correspondence that the fencing along the boundary with number 15 is to be removed should the application be permitted, exposing the front of the site. The site is highly visible from the rear garden space at Nos. 162 and 164 Tubbenden Lane exacerbated by the sites elevated position. The site would not be considered to contribute to local visual amenity due to the restricted views from the main highway however does allow a degree of openness when viewed from the rear amenity space of the properties facing Tubbenden Road.

8.3.2 When considering the previous appeals, the Inspectors have not raised concerns with the principle of the development, rather the visual appearance of the proposals, their relationship with No. 15 and their impact on the character of the area. In particular the gable fronted and 'L' shaped form projecting beyond the main front building line of the adjacent semi-detached dwellings and level of separation between the proposed dwelling and flanks of No. 15.

- 8.3.3 The Inspector in the most recently refused scheme (ref. 18/05610/FULL1) raised concerns over the dwelling appearing overly cramped within the plot, as a result of the separation distances (1m), significant stagger in the alignment of its front elevation, sitting awkwardly within the surrounding pattern of development, which in addition to the dual pitched roof design, would appear incongruous in the street scene, out of character with the local area.
- 8.3.4 The current proposal would continue to present a single storey appearance as in the 2018 scheme to the front of the site and in relation to the neighbouring house at No. 15. The design includes a basement level that will provide lower level accommodation and access to the rear garden. Further amendments have been made to the design comprising of the omission of the forward projecting element, and dual gabled frontage. The current proposal would have a single frontage which would align with the front elevations of Nos. 15 and 17 and would have a more modest hipped roof appearance within the street scene with a low pitched roof that will have a height of 3.6m (which is a reduction from 4m previously proposed in 2018) when viewed in context with the adjacent dwelling at No. 15. In contrast to the previous proposals, the southern side elevation will have a low eaves height of 2.2m with a landscaped area and fencing to the side, and this is considered to significantly reduce the visual impact of the dwelling when viewed from the neighbouring houses on Tubbenden Lane. Therefore it may be considered that the relationship with No. 15 would not be awkward or detrimental to the character of the area. The proposal omits all the awkward and out of keeping roof design and replaces it with a shallow hipped roof, thereby removing the conflicting relationship with No. 15.
- 8.3.5 The new dwelling is sited adjacent to the boundary with No. 15, 2m from the flank elevation of the neighbouring house; this is an increase from 1m proposed under ref. 18/05610. The current application includes a low eaves height that would be lower than the first floor window sill height at No. 15 and would appear as a single storey development in the street scene as a result of the basement level design. The development would therefore read in a similar manner as an extension to No. 15. Given that the proposal would now comply with side space policy as it provides 1m from both the proposed dwelling and No. 15 to the boundary (2m overall) which is intended to avoid a cramped appearance and unrelated terracing, it is considered that the design of the proposal would result in an acceptable relationship, given single storey appearance from street level and the Inspectors' collective views.
- 8.3.6 As such, it is considered that the dwelling, which would comply with Side Space Policy 8, would not appear as a cramped form of development within the street scene and would not contravene the objectives of Policy 8 of the Bromley Local Plan.

8.4 Residential Amenity – Acceptable

- 8.4.1 In terms of the impact on neighbouring residential amenity, in previous decisions, the Inspector considered that because of the size and open feel to the gardens, the new house would not appear overbearing when viewed from the neighbouring houses or gardens on Tubbenden Lane. The Inspector did, however, consider the design to cause visual harm to the character of the area. The current design

proposes a lower flank wall facing Tubbenden Lane, a lower hipped roof and a lower overall bulk, including a genuine single storey appearance with basement level. The result of the design change is a less visually intrusive and incongruous feature that is considered to have an acceptable visual appearance and an acceptable impact on the amenities of neighbouring properties as a result.

8.4.2 Following the previous application (18/05610), the proposal has been increased in length along the northern flank wall adjacent to No. 15, from 7.5m to 10.3m, and would now therefore project 3m beyond the main rear elevation of No. 15. The proposed dwelling would appear as a single storey structure from the rear windows and amenity space of this neighbouring property and there would be a separation of 2m between the proposed dwelling and No. 15 which is a significant separation. Given its height of between 3.6m and 2.2m with a roof which pitches away from the boundary resulting in a flank wall of 2.2m in height near to the boundary, it is not considered that the rear projection of the proposed dwelling would have a harmful visual impact or loss of light, outlook, prospect or privacy to the neighbouring properties.

8.5 Standard of Residential Accommodation – Acceptable

8.5.1 The London Plan suggests that the minimum size of a two bedroom four person dwelling over two levels should be 79 sqm. The submitted plans indicate a floor area of approx. 98 sqm and therefore the dwelling is considered to comply with the requirements of the Technical Space Standards. Each of the double bedrooms will have a minimum floor area of 11.5m. Each bedroom will have a minimum width of 2.75m for a double room.

8.6 Highways – Acceptable

8.6.1 The site is within a very low (1a) PTAL area. Policy 30 requires a minimum of 1.5 spaces per unit. There is parking shown for 2 vehicles which given the size of the unit proposed and the locality would be acceptable in this instance. The access and parking arrangements are satisfactory, and the applicant has confirmed that No. 15 has rights to share the access with the new development.

8.7 CIL

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

9 CONCLUSION

9.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it has fully addressed the previous reasons for refusal, would not result in a significantly detrimental impact on the character of the area and would not impact on highway safety or neighbouring amenity. Additionally, the provision of 1 new dwelling unit would make a minor contribution towards meeting

the Council's housing targets, which also weighs in its favour. It is therefore recommended that the appeal should not be contested.

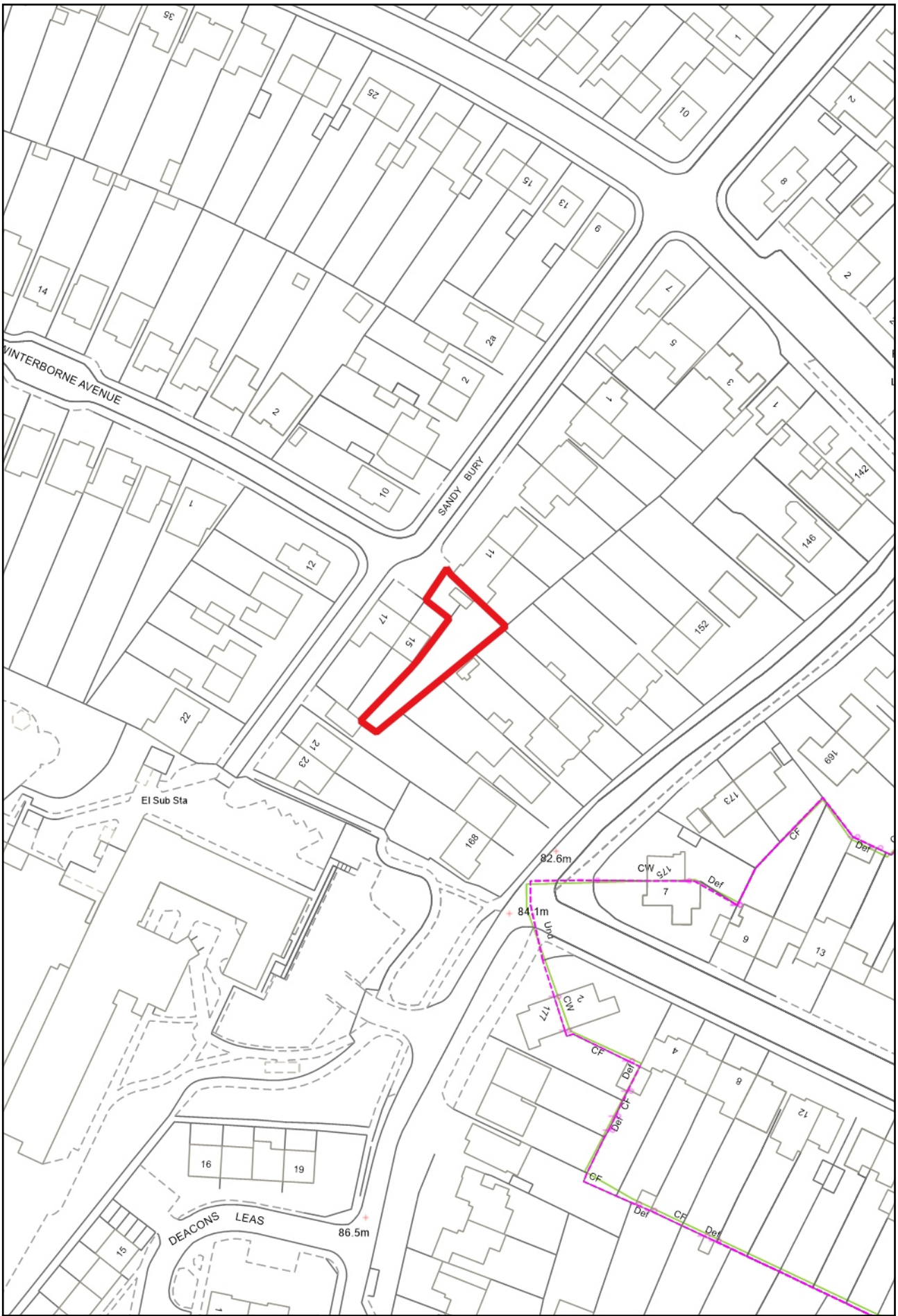
9.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL


In the event that the Inspector is minded to allow the appeal, the following conditions are recommended:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Details of surface water drainage**
- 4. Parking spaces to be implemented**
- 5. Remove all PD rights**
- 6. Wash down facilities**
- 7. Construction and Environment Management Plan**
- 4. Matching in accordance with plans**

This page is left intentionally blank



© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 20/00402/FULL1



20 October 2020

1:1250



Page 61

This page is left intentionally blank

Agenda Item 4.4

Committee Date	29.10.2020	
Address	205 High Street West Wickham BR4 0PH	
Application Number	20/00830/FULL1	Officer - Russell Penn
Ward	West Wickham	
Proposal	Demolition of existing buildings and erection of a replacement mixed-use development with office space at ground level and 9 x 2 bedroom flats, associated car parking, landscaping and refuse storage facilities.	
Applicant	Sundridge Homes Limited	Agent
		Mr Joe Alderman
		303 Downe House High Street Orpington BR6 0NN
Reason for referral to committee	Call-In	Councillor call in
		Yes

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

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 51</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Sui Generis and B1(a)	919m ²

Proposed	Office B1(a) Residential	331m ² 809.7m 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		9			9
Total		9			9

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	11	+8
Disabled car spaces	0	0	0
Cycle	0	18	+18

Electric car charging points	To be secured by planning condition
-------------------------------------	-------------------------------------

Representation summary	<i>Two neighbour consultations exercises were carried out on 05/06/20 and 20/08/20.</i>	
Total number of responses	13	
Number in support	0	
Number of objections	12	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Mixed use development is deemed acceptable in this location.
- Density and unit type of the proposed scheme is acceptable and the development would not be detrimental to the character and appearance of the area and locality.
- The development would not adversely affect the amenities of neighbouring residential properties.
- Standard of the accommodation that will be created will be good.
- The development would not have an adverse impact on the local road network or local parking conditions.

- The development would be constructed in a sustainable manner and would achieve good levels of energy efficiency

2 LOCATION

- 2.1 The site is located on the south side of the High Street, West Wickham between the roundabout at the western end of West Wickham town centre and the junction with Manor Road to the east. The site is currently occupied with a three storey building to the front and single storey covered storage section to the rear in a mixed use commercial format currently occupied by a timber and builders merchants on the ground floor and parts of the first floor (sui generis). The main first and second floors are currently used as a separate office for an accountancy firm.
- 2.2 The site is adjoined by residential property on both sides; Windsor Court to the east and Knox-Johnston House to the west. The site is approximately 90m distance to the boundary of West Wickham District Centre with its array of shopping and other facilities. The current PTAL of the site is 2. The site has two existing vehicular access points via the High Street with a second via an existing narrow vehicular access way from Manor Road to the east.
- 2.3 The site is not located in a conservation area nor is the building listed. The site is located within Flood Zone 1 and has a low probability of flooding.



Photos of existing building.



3 PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing buildings and erection of a replacement mixed-use development with office space at ground level and 9 two bedroom flats, associated car parking, landscaping and refuse storage facilities.
- 3.2 The building design is traditional in format with a corner turret feature to the north east corner facing the traffic roundabout. Supporting documentation advises that the existing vehicular access from Manor Road will be retained and lead to the rear of the site and a new gated car parking area for 8 spaces. Similarly, the existing crossover to the front of the site will be retained with three spaces provided.
- 3.3 Use Class E (formally B1(a)) office commercial use is proposed to the ground floor in two units at 163.2m² and 75.9m² respectively. As this application was submitted before the Use Class Order changed, the transitional provisions apply and the report assesses the scheme in line and the language of the previous use class order.



FRONT ELEVATION



REAR ELEVATION

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Various applications relating to the advertisement consents and minor works
- 4.3 89/00142/FUL: Single storey rear extension. Approved 08.03.1989
- 4.4 89/00792/FUL: Three storey extension and third floor over existing building to provide retail accommodation with office accommodation on third floor. Approved 13.04.1989
- 4.5 89/01741/FUL: Widening of vehicular access to front. Approved 09.08.1989
- 4.6 90/02997/FUL: Change of use of part first floor and whole second floor from office use ancillary to timber merchants to separate office use with associated car parking. Refused 17.01.1991. Allowed at Appeal 22.08.1991. Subsequent applications for Details and Amendments were approved in 1991 and 1992
- 4.7 08/00225/FULL1: 2.4m high steel fencing and gates at rear of builder's yard. Approved 26.03.2008

5 CONSULTATION SUMMARY

A) Statutory

Environmental Health Pollution Officer - No objection

- No objections within the grounds of consideration. Further details recommended to be sought by planning condition in respect of noise, construction management, land contamination and air quality. Informatives recommended in terms of construction and demolition machinery.

Drainage Officer – No objection

- It is not acceptable to assume in the submitted Sustainable and Energy Statement dated 12/03/2020 that the cost of SUDS does not make them a viable option. Further details recommended to be sought by planning condition.

Highways – No objection

- The site is to the south of High Street. The development is in area with PTAL rate of 2 (on a scale of 0 – 6b, where 6 is the most accessible). Vehicular access is from two access points indicated on the submitted plans, one from the High Street and the other via a paved access road (approx. 3.9m wide) from Manor Road. This is acceptable in principle. The applicant should provide evidence that he has vehicular rights of way over this access road. Three car parking spaces to the front and eight spaces to rear are indicated which is acceptable.
- The applicant states that secure cycle parking for residents and cycle parking for office employees and visitors would be provided in accordance with planning standards”. London Plan standards should be adhered to which requires 18 spaces for the residential and 3 spaces for the offices. Refuse storage is indicated.

Transport for London – No objection

- The site fronts High Street West Wickham which is part of the Transport for London Road Network (TLRN) and TfL is the highway authority.
- Whilst I acknowledge there is an existing vehicle access to the site off the TLRN and that vehicle trip generation could be lower than the existing retail use, the access is in a very awkward location being right on the approach to a roundabout. There is therefore always going to be an inherently higher risk of accidents and so the crossover is not in line with Healthy Streets or Vision Zero accident reduction policies.
- Moreover, the transport assessment does not include any data on accidents, nor a road safety audit and implies that because the crossover is already in place and vehicle movements are likely to be reduced, it is fine to continue its use. Without this information, I am unable to reach the same conclusion and therefore object to the planning application.
- More generally, the site redevelopment could be an ideal opportunity to close this crossover and reinstate the footway for pedestrians. Any deliveries can use the parking bay on the roundabout, or the kerbside outside of the single red line control hours. This closure would have obvious benefits in terms of Healthy Streets and Vision Zero, so I would urge the council to consider this requirement of any site redevelopment, particularly as the site enjoys vehicular access from the rear.
- Construction is likely to be problematic for similar reasons. Should planning permission be granted, a construction management plan should be required, to be approved by the council in consultation with TfL. Highway users on the TLRN will

need to be kept safe, traffic flow maintained and pedestrians unobstructed. Use of the rear access off Manor Road for deliveries and waste-away should be maximised.

Designing Out Crime Officer - Metropolitan Police Service – No objection

- I have reviewed the submitted documents and note no reference to security or safety. From my inspection, I have a number of concerns regarding the proposed development, which should be addressed for both the visitors and staff, and for the building safety and security, and to ensure the SBD principles are fully encompassed. The security aspects I would wish to see addressed include but are not limited to the following points.
- The permeability of the site, and ease of access to the perimeter and secluded areas. A development of this size and type should attempt to reduce or remove easy rear access and recesses, as these provide opportunities for loitering, sheltering or criminal activity.
- Security of the cycles, I note no secure cycle storage has been incorporated. Bin stores, which are external, and need to be secured to prevent ID theft, fly tipping and other criminal activity. Access control or a fob management plan in place to provide access only to residents, and to reduce the opportunities for crime.
- Rear access, I note is gated and would seek further information as to design and operation.
- I would also expect the incorporation of 3rd party tested and accredited SBD compliant doors and windows throughout, particularly for all external, and flat entrance doors in all required locations.
- I can confirm that I have not at this time discussed security for this development, or met with the project architects or agents. Should my request for a Secured by Design condition be successful, I would request my contact details be passed on.
- I feel that should this application proceed, it will be able to achieve the security requirements of Secured by Design with some modification, and with the guidance of Secured by Design officers and the Homes 2019 and Commercial 2015 v2 guidance documents, and I would request a Secured by Design condition be attached to any permissions granted.
- The adoption of these standards will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment. A condition requiring the development to engage with police and the local authority to achieve Secured by Design aims and principles by accreditation would greatly assist with the delivery of a safer development in line with national, regional and local planning policies.

Tree Officer – No objection

- The application site is free of statutory tree protection. The re-development of the site is supported. There are no tree constraints that would impact the design/layout. I would invite a landscape scheme under condition.

Highways – No objection

- No objections raised to proposed new access
- Adequate parking will be provided to serve the development.

B) Adjoining Occupiers

West Wickham Residents Association

- West Wickham Residents Association has objected on the grounds of height of the building, insufficient parking spaces, loss of privacy and overlooking to balconies of adjacent flats and provision of limited garden space for flats.

C) Adjoining Occupiers

Amenity (addressed in para 7.7)

- Objections to loss of light and views from kitchen and bedroom windows in flats adjacent.
- Encroachment on privacy, light and outlook due to increased height, depth and proximity of the proposal.
- Adjacent balconies impacted by unreasonably large building.
- Concerns with impact to living condition of adjacent flats from proximity of new building.
- Concerns regarding the mirror image daylight test.

Design and Character (addressed in para 7.4)

- Four storey block is not in keeping with three storeys in the area. Too large and imposing on the surrounding properties.
- Proposals are overdeveloped for the size of the plot.

Highways (addressed in para 7.6)

- Concerns with increase in vehicle traffic to the rear of the site from residential use.

Employment (addressed in para 7.1)

- Will result in loss of employment premises.
- Loss of privacy from flank windows

Other matters (addressed in para 7.14)

- Comments regarding the Article 13 notification carried out by the applicant and that inaccurate information has been submitted in respect existing uses and floorspace.

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
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use Development and Offices
- 4.4 Managing Industrial land and Premises
- 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
- H10 Housing Size Mix
- S4 Play and informal recreation
- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E4 Land for industry, logistics and services to support London's economic function
- E7 Industrial intensification, co-location and substitution
- 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
- DF1 Delivery of the Plan and Planning Obligations

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
83	Non-Designated Employment Land
86	Office Uses Outside Town Centres and Office Clusters
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
125	Delivery and implementation of the Local Plan

6.14 Bromley Supplementary Guidance

SPG1 - General Design Principles

SPG2 - 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

Employment Floorspace:

- 7.1.1 Policy 83 of the Local Plan states that the Council will seek improvements to the quality and quantity of employment floorspace on sites containing existing industrial and related employment uses outside designated SILs and LSISs.
- 7.1.2 Proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected.
- 7.1.3 Proposals for change of use of non-designated sites accommodating Class B uses to a nonemployment generating use will be considered on the following criteria: a - whether there is a demonstrated lack of demand for the existing permitted uses, including evidence of recent, active marketing of the site for reuse or

redevelopment undertaken prior to the submission of a planning application over a minimum period of six months, b - whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units, and c - where the site is capable of accommodating a mixed use scheme, whether the proposal includes the reprovision of a similar quantum of floorspace for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.

- 7.1.4 Policy 86 states that proposals for new office development will be expected to be located within designated Town Centres (provided that the retail function of the town centre is not impaired) and Office Clusters. On sites outside designated Town Centres and Office Clusters, proposals for Class B1(a) will be permitted, provided that they are consistent with Town Centres Policies. The supporting text outlines that other than in the BIAs, a more flexible approach to enable other employment uses, including mixed use is preferred.
- 7.1.5 The Intend to Publish London Plan (December 2019) is a material consideration. Policy E1 outlines that improvements to the quality, flexibility and adaptability of office space should be supported by new office space, refurbishments and mixed-use developments. Policy E2 encourages the provision and protection of Class B uses at a range of sizes and rents to meet the needs of a range of enterprises and start-ups. Policy E3 gives consideration to affordable workspace and we will need to form our own evidence-based policy in this regard.
- 7.1.6 Policy E7 is also relevant and encourages the intensification of business uses on industrial land through more efficient use of land. Part C states that mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where: 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification. Policy E8 encourages sector growth and the availability of suitable work spaces, including for start-up and medium-sized enterprises
- 7.1.7 West Wickham District Centre has a low amount of office floorspace (approx. 2,000sqm) and no current availability. The location of the proposal, although some distance from the station, is likely to be in demand and would be suitable for small and medium-sized enterprises. The reprovision of office space would therefore be welcomed and would be consistent with Policy 83. The proposal will include 331 sqm of Class B1a office floorspace. The existing builders merchant use of the site (Sui Generis) is indicated at 919 sqm. The proposal will therefore reduce the amount of employment generating floorspace at the site by 588 sqm although this figure should be considered bearing in mind that the majority of the site is covered by open storage associated with the builders merchant use. According to the VOA website, the first and second floors are occupied by a separate B1a use occupying 233 sqm.
- 7.1.8 Policy 83 seeks improve the quality and quantity of employment floor space in areas outside designated employment sites. Redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will be supported and therefore this policy would broadly support a proposal for improved

quality. The existing use is Sui Generis with upper floor B1a, however employment sites are defined as Class B uses and appropriate sui generis uses and therefore the second and third parts of the policy may be applied to the entire site (this requires demonstration of a lack of demand for the uses lost, exploration of provision of other employment-generating uses and where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of employment generating uses).

7.1.9 The proposal seeks to re-provide office floorspace at ground floor level as part of a mixed-use scheme and this is encouraged. The applicant's Planning Statement concludes that 'the loss of the existing facility can be justified as replacement office space will be provided. There is, therefore, no overall net loss of an employment generating use'. Whilst the employment generating use would be retained, the floorspace would be significantly reduced, albeit at an improved quality and flexibility as required by Policy E1 of the draft London Plan. As outlined above, the majority of the existing floorspace relates to outdoor open storage and therefore the re-provision of a similar amount of internal employment generating floorspace at an improved quality and flexibility may therefore be acceptable.

7.1.10 Although sited outside of the West Wickham Town Centre, the proposal would be broadly compliant with Policy 86 as the development would be within a commercial setting and would not be detrimental to the retail functioning of the centre. The proposal provides a quantum of flexible office space as part of a mixed use redevelopment of the site and on balance is considered acceptable.

Housing:

7.1.11 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.1.12 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.

7.1.13 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.

7.1.14 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.

7.1.15 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

7.1.16 This application includes the provision of nine upper floor residential dwellings and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.2 Density – Acceptable

7.2.1 Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

7.2.2 The site has a PTAL rating of 2 and is within a suburban setting generally. In accordance with Table 3.2, the recommended density range for the site would be 40-80 dwellings per hectare. The proposed development would have a density of 68 dwellings per hectare based on a site area of 0.1317ha.

7.2.3 Therefore, the proposed development of the site would be within the suggested range and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

7.3 Unit Mix – Acceptable

- 7.3.1 Policy 3.8 of the London Plan 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. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites. The Council will require a mix of housing including private and affordable housing. The determination of which housing needs a scheme will meet should be informed by local and sub-regional housing priorities and the London Plan's priority for affordable family housing. Policies within the Bromley Local plan do not set a prescriptive breakdown in terms of unit sizes. Therefore, each application should be assessed on its merits in this respect.
- 7.3.2 The resultant development proposal will comprise 9 two bedroom units on the site. The PTAL rating for this location is 2. The size and location of this site, together with the amount of site coverage proposed may lend this particular site to the provision of this unit type. It is noted that priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. On balance, the unit type proposed appears an acceptable response in terms of the mix at this location and would meet strategic and local needs.

7.4 Design – Acceptable

- 7.4.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.4.2 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.
- 7.4.3 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.

- 7.4.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.4.5 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.
- 7.4.6 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).
- 7.4.7 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.
- 7.4.8 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.
- 7.4.9 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.

- 7.4.10 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.
- 7.4.11 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.
- 7.4.12 The site needs to be considered within its context in relation to its location on the High Street and prominent location on the large roundabout that it adjoins. The site is not directly within the defined District Centre boundary which is located 90m east although its proximity is a material consideration in terms of context. There are also larger apartment flat blocks adjacent to the site boundaries at Windsor Court and Knox-Johnston House as well as the more traditional proportioned semi-detached housing. Opposite the site is also the uniquely designed St Marks Church which contributes positively to the varied townscape around the roundabout. The existing building on site is of no architectural merit with an unrelieved flank elevation that faces to Knox-Johnston House creating a stark street scene view from the public realm. With the combination of these building typologies, the transition between the site and its environs is therefore important to achieve in an appropriate townscape relationship.
- 7.4.13 In the proposed scheme, the bulk and scale of the scheme is generally considered acceptable. It is acknowledged that the height of the building will be greater by a moderate amount to adjacent buildings, however the arrangement of the front elevation and flank elevation which follow the existing building lines on the High street will now turn the corner to Knox-Johnston House with a feature designed round footprint and turret designed roof, creating a landmark style design to the building. The approach is welcomed and is considered to improve the character and appearance of the site within the streetscene to adequately offset the slightly increased scale of the building in comparison to those adjacent.
- 7.4.14 In terms of spatial separation, the side separation of the building footprint is improved in both directions as viewed from the streetscene. This would be approximately 2.5m to the boundary with Windsor Court and between 1m and 2m to Knox House. This is considered to be a sympathetic response to the local

townscape maintaining a suitable separation while at the same time making efficient use of the land available to not appear cramped or overdeveloped.

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

7.4.16 The design style is traditional in format with a mix of red brick and white render, slate roof and a mix of soldier course and stone detailing to window lintels. To the street level individual large glazed window fronts have been included in the design which reflect the intended office use of the ground floor of the proposal. This creates a sense of place, human in scale and an attractive active frontage which can be easily understood and enjoyed within that context.

7.4.17 On balance, the proposal responds positively to local context and is considered to be an appropriate design response to the mixed character of the neighbouring sites and appears as a balanced addition to the streetscene and the local character and appearance of this prominent location on the roundabout

7.5 Standard of Residential Accommodation - Acceptable

7.5.1 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.

7.5.2 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 Government's National Technical Housing Standards.

7.5.3 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. A Part M compliance statement has been received that details compliance.

- 7.5.4 The floor space size of each of the units ranges between 112.5m² for units 1, 4 and 7; 71.1m² for units 2, 5 and 8; 86.3m² for units 3, 6 and 9 respectively for the two bedroom three person and two bedroom four person units. The nationally described space standards require various GIA in relation to the number of persons, floors and bedrooms mix. The indicated provisions have been reviewed on this basis. It is noted that bedrooms 1 of units 3, 6 and 9 are marginally below the standard 11.5m² at 10.9m² floor space size. However, given the overall generous size of the flats this is deemed acceptable. On balance, the floorspace size for all of the units is considered compliant with the required standards.
- 7.5.5 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.
- 7.5.6 All flats have a good level of outlook primarily facing to the front and rear of the site. The east flank elevation of the building contains secondary habitable room windows to flats on the first to second floor. It is noted that the outlook from these flats will be in close proximity to windows in the side elevation of Windsor Court which are themselves to bedrooms and kitchens. The outlook would not be direct but at varying offset angles. Given the windows in the proposed building are secondary it is recommended that they are obscure glazed and non opening over 1.7m finished floor level to prevent overlooking from the development while at the same time maintaining a suitable quality living spaces for future occupiers. Windows to the west flank elevation will overlook the front curtilage to Knox Johnston House and the wider streetscene. Windows to the ground floor flank east elevation will relate to the proposed office use which can be similarly obscure glazed. On balance the outlook provided for the residential units are considered to provide a suitable level of quality accommodation for future occupiers.
- 7.5.7 In terms of amenity space, balconies are provided for the first and second floor flats with the third floor flats having no private external provision. The size of the balcony areas would fall short of the provision generally required in the London Plan. However, given the generous floorspace size areas within each flat above national minimum standards this is considered to offset this minor shortfall and zero provision for the third floor. On balance amenity space is considered acceptable for the unit types proposed.
- 7.5.8 In terms of noise impacts to future occupiers in respect of providing a quality living space, the site is adjacent to a busy road and therefore it is considered that a scheme for protecting the proposed residential units from traffic noise, which shall include specialist and/or double glazing in windows as mitigation is required or any other mitigation as necessary. A planning condition is recommended in this regard.

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.

Car parking

7.6.4 The Council's Highway Officer has reviewed the current application and not raised objection on balance to the level of parking provided. Transport for London comments are noted in respect of the closure preference of the front vehicle access. However, the access provides additional off road parking and is also preferable to retain for refuse collection. On balance it is considered that there will not be a significant detrimental impact on parking in the vicinity or detrimental impact to highway safety and therefore the proposal is considered generally acceptable from a highway perspective.

Cycle parking

7.6.5 Cycle parking is required to be 1 space for studio and one bedroom units and 2 spaces for all other unit types. A planning condition is recommended in this regard for details of a location and secure lockable containment stores to be provided.

Refuse

7.6.6 All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area within the front forecourt parking area close to the highway access. A planning condition is recommended in this regard for details of a containment store to be provided.

7.7 Neighbouring Amenity - Acceptable

7.7.1 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.

7.7.2 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.

- 7.7.3 Commentary has been received in respect of overlooking, loss of light and outlook and loss of privacy from residents in Windsor Court. It is noted that Windsor Court is located in close proximity to the application site boundary at below 1m for much of the building depth. A number of windows from habitable and non-habitable rooms face the application site in an unneighbourly manner that overlook the existing building.
- 7.7.4 As part of the application documents a Daylight and Sunlight Assessment has been submitted that analyses the impact of the proposed development on the amount of daylight experienced by the identified sensitive receptors of buildings at Knox-Johnston House, White House and Windsor Court. It is concluded in the report that some rooms in Windsor Court will experience a reduction in daylighting according to the assessment criteria. The rooms affected at Windsor Court are single aspect and directly face onto the proposed development site from the flank elevation of Windsor Court. This in effect constrains the ability of the application site to be developed in a similar scale and massing as Windsor Court. Given the constraints imposed by this scenario and the close proximity of Windsor Court, flexibility is applied to the BRE guidelines in terms of the unneighbourly constraints imposed by Windsor Court by following a 'mirror image' approach in the BRE assessment analysis. When this approach is followed as is commonly done in such situations in locations such as this, the impacts to the seven rooms originally impacted at Windsor Court are deemed compliant. The LPA has no basis to counteract this approach and as such considers the proposed relationship and impacts to be acceptable in this situation.
- 7.7.5 Furthermore, the proposed building has also been positioned further away from its eastern flank boundary than the existing building on site in this regard to afford an approximate distance of 3m between these opposing elevations. This is considered to improve the massing relationship between the proposed building and Windsor Court over that that currently exists in the existing situation and as such the building is not considered overbearing as proposed.
- 7.7.6 The assessment of the impact of the proposed development on sunlight has also indicated that despite some reductions in probable sunlight hours the impacts prescribed by BRE guidelines are also acceptable. Similarly, the LPA considers the proposed relationship and impacts to be acceptable in this situation.
- 7.7.7 Comments raised regarding privacy have also been examined in respect of the provision of balconies to the rear of the building causing a degree of overlooking to balconies at the rear of Windsor Court. The balconies are located at a similar rear level and not considered to unduly affect neighbouring privacy. Nevertheless, the introduction of side balcony privacy screening is recommended to be conditioned to address this issue.
- 7.7.8 Noise from use of the vehicle accessway at the rear of the site by future residents has also been raised. It is considered that the provision of an acoustic fence along the accessway can address this. The use of the parking area itself is not

considered to increase noise excessively beyond the current situation in this location.

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

7.8 Sustainability and Energy

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 A Sustainability and Energy Report has been received that details the residual emissions for the building are calculated as 10,942 kg CO₂ per year triggering a carbon offset payment. The report has been reviewed and because the zero carbon part of the policy refers to residential, the LPA treat it separately to the non-residential element. So, in this case, although the scheme as a whole is a major development, the residential is for 9 units and would not normally apply the zero carbon target. This means that the whole scheme needs to achieve an onsite reduction of 35%, but the residential does not need to bridge the gap to zero carbon with an offsetting payment. Therefore, no payment in lieu is necessary in this case.
- 7.8.6 In terms of Energy efficiency, it is also proposed to install a photovoltaic array of 10.23 kW on the roof of the building. This will consist of 31 x 330W panels, of which 13 will be gently inclined on racks on the flat roof element of the building, with 5 panels on the south-orientated roof pitch, 6 on the west-orientated and 7 on the east-orientated roof slopes. This is welcomed and further details are recommended to be sought by planning condition.

7.9 Sustainable Drainage

- 7.9.1 Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and

should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in Policy 5.13.

7.9.2 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

7.9.3 The Councils Drainage Officer has requested further details in respect of surface water drainage strategies. It is recommended that this is sought by planning condition.

7.10 Air Quality

7.10.1 Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment.

7.10.2 The site is located approximately 250m east of the boundary of the Bromley AQMA and therefore any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions. In this case, given the location close to a busy road and traffic roundabout, it is considered prudent for the development to incorporate Ultra Low NOx boilers. A condition is recommended in this regard.

7.11 Trees and Landscaping

7.11.1 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.

7.11.2 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.

7.11.3 The application site is free of tree restrictions. The Councils Tree Officer has not raised objection to the scheme. Minimal details of landscaping have been submitted for the areas given over to peripheral landscaping. Further details are recommended to be requested by condition.

7.12 Planning Obligations

7.12.1 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.

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

7.12.3 In this instance it is not considered that the development, as proposed, would give rise to the need for planning obligations. Instead, the use of planning conditions, as set out in this report, are considered reasonable and necessary to make the development acceptable in planning terms. This view is subject to the development achieving the appropriate carbon reductions as detailed above.

7.13 Community Infrastructure Levy

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

7.14 Other matters

7.14.1 Officers are satisfied that the correct notification procedure has been carried out by the applicant in respect of Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

8 CONCLUSION

8.1 Taking into account the above, there are no strong economic reasons why the existing site and employment use should be retained in its entirety for commercial uses and as such a mixed use with residential is deemed acceptable. The proposed development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and unit type of the proposed scheme is acceptable, and that the development would not be detrimental to the character and appearance of the area and locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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: Application Permitted

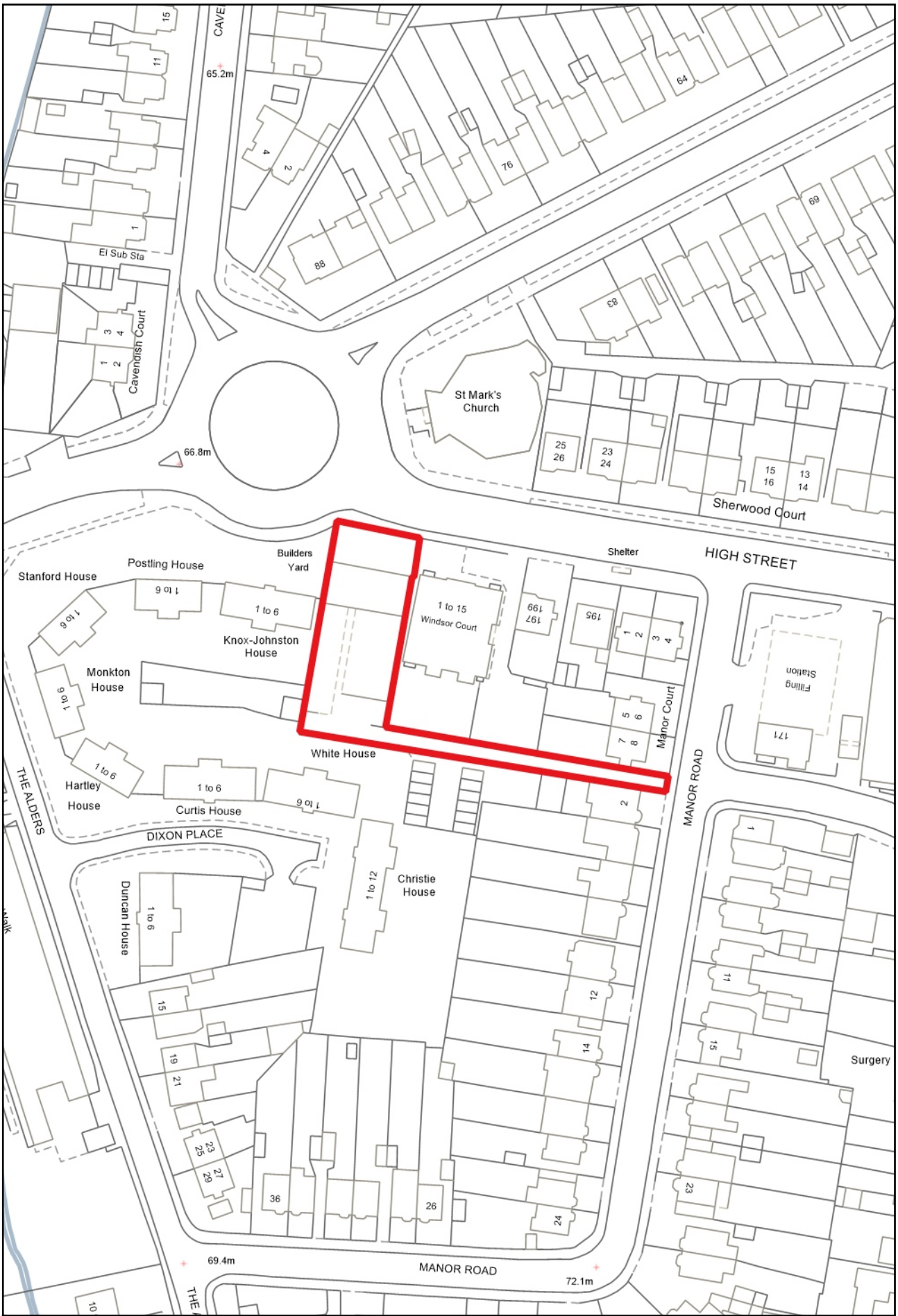
Subject to the following conditions:

1. Standard time limit of 3 years.
2. Standard compliance with approved plans.
3. Details of sustainable surface water drainage.
4. Details of a Construction Management Plan.
5. Details of land contamination.
6. Details of materials.
7. Details of refuse storage.
8. Details of Secure by Design measures.
9. Details of cycle storage.
10. Details of landscaping for hard and soft areas.
11. Details of boundary treatment and gates.
12. Details of roof located photo voltaic panels.
13. Details of balcony screening.
14. Scheme for protection from road traffic noise.
15. Parking arrangements to be installed as approved.
16. Details of layout of access road visibility splays.
17. Details of electric car charging points.
18. East flank windows to be obscure glazed.
19. No additional pipes or plumbing to be installed on outside of buildings.
20. Details of hardstanding for construction vehicle wash-down facilities.
21. Compliance with Part M of the Building Regulations.
22. Removal of PD rights for conversion of ground floor office space.
23. Installation of ultra-low NOx boilers.


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

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. Construction machinery emission
7. Construction machinery inventory
8. applicant to ensure legal right of access to rear.



© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 www.bramley.gov.uk

20/00830/FULL1



20 October 2020

1:1250



Page 89

This page is left intentionally blank

Agenda Item 4.5

Committee Date	29 th October 2020		
Address	Land Fronting Milan & Dorrington Sunnydale Orpington		
Application Number	20/01245/TPO	Officer Chris Ryder	
Ward	Farnborough and Crofton		
Proposal	T1 Oak - Remove		
Applicant Sarah Granlund Crawfords	Agent Vicki Harrison MWA Arboriculture Bloxham Mill Business Centre Barford Road Bloxham Banbury OX15 4FF		
Reason for referral to committee	Subsidence related financial risk	Councillor call in	
RECOMMENDATION	Consent		

KEY DESIGNATIONS

Tree Preservation Order (TPO) 2643.
Farnborough Park Conservation Area.

Representation summary	An objection was received on behalf of the tree owner, Farnborough Park Estates Ltd.		
Total number of responses	1		
Number in support	0		
Number of objections	1		

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment.

PROPOSAL

1. This application has been made in respect of oak tree (T1) in connection with a subsidence investigation associated with Dorrington, Sunnydale. The tree is positioned close to the road and is situated within land owned by Farnborough Park Estate. The felling of the tree is proposed to achieve building stabilisation in accordance with the professional recommendations.



Figure 1 - Oak (T1)

LOCATION

2. The application site is comprised of two detached dwellings located on the north side of Sunnydale, Farnborough Park, Orpington. The property is typical of Farnborough Park that hosts large dwellings on generous plots. The dwelling was constructed in 1955 with extensions added in 2004. The property is subject to the local conservation area restrictions, inclusive of broad tree protection. A TPO as been applied to the oak tree situated adjacent to the front boundary.

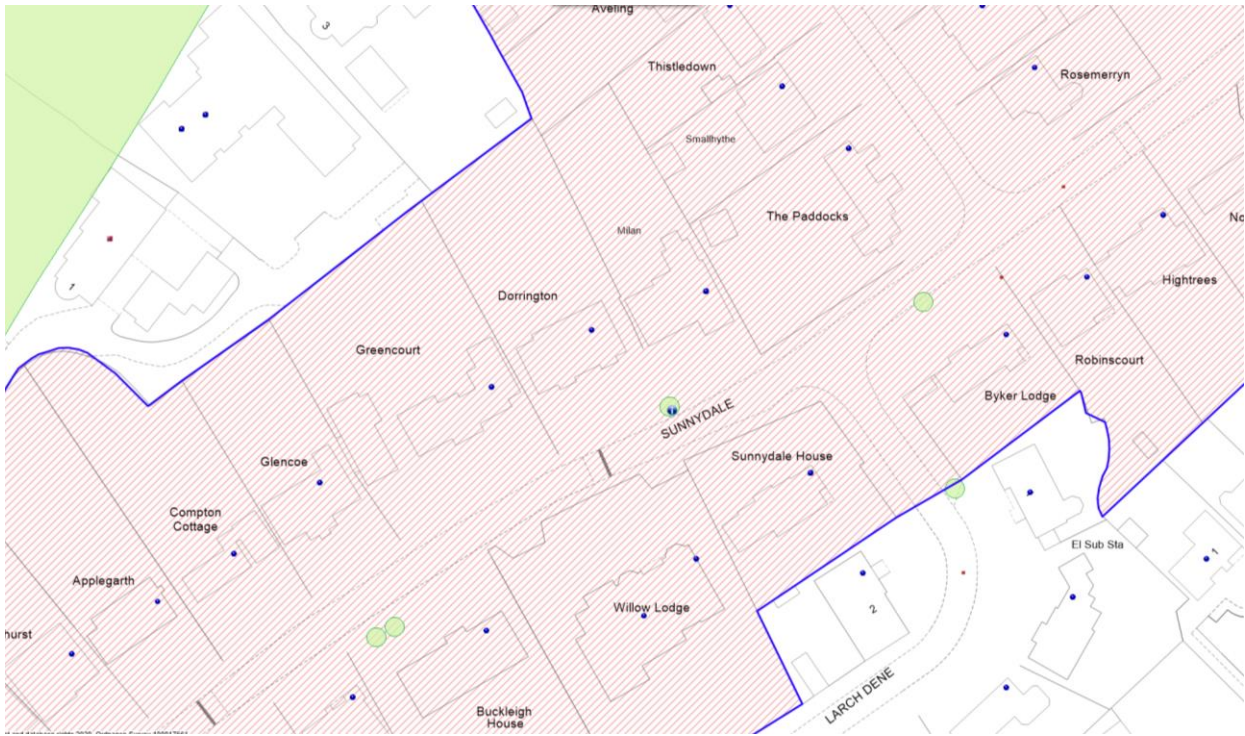


Figure 2 - Site Location

3 RELEVANT PLANNING HISTORY

- 3.1 Application 09/02653/FULL6 resulted in permission for a single storey rear extension.
- 3.2 Conservation Area Notice 14/02612/TREE resulted in two oak trees being removed due to subsidence related instability. No objections were made by the Council.
- 3.3 Conservation Area Notice 18/01432/TREE proposed the removal of an oak, sycamore and cypress trees from the rear garden. No objections were made by the Council. The removal of the trees was a recommended as part of the current subsidence investigation.

4 CONSULTATION SUMMARY

4.1 A site notice was displayed and one representation was received:

- “The tree belongs to FPEL and is one of the best trees in the Park. There are insurance claims stating that the tree is responsible for damage to the foundations of the adjacent properties but FPEL is disputing this, as it believes that it has not been sufficiently demonstrated. The matter is currently in the hands of FPEL’s insurance company and we are still awaiting their opinion.

An application to fell, which would have to come from FPEL as the owner of the tree, is therefore considered premature.”

4.2 Building Control has been consulted and no comments were received.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 – 057

6 CONSIDERATIONS

6.1 Damage is occurring to the right-hand side of the dwelling. The Technical Report supplied in support of the application may be referred to for information on specific areas of damage. The degree of damage is category 2 (1-5mm) as listed in the Building Research Establishment; Digest 251.

6.2 Officers made a site visit in April 2018 in connection with application 18/01432/TREE. This opportunity was used to assess the extent of the damage referred to in the Technical Report. The subject tree is confirmed to be within the zone of influence. The tree has been measured at 13m from the front projection of the dwelling. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. The tree appears to be of normal vitality with no recent management evident.

6.3 The presence of the TPO reflects the important contribution the tree makes to the locality and the high amenity value merited. No recent management has been noted within the supporting tree survey or by the officer during inspection.

6.4 The following supporting documents have been appended to the application:

- Arboricultural Report (25.06.18)
- Statement of reasons for works

- Site investigation report, including root identification and soil analysis (23.01.2018)
 - Level Monitoring (13.03.2020)
 - Technical Reports (08.12.17)
- 6.5 The subject tree is confirmed to be within the zone of influence. The zone of influence is calculated to be 30m. The tree has been measured at 13m from the front projection of the dwelling. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. No defects have been noted by the tree surveyor.
- 6.6 Two boreholes were excavated as part of the investigation. This revealed foundations to depths of 1270mm in Trial Pit 1a, 250mm in Trial Pit 1b and 2000mm in Trial Pit 2. Root identification in the boreholes reveals oak roots are beneath the foundations of the dwelling.

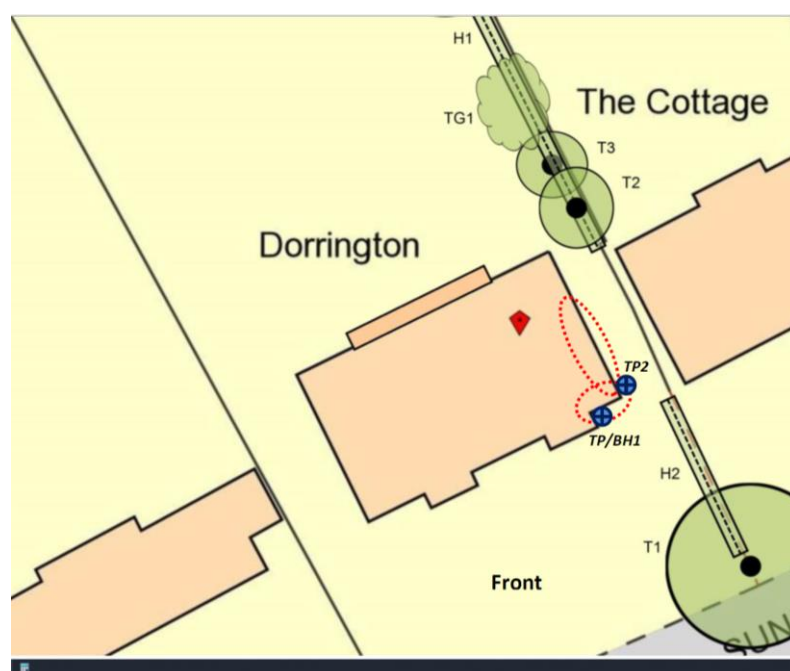


Figure 3 - Site Plan

- 6.7 Level monitoring results indicate movement associated with seasonal soil moisture loss. Movement is most severe at monitoring stations 1-3. The period of monitoring is from 17th May 2018 to 13th March 2020.
- 6.8 Soil analysis has proven that the plasticity index is high, indicating an increased potential for volume change. The highest reading recorded indicates a plasticity index of 56%. Level monitoring results indicate movement associated with seasonal soil moisture loss.
- 6.9 The Engineer has recommended the trees be felled to remove the influence on the local soil conditions. The Arboricultural Consultant has agreed that tree felling is required.
- 6.10 A drainage survey has not been submitted to rule out defective drainage.

6.11 The estimated costs of a root barrier are £60,000. The estimated cost of underpinning and repair is £200,000. The estimated cost of superstructure repairs if the tree is removed is £5000.

7 CONCLUSION

- 7.1 The foundations are not considered deep enough to withstand the influence of the subject tree within the zone of influence. The required foundation depth has been calculated to be a minimum of 2.34m based on the highest actual plasticity index record and 2.5m based on a general high volume change potential, in soil moisture.
- 7.2 The age of the property dates back to the 1950s. The tree is older than the property.
- 7.3 The reports submitted in support of the application have concluded that the subject tree is influencing the dwelling and causing seasonal movement. The evidence supplied has demonstrated that balance of probability exceeds 50%.
- 7.4 Level monitoring data supplied, indicates the building has sunk and then risen. The reports submitted in support of the application have concluded that seasonal movement is occurring.
- 7.5 No evidence has been presented to discount defective drainage. The route of drainage is not known.
- 7.6 A heave assessment has not been included in the investigation.
- 7.7 A monetary value has been applied to the oak tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system, with various case examples available.
- 7.8 The total value for the subject Oak tree is £160,194.
- 7.9 Since the cost of repairs and underpinning is greater than the value of the tree, members are recommended to approve the application.
- 7.10 In response to the objection received; Farnborough Park Estates Ltd. remain in control of the tree as the landowner. Any further defence of the tree will be a civil matter.

8 Financial Implications

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

- 8.3 The Council must be prepared to defend against a compensation claim should the application be refused. Based on the latest case example where a subsidence case was refused and the Council had to defend a compensation claim, the costs of repair in view of tree retention and legal costs were considerations. Where costs of repair were estimated at £76000, the total costs of defending the case were circa £90000. Members should therefore anticipate at least a 25% increase in costs. This may relate to and is not limited to legal costs, investigation costs and actual repairs.

RECOMMENDATION: CONSENT

T1 Oak - Remove.

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. Replacement Trees (AG04)

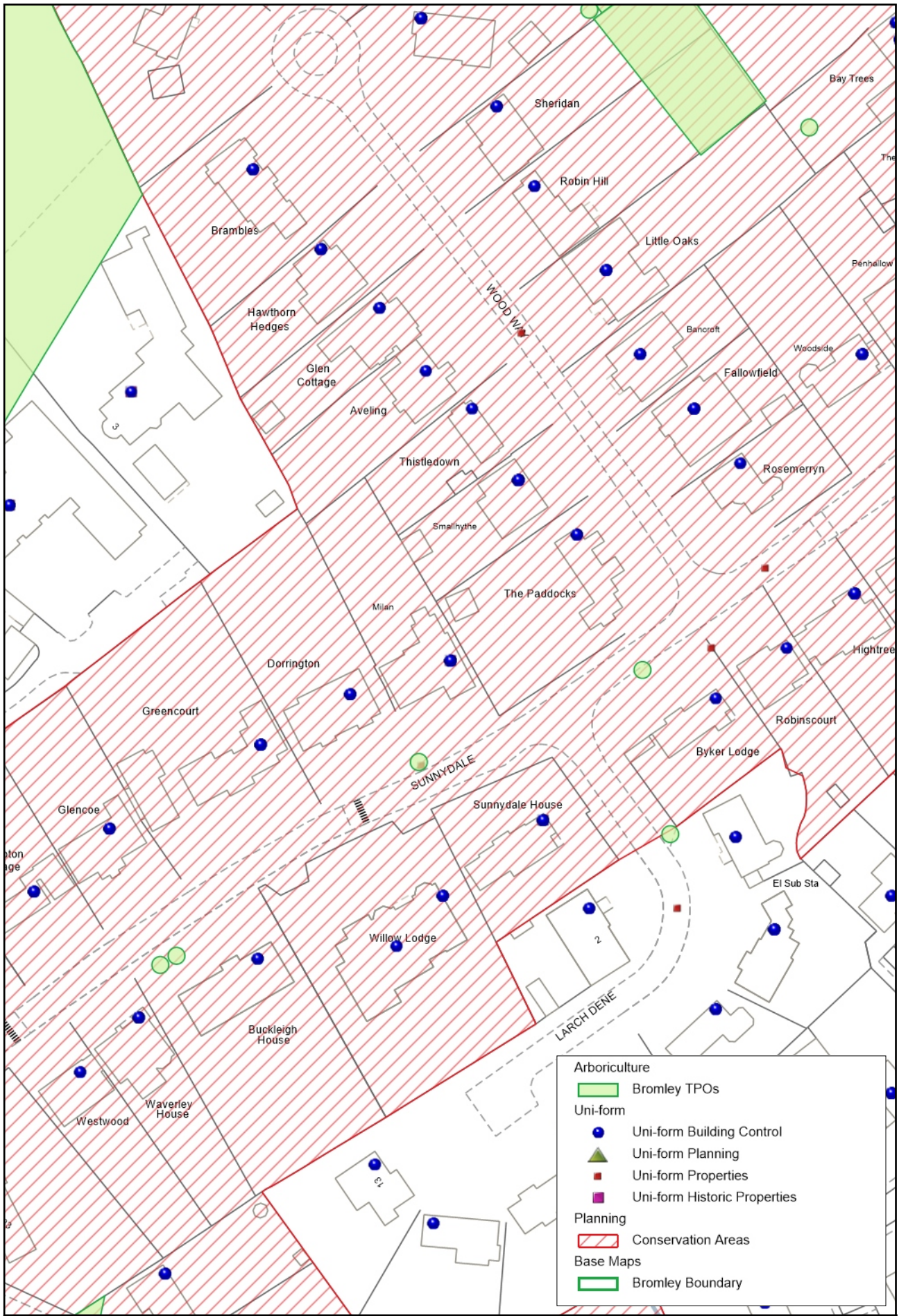
A replacement Magnolia (*Magnolia spp.*), root-balled or container grown of standard size (minimum 2m height) shall be planted to the front of the application site. The replacement tree will be planted within 12 months of the removal of the subject tree(s). Any replacement tree which dies, is removed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

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

INFORMATIVE

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.
2. This decision does not replace any necessary agreement required from the landowner.

This page is left intentionally blank



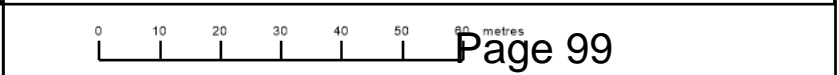
Planning

© Crown copyright and database rights 2020.
Ordnance Survey 100017661.



20/01245/TPO - Milan & Dorrington,
Sunnydale, Orpington

12 October 2020



This page is left intentionally blank

Agenda Item 4.6

Committee Date	29 / 10 / 2020		Agenda Item:
Address	Cablesheer House Murray Road Orpington BR5 3QY		
Application number	20/01444/FULL1	Officer: Jessica Lai	
Ward	Cray Valley West		
Proposal	Demolition of the existing office and warehouse building and erection of 10 industrial units to provide 1,637.7sq.m industrial and employment floorspaces (Use Class Order Class E) with associated on-site parking facilities.		
Applicant		Agent	
Mr Richard Carter Cablesheer Construction Ltd. Cablesheer House, Murray Road Orpington, BR5 3QY		N/A	
Reason for referral to committee	Major housing application / Outside delegated authority	Councillor call in No	

RECOMMENDATION	APPROVE SUBJECT TO PLANNING CONDITIONS
-----------------------	---

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Areas of Archaeological Significance Open Space Deficiency London City Airport Safeguarding</p>
--

Land use details		
	Use Class	Floor area (square metres/sq.m)
Existing	Industrial office and warehouse/storage (Use Class B1 and B8)	2,443.9sq.m
Proposed	Industrial office, light/general industrial and warehouse/storage (Use Class E)	1,637.7sq.m

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces		36	+36
Disabled car spaces	0	2	+2
Cycle	0	26	+26
Electric car charging points		16 spaces (8 active and 8 passive)	

Representation summary	Neighbour letters were sent on 04/05/2020. A site notice was placed, and a press notice was placed in the News Shopper on the 22/04/2020.	
Total number of responses	0	
Number of comments	1 (letter from the RSPB Bromley Group)	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop the site to provide more industrial and business units is considered acceptable and would make more efficient use of the land. The proposal would provide 10 industrial units with adequate parking and sustainability measures to support the modern need of business requirements.
- The site is located within an area with archaeological significance. Historic England considers that the proposal would be acceptable, subject to a written scheme of investigation to be secured by a planning condition.
- The design of the proposed units is of a modern layout to meet the industrial and business needs. The proposed units are designed with a pitched roof and the material would mainly comprise of metal cladding, aluminium windows and doors. The site is located within an established industrial area and is surrounded by a mixture of single to three storey industrial buildings and office and warehouse units. The siting, design, layout and scale of the proposal is considered acceptable and would not appear out of keeping with its surrounding area.
- The nearest residential accommodation is located approximately 64.5 metres from the site. The operating, servicing and delivery hours would be managed by planning condition and would not have an adverse impact on residential amenities in the area.
- Subject to the planning conditions, it is considered that the proposal would be acceptable in land use, heritage, design and highway terms and planning permission should be granted.

1. LOCATION

- 1.1 The site comprises of a part single and part two storey industrial office and warehouse with ancillary parking spaces. The application site measures approximately 230 metres in area and is surrounded by a mixture of industrial office, light industrial and warehouse buildings. The site is located on the eastern side of Murray Road. The SGN gas holder station is adjoining to the east of the site.



Fig 1 Aerial photo.

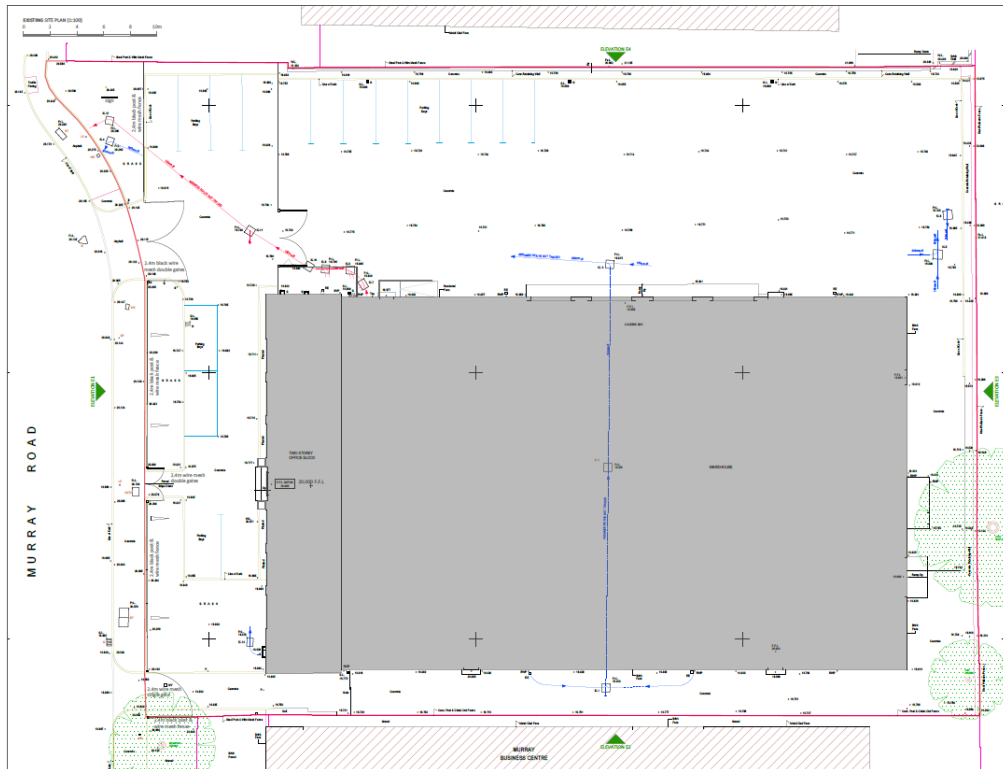


Fig 2. Existing site plan

- 1.2 The nearest residential properties are located on Vernon close approximately 64.5 metres north from the site.
- 1.3 The site is located within Flood Zone 1 and is subject to low to medium surface water flooding. The site is located within an Area of Archaeological Significance. The public transport accessibility of the site is rated at 3, on a scale between 0 to 6b where 0 is worst and 6b is best.
- 1.4 The site is designated as a Strategic Industrial Location and Cray Valley Renewal Area in the Bromley Local Plan. The application property is not listed and is not located within a conservation area. There is no tree protection order within or adjacent to the site.

2. PROPOSAL

- 2.1 The existing part single and part two storey building, industrial office and warehouse would be demolished and replaced by 10 industrial units.
- 2.2 The proposed industrial units would be broadly arranged in two rows within the site. The combined width of Unit 1 to Unit 3 would measure 30.4 metres wide, 15.2 metres deep, 7.6 metres high to its front and 6 metres to its rear. The combined width of Unit 4 and Unit 5 would measure 24.4 metres wide, 15.2 metres deep, 7.6 metres high to its front and 6 metres to its rear. The combined width of Unit 6 to Unit 10 would measure 60.4 metres wide, 15.2 metres deep, 7.6 metres high to its front and 6 metres to its rear.

- 2.3 A new central vehicular access would be created. Thirty-eight parking spaces including 2 disabled parking spaces would be provided.
- 2.4 A dedicated cycle parking area with 16 cycle storage spaces and a waste storage area would be provided.
- 2.5 Eight active and Eight passive electric charging points would be provided.

3. RELEVANT PLANNING HISTORY

3.1 16/01990/FULL1 – granted on 14.06.2016

Full planning permission was granted for the roof alterations to incorporate removal of gable to front, alterations to fenestration layout, replacement canopy, elevational alterations and addition of disabled ramp.

3.2 19/01543/FULL1 – granted on the 18/08/1999

Full planning permission was granted for the provision of a pitched roof over the front section of the building.

3.3 94/02902/FULL - granted on the 02.02.1995

Full planning permission was granted for the demolition of the existing building comprising a of a two storey office building and warehouse.

4. CONSULTATION SUMMARY

a) Statutory

4.1 Historic England (Archaeology) – no objection subject to condition

The site lies in an area of archaeological interest. The Heritage impact Assessment indicates that a significant are of the site has been historically quarried. It is not clear if the final extent of the quarrying was greater in area than recorded. There is a moderate potential for prehistory and Roman period archaeology for the area of the site that has not been historically quarried. It is therefore recommended that any geotechnical site survey works is archeologically monitored, and such survey work is to occur post possible planning permission. It is recommended that the archaeological interest be secured by the following planning conditions:

Condition

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authorly in writing. For land that is included within the WIS, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- A. The programme and methodology of the site investigation and recoding and the nomination of a competent person(S) or organisation to undertake the agree works.
- B. The programme for post- investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material, this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Informative

The pre-commencement condition is necessary to safeguard the archaeological interest of this site. Approval of WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199. The Archaeological work should include:

An archaeological field evaluation invites exploratory fieldwork to determine if significant remains are present on site and if so to define their character, extent quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. As alluded to above, the first step would be to archaeologically monitor and any planned geotechnical site survey work. In the event that no such work is to occur then a limited programmed of archaeological trial trench evaluation would be required to inform any on-going archaeological interest and how it can be mitigated.

4.2 Drainage – No objection

Should planning permission be granted, a planning condition requiring the detailed design measures as outlined in the submitted Surface Water Drainage Strategy Report shall be provided prior to the commence of works on site.

4.3 Thames water – No objection

Waste water comments

There are public sewers crossing or close to the site. The applicant is advised to read the guide below for works near to the site. No objection to waste water network and sewage treatment works infrastructure capacity.

Surface water comment

Thames Water would advise that if the developer follow the sequential approach to the disposal of surface water we would have no objection.

Water comment

Based on the information provided, Thames Water would have no objection. Thames Water recommends the following informative be attached to this planning application.

Thames water will aim to provide customer with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litre/minute at the point where it leaves Thames Water pipes. The development should take account of this minimum pressure in the design of the proposed development. If main water is used for construction purposing, it is important to let Thames Water know in advance to avoid potential fines for improper usage.

4.4 Health and Safety Executive (HSE) – no objection

HSE do not advise against the proposal on safety ground.

4.5 Highway – no objection

The existing floor area measures 2,444sq.m and there are 16 parking spaces provided. The proposed floor area measures 1,638sq.m and 38 parking spaces would be provided. The proposal would represent an overall reduction of 800sq.m in terms of floor area. The public transport accessibility of the site is rated at 3. The parking standards the London Plan for B1 use is one space per 100 to 600sq.m and this would rive a range of 3 to 17 spaces for the proposed development. The over-provision of parking spaces is not considered unacceptable given the PTAL rating of the site and there is already a high demand for parking in the area. Delivery vehicles up to 3.5 tonnes could reverse up to the doors of the proposed units and a turning head would be provided. Should planning permission be recommended, an application to highways to stop up the existing accesses and creation of a new access would be required. The following should also be secured by planning conditions:

- parking and cycle spaces be provided prior to occupation (OC03 and AG12)
- hardstanding for wash down area (ND16)
- arrangements for construction period (PC16)

b) Local groups:

4.6 The RSPB Bromley Local Group

Should planning permission be recommended for approval, the RSPB recommends that 5 integral swift net bricks or boxes should be secured by planning condition.

C) Adjoining Occupiers:

4.7 None received.

5. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF) 2019

- 5.1 Section 6 of the NPPF sets out the planning considerations to build a strong and competitive economy. Planning decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wide opportunities for development.
- 5.2 Section 11 of the NPPF states planning decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and health living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or “brownfield” land.
- 5.3 Section 12 of the NPPF also sets out the planning considerations to achieve well-designed places. 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

London Plan 2016

- 2.7 Outer London: economy
- 2.8 Outer London: transport
- 2.17 Strategic industrial locations
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.3 Community infrastructure levy

Draft London Plan 2020

- GG5 Growing a good economy
- D11 Safety, security and resilience to emergency
- D14 Noise
- E5 Strategic Industrial Locations (SIL)
- HC1 Heritage conservation and growth

- G7 Trees and woodlands
- SI-1 Improving air quality
- SI-2 Minimising greenhouse gas emission
- SI-3 Energy infrastructure
- SI-13 Sustainable drainage
- T5 Cycling
- T6 Car parking
- T6.2 Office parking
- M1 Monitoring

Bromley Local Plan 2019

- 13 Renewal Areas
- 30 Parking
- 33 Access for All
- 37 General Design of Development
- 46 Ancient Monuments and Archaeology
- 73 Development and Trees
- 81 Strategic Industrial Locations (SIL)
- 116 Sustainable Urban Drainage Systems
- 119 Noise Pollution
- 120 Air Quality
- 124 Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy

Mayor Supplementary Guidance

5.12 Relevant SPGs:

- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)

Intend to Publish London Plan

5.15 The emerging London Plan (Intend to Publish London Plan (IPLP) 2019) is at an advanced stage of preparation, and the Secretary of State has directed the areas where changes must be made. However, details of the way in which the Plan will deliver the aims set out in the Secretary of State's directions are not yet finalised. The Secretary of State considers that policies in the emerging Plan where no modifications have been directed (which includes the above policies), carry 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. ASSESSMENT

- Principle of Development
- Impact on Heritage

- Design and Layout
- Transportation and Highway
- Residential Amenities
- Sustainability (Surface water, tree and energy)

Principle of Development

- 6.1 The application site is located within the Cray Business Corridor and Renewal Area and is designated as Strategic Industrial Land in the Bromley Local Plan and London Plan. The site is one of the main industrial and business areas within the Borough providing accommodation for a full range of businesses and improving the offer to modern business. Bromley Local Plan Policy 17 (Renewal Area) states that proposals within the Cray Valley Renewal area will be expected to provide maximum opportunities:
- a: to create a successful economic “growth area” along the Cray Valley, including the Cray business Corridor, supporting the health and wellbeing of the community and.
- b: to protect and enhance the green wildlife corridor along the River Cray, integrating with the public realm, along highways and open spaces and through commercial and industrial areas by creative design, and
- c. to support Orpington Town Centre in its role, as a Major Town Centre, serving the east of the Borough in respect of retailing and community services and development of a thriving retail, office and leisure economy.
- 6.2 This approach is supported by Bromley Local Plan Policy 80 (Strategic Economic Growth). Policy 81 (Strategic Industrial Location - SIL) states development in the SIL will be permitted and safeguarded for Class B1 - office, B2 - general industrial and B8 – warehouse uses. Paragraph 6.1.12 of the Local Plan states the Cray Business Corridor is one of the three major employment areas within the Borough that could accommodate significant growth over the next fifteen years. This policy supports the intensification and upgrading of the area to meet expected future business needs.
- 6.3 The proposal would provide 10 industrial office, light industry and warehouse units (Use Class Order Class E) formally B1 within the designated industrial site. As such, there is no land use issue arising from this proposal and it would accord with the designated allocation of the land in the Local Plan and London Plan.
- 6.4 The site is occupied by a local construction company with office and warehouse and storage accommodations. It is the applicant's intention to occupy two of the proposed units and continue their current business within the site. Whilst the proposed floor area would result in an overall reduction of 800sq.m floor area when compared with the existing, it should be noted that the proposal would make more efficient use of the land to provide 10 industrial units, enabling and attracting more business and employment opportunities to this site. The proposed floor area of Unit 1 would measure approximately 82.1sq.m. The floor area of Unit 2 to Unit 10 would each measure approximately 168.9sq.m.



Fig 3. The proposed site layout and floor area

Impact on Heritage

- 6.5 The NPPF requires the applicant to describe the significance of any heritage assets that would be affected by new proposed development. The level of details should be proportionate to the asset's importance and no more than sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is consistent with London Plan Policy 7.8,
- 6.6 The application property is not listed and there are no listed buildings in the vicinity. The site lies within an area of archaeological significance and a heritage impact assessment is submitted which concluded that there is a low archaeological interest given the historic quarry use recorded here and subsequent infilling in the past. However, there is a moderate archaeological potential for the Palaeolithic and Roman periods and possibility that the north eastern corner of the site may potentially have in-situ archaeological potential, although this is uncertain without further assessment. Any further assessment and/or archaeological works should be agreed through consultation with the statutory authorities and it is recommended that a watching brief would be appropriate given the archaeological significance of the area generally.

- 6.7 Historic England was consulted and raised no objection to the proposal subject to a planning condition requiring a written scheme of investigation be submitted to and approved by the Local Planning Authority. Subject to the planning condition, it is considered that the proposal would not have an adverse impact on the heritage and would comply with the NPPF, London Plan Policy 7.8 and Bromley Local Policy 46.

Design and Layout

- 6.8 The site is located within an established modern industrial area and is surrounded by a mixture of single to three storey industrial offices, general industrial and warehouse uses to the north, south and east. To the east of the site is a gas holder site currently occupied by Scotia Gas Networks (SGN).
- 6.9 The proposed units would be laid out in two rows within the site and set away from its north, east and south boundary by approximately 1 metre. A central vehicular access would be created leading to the front doors of the proposed units. Each of the proposed units would be provided with parking spaces. A dedicated cycle storage area and waste storage area would also be provided. A step-free disabled toilet would be provided in each unit. Solar panels would be installed on the roof area of the proposed units. It is considered that the proposed layout is well designed providing more efficient use of the land. The proposal would also provide new accommodation meeting the needs of future businesses.
- 6.10 The proposed units are designed with a pitched roof which measures approximately 7.6 metres to its front and dropping down to 6 metres to its rear. The external finishes of the proposed building would be made of profiled metal cladding and dark/mid grey in colour. The fascia and soffits would be made of metal and dark grey in colour. The roofing material would be made of metal sheet and silver/light grey in colour. The doors and windows would be made of aluminium and dark grey in colour. The rainwater goods would be made of metal light grey/silver in colour. The roller shutter would be made of metal mid-green in colour.



Fig 4. Front elevations of the proposed units



Fig 5. Proposed section and side elevations



Example of mid-grey metal cladding panel



Example of dark-grey metal cladding panel



Example of mid-green roller shutter



Existing windows to be re-used



Example entrance door and screen



Existing fence and gate to be re-used

Fig 6. proposed external finishes

6.11 The proposed building would not be higher than the existing three storey building located to the west of the site (approximately 10.8 metres to the flat roof excluding lift shaft). Given that there is a mixture of buildings that range between single to three storeys in height and there is a mixture of buildings constructed in metal cladding and bricks, it is considered that the proposal would be acceptable in terms of its design and appearance and would not appear out of keeping within the industrial area.

Transportation and Highway

Parking provision

6.12 London Plan Policy 6.13 sets a maximum parking standard for industrial office and 1 parking space should be provided per 100 to 600sq.m. There is no maximum required for industrial light office and warehouse uses. The draft London Plan Policy T6.2 states "For industrial sites, the role of parking – both for workers and operational vehicles varies considerably depending on location and the type of development proposed. Provision should therefore be determined on a case-by-case basis, with the starting point for commuter parking being the standards in Table 10.4 with differences in employment densities considered. Flexibility may then be applied in light of site-specific circumstances as above. Operational

parking should be considered and justified separately”. Table 10.4 of the draft London plan states the maximum parking provision for offices in outer London is up to 1 space per 100sq.m.

- 6.13. The proposal would provide 38 parking spaces and would be above the maximum policy requirement set out in the London Plan and the draft London Plan. However, consideration should be given to its public transport accessibility and the nature of the proposed use would include office, light industry and warehouse. It should also be noted that there is a number of cars on Murray Road during the business hours. The proposal is designed to ensure the parking demand associated to the intensification of the proposed site can be accommodate within the site. The Council’s Highway division was consulted and raised no objection to the proposal. As such, it is considered that the level of parking spaces would be acceptable, given the location of the site is not within an area highly accessible by public transport.
- 6.14 London Plan Policy 6.13 requires 20 percent of parking spaces be provided for both active and passive electric charging points. Draft London Plan requires 20 percent of residential parking spaces be provided with active electric charging points and the remaining be provided passive electric charging points. There is no maximum or minimum for office use. Whilst the location of the electric charging points is not indicated on the proposed plan, it is considered that the requirement to provide 20 percent active and 20 percent passive electric charging points can be secured via a planning condition.
- 6.15 London Plan Policy 6.3 sets out the long stay and short stay cycle parking standards for office, light and general industry uses based on the proposed floor area. The requirements are as follows:

Use	Long Stay	Short stay
Business office	1 per 150sq.m	First 5,000sq.m: 1 space per 500sq.m Thereafter: 1 space per 5,000sq.m
Light industry, research and development	1 space per 250sq.m	1 space per 1,000sq.m
General industry, storage or distribution	1 space per 500sq.m	1 space per 1,000sq.m

- 6.16 The cycle storage requirement for offices is the greatest when compared with the light and general industry uses. It is noted that the uses for each industrial unit cannot be specified at this stage. However, it should be noted that the proposal is designed to ensure adequate spaces can be provided for cycle storage and meet the demand of the future occupiers. Based on the requirement for office, a minimum 11 long stay and 2 short stay spaces would be required. The proposal would provide 16 cycle storage spaces within the site and this is considered acceptable.

Servicing and Delivery

- 6.17 The transport assessment indicates that the servicing and delivery would be in front of each of the proposed units or utilising the proposed parking spaces associated to the proposed units. It will be up to individual business to ensure that access for goods delivery or collection is facilitated in the proposed parking spaces provided or within the site. It is anticipated that the operating and servicing hours would be limited to 8am to 6pm Monday to Friday, and 8am to 1pm on Saturday. Given the site is located within an established industrial area, the proposed layout and proposed operating, servicing and delivery hours are considered to be acceptable and would not have an adverse impact on highway safety. The Council's highway division was consulted and no objection is raised.

Residential Amenities

- 6.18 The nearest residential properties are located on Vernon close approximately 64.5 metres north from the site. Due to this distance, it is considered that the proposal would not have an adverse impact on the residential amenities.

Noise

- 6.19 The proposed operating, servicing and delivery hours would be limited to 8am to 6pm Monday to Friday, 8am to 1pm Saturday. A noise impact assessment including an updated noise survey is submitted which confirm the proposal would not have an adverse impact on the residential amenities. However, the operating hours will need to be secured by planning condition and this is in line with the submitted noise impact assessment. A further condition requiring any plant noise levels not to exceed 10dB below the ambient/background noise level for each unit should also be attached. Subject to the suggested condition, it is considered that the proposal would be acceptable and would not have an adverse impact on residential amenities.

Air Quality

- 6.20 An air quality and air quality natural assessment is submitted which confirms that the proposal would not have a significant impact on air quality in the area. The impact on air quality during demolition and construction stage will need to be managed by a construction management plan. Subject to a construction management plan, it is considered that the proposal would not have an adverse impact on air quality and is considered acceptable.

Sustainability

Surface water

- 6.21 The site is not subject to river flooding (Flood Zone 1) and is subject to a low to medium risk of surface water flooding. A surface water drainage strategy is submitted which indicates that the surface water run-off from the site would be

drained into a new geocellular attenuation tank situated beneath the road surface towards the west of the site. The tank will drain to a flow control chamber which will allow a restricted discharge of 1.5 litres per second into the existing surface water sewer.

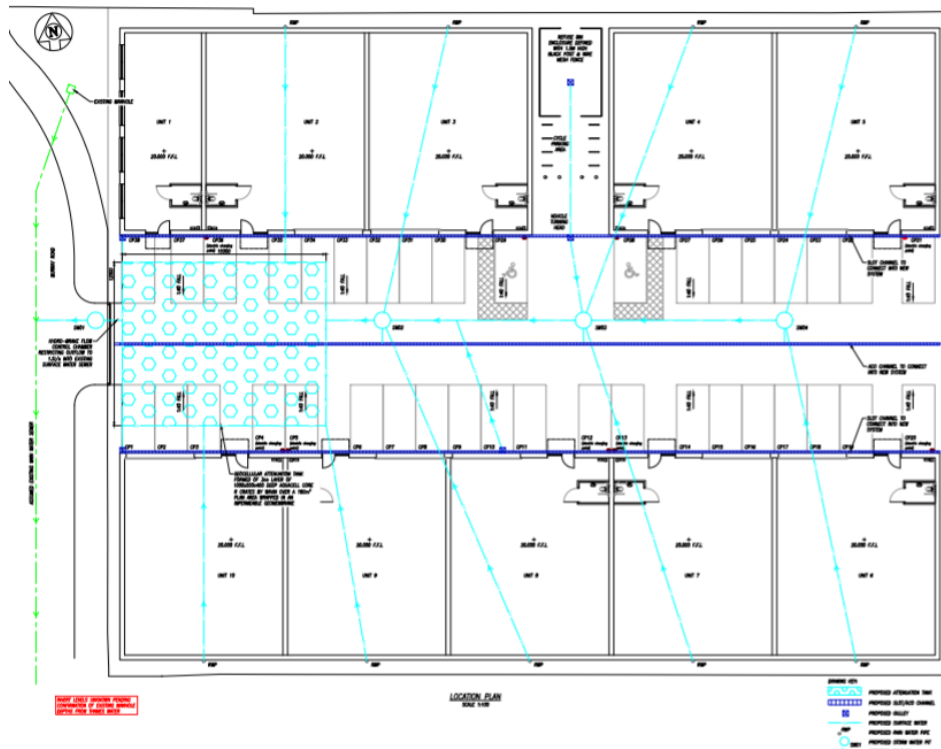


Fig 7. Proposed drainage plan

6.22 The Council's highway drainage officer was consulted and considered that the proposed measures would be acceptable, subject to the detailed design of the measures indicated in the surface water drainage strategy report to be submitted and agreed by the Council prior to commencement of the development.

Tree and Ecology Report

6.23 An Arboricultural Impact Assessment, including Tree Protection Plan (AIA) has been submitted in support of the proposal. There are no trees with preservation orders within or adjacent to the site.

6.24 A cherry tree (T2) under category C would be removed to facilitate the development. A tree protection plan is also provided which confirms the proposed development would not cause detrimental harm to the retained trees including trees adjacent to the site. The Council's tree officer has advised that the most significant constraint is the London Plane tree (T4) situated at the front of the neighbouring site to the south. This tree has been categorised A and is a good example of the species, making an important contribution to the local street scene. This tree has been reduced in the past and has recovered with a balanced canopy. The proposal will involve excavation of substantial foundations within the tree's Root Protection Area (RPA). London Plane as a

species are tolerant of heavy pruning and are well adapted to the urban landscape. The existing building is already situated within the rooting area/zone of influence. A concrete path crosses the RPA to access the side of the existing building. The arboricultural report addresses this matter and supervision has been put forward and the retained arboricultural consultant will need to witness key stages of the development, especially in respect of excavations within the RPA. The arboricultural submission outlines methods and precautionary tasks to support successful implementation of the proposals. The Council's tree officer was consulted and no objection is raised, subject to the planning condition requiring the approved scheme to be implemented in accordance with the Arboricultural Impact Assessment and Tree Protection Plan (MBA ref.M68) dated 2nd April 2020. As such, it is considered the proposal is acceptable.

- 6.25 An Ecological habitat survey is submitted which confirms the site has a low potential for nesting birds. The habitat on the site was sub-optimal for badgers, and there were no signs of this species. The site should therefore be considered to have a low potential for badgers. There is low potential for bats roosting in external cavities in the south and east sides of the building on the site, and negligible potential for bats roosting in the tree on site, or those in adjacent sites. There is low potential of foraging bats using the site due to the lack of suitable habitat. There is a negligible potential for dormice on the proposed site due to the sub-optimal habitats present. There is a negligible potential for notable invertebrates on the proposed site due to the sub-optimal habitats present. There is a low potential for hedgehogs on the proposed site due to the lack of suitable habitats. No invasive plants were observed during the survey. There are no statutory designated sites such as an SSSI within 1km of the proposed development. As such, it is considered that the proposal would not have an adverse impact on the identified protected species or have an adverse impact on biodiversity.

Carbon reduction

- 6.26 For non-domestic development, a minimum of 35 percent carbon reduction would be required and 15 per cent of the carbon reduction should be achieved via the "Be Lean" (saving from energy demand: building fabric/lighting/ventilation etc) measures among the 35 percent carbon reduction requirement.
- 6.27 An energy statement is submitted which indicates solar panels would be the most feasible renewable technical option for this site as there are no district or heat networks in the area. It is noted that the proposed Be Lean measures would achieve 4 percent reduction. However, it should be noted that a total of 456 solar panels would be installed in the roof area of the proposed units and the proposal would achieve over 100 percent carbon reduction on site. On balance, it is considered that the carbon reduction measures including the overall amount of carbon reduction is acceptable for industrial units.

7. CONCLUSION

- 7.1** The proposal would make more efficient use of this established industrial site providing 10 industrial units for office, light/general industry and warehouse. The site is located within an area with archaeological significance and Historic England considers that the proposal would be acceptable subject to a written scheme of investigation being secured by a planning condition.
- 7.2** The design of the proposed units is a modern layout to meet the industrial and business need. The proposed units are designed with a pitched roof and the material would mainly comprise of metal cladding, aluminium windows and doors. The site is located within an established industrial area and is surrounded by a mixture of single to three storey industrial buildings and offices and warehouses. The siting, design, layout and scale of the proposal is considered acceptable and would not appear out of keeping with its surrounding area.
- 7.3** The nearest residential accommodation is located approximately 64.5 metres from the site. The operating, servicing and delivery hours would be managed by planning condition and would not have an adverse impact on residential amenities in the area.

RECOMMENDATION APPROVAL SUBJECT TO CONDITIONS

CONDITIONS:

Compliance

1. 3 years
2. In accordance with the approved plan
3. External finishes in accordance
4. Tree protection plan
5. Operating, servicing and delivery hours

Pre-commencement

6. Archaeology
7. Slab levels
8. Construction management plan
9. Energy – (be lean measures and solar panel)

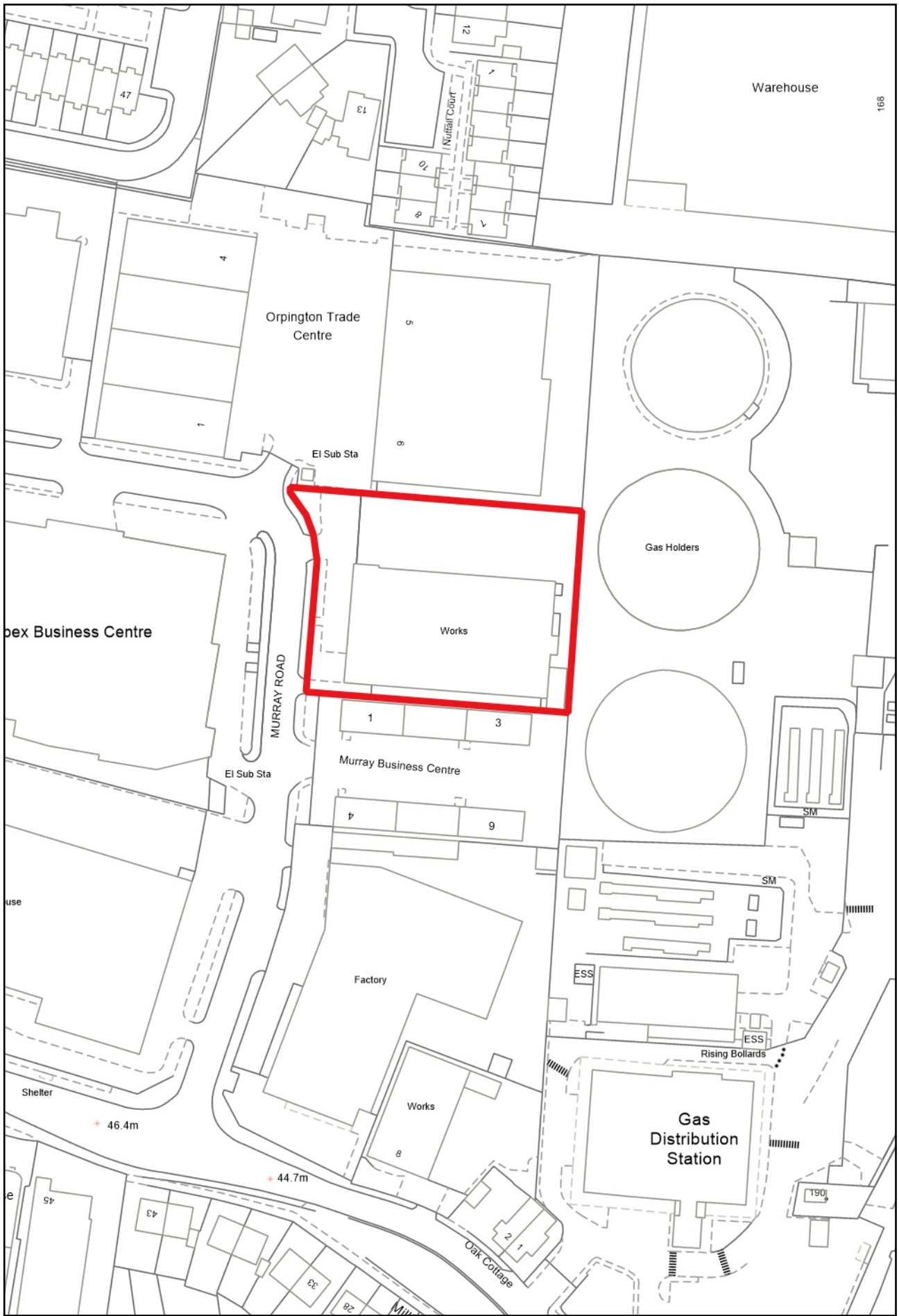
Pre-occupation

10. Secured by design
11. Plant noise

12. Five Swift Brick /bird boxes
13. Parking and electric charging points
14. Cycling
- 15 Waste, servicing and delivery strategy

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

This page is left intentionally blank



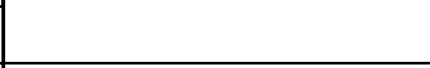
© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.

 20/01444/FULL1



20 October 2020

1:1250



Page 121

This page is left intentionally blank

Agenda Item 4.7

Committee Date	29 th October 2020		
Address	3 Bower Place Beckenham BR3 1FD		
Application Number	20/02740/TPO	Officer Chris Ryder	
Ward	Penge and Cator		
Proposal	T1 Silver Birch - Fell and replant with 4 flowering cherries. T2 Walnut - Reduce house facing facade by 2m, to bring canopy away from roof and to rebalance house facing canopy.		
Applicant Mr Luke Richards	Agent		
Reason for referral to committee	High public interest	Councillor call in	

RECOMMENDATION	Consent
-----------------------	---------

KEY DESIGNATIONS
Tree Preservation Order (TPO) 1138A.

Representation summary	15 objections received from neighbours.	
Total number of responses	16	
Number in support	1	
Number of objections	15	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent or refuse the proposed works considering the representations received.

1 PROPOSAL

1.1 This application has been made in respect of two trees situated in the rear garden of No. 3 Bower Place.



Figure 1 – Birch (T1)/Walnut (T2)

2 LOCATION

- 2.1 The application site is comprised of 1 of the 3 detached dwellings forming Bower Place. The site adjoins residential gardens to the north and east belonging to properties in Lennard Road and Kings Hall Road respectively with the area being predominantly residential in nature, although the ground floor of No. 213 is currently used as offices. The site is bounded by Metropolitan Open Land (MOL) to the south and Pool River to the west.
- 2.2 The site falls within Flood Zone 2 and the far western edge is covered by the above Tree Preservation Order (TPO).
- 2.3 The site does not lie in a designated Conservation Area.

3 RELEVANT PLANNING HISTORY

3.1 Under reference 15/04458/OUT outline planning permission was granted on appeal for the construction of 3 detached dwellings. Subsequently, under reference(s) 17/0398/DET the matters reserved from consideration at outline stage (scale, appearance and landscaping) were approved. Under reference 15/04458/CONDIT, the details pursuant to some of the conditions on the outline permission were approved.

4 CONSULTATION SUMMARY

A site notice was sent to the applicant to be displayed in the public domain and 16 representations were received which can be summarised as follows:

- a) The supporting documents are sparse and lacking detail.
- b) Attention is drawn to the planning history of the site and the arboricultural support documents that secured tree retention.
- c) "This application brings reality to the concerns and objections raised during the planning process. If this application were to be granted, there is every likelihood of similar applications following. These and the current application bring with them a significant risk of erosion and possible loss of trees which are at present a vital aspect of the site."
- d) "The 'sketch plan' relied upon the Applicant appears to be no more than an extract from the Google satellite image of the site showing the subject property while it was still under construction. The location of T1 and T2 has not been accurately plotted and there is no clear representation of the proximity of T2 to the building. The photograph of T1 does not provide any further information as to its precise location. Additionally, no indication is given as to the proposed location of the replacement trees. The photograph of T2 again fails to give any further information as to its precise location nor any detail as to its proximity to 3 Bower Place. No sketch has been provided as to the area of canopy which, it is said, needs to be cut back nor again the relationship of that area to the property."
- e) A committee decision is assumed to be required, given the planning history.
- f) "The application contravenes the aim and intent of the conditions (refer to previous applications 15/04458/OUT, 15/00357/OUT, 14/01561/OUT, PREAPP/14/00065) relating to the new Bower Place development which collectively sought to preserve the 'character and appearance of the area' with particular reference to the 'verdant views.'"
- g) "The trees in question play an important role in the control of drainage and water levels in the immediate area; pertinent given the recent (August 2020) warnings of increased flood risk in Beckenham and along the River Beck in-particular."
- h) "The loss of similar-sized trees on the east side of Kings Hall Road due to the recent Car Park Development led to material changes in water management in gardens of adjacent homes including disruptively raising water levels and the flooding of cellars that had otherwise been dry since their construction in the 1860s;"
- i) "The trees are well established and attractive features in the local landscape."
- j) "The notice dated 6th August appears to have only very recently (in the last few days) been displayed and therefore the deadline is unreasonably short."
- k) "From the details provided in the application it is difficult to appreciate the specific trees in question, their location, the proposed planting and new arrangements."

- l) The site notice was displayed late and did not allow enough time for comment.
- m) "We strongly object to the felling of protected trees and this goes against the conditions that were agreed relating to the new development which was supposed to conserve the character and appearance of the area and maintain "green" views."
- n) "In order to preserve the natural beauty of Kings Hall Road & its surrounding area, the TPOs need to be given the true respect they deserve. The removal of the TPOs will contravene the conditions imposed to preserve the 'character and appearance of the area' and will reduce the 'green views'. In addition, the natural wildlife and habitat suffers."
- o) Bromley is supposed to be a green borough.

One supporting representation was received.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 – 057

6 CONSIDERATIONS

- 6.1 The applicant's dwelling backs onto a wooded area subject of the above referenced TPO. A site visit was made on 28th September 2020. The birch tree (T1) was found to be in a dead condition. This may be a result of the re-development of the site, but no clear evidence was noted. The walnut tree (T2) was found to be of normal vitality, with no defects reported.

6.2 The walnut tree's canopy is close to contact with the dwelling. The applicant wishes to remove and replace the dead tree and implement reasonable clearance. The resident is currently landscaping the garden with a view planting new trees/shrubs.

7 CONCLUSION

7.1 Officers have checked the planning history associated with this site and confirm no further restrictions attached to the planning conditions set down. This application is therefore valid for consideration.

7.2 The removal and replacement of the dead tree is necessary.

7.3 Clearance pruning by the specified amount is justified and will not be damaging, providing the timing of pruning avoids the tree's most vulnerable months. Pruning must therefore be restricted to late Summer/early Autumn.

7.4 Members are recommended to grant consent.

7.5 Response to objections:

- a) The supporting documents have met the validation requirement.
- b) The officer is aware of the arboricultural input submitted in support of past applications.
- c) The TPO application process ensures consideration of any protected tree works.
- d) The sketch plan is sufficient to identify the subject trees.
- e) Committee consideration is taking place.
- f) The application is being considered on its own merits. The works are considered necessary. Mitigation efforts will be encouraged where appropriate.
- g) The proposal will have an insignificant impact upon the local hydrology.
- h) The proposal will have an insignificant impact upon the local hydrology.
- i) The application is being considered on its own merits. The works are considered necessary. Mitigation efforts will be encouraged where appropriate.
- j) The application has been extended to account for delayed representations.
- k) A site visit reveals the trees can't be confused with other trees. The sketch plan is detailed enough to locate the subject trees.
- l) The application was extended to cover late representations.
- m) The felling of dead trees will not be opposed on a safety basis.
- n) The felling of dead trees will not be opposed on a safety basis.
- o) All decisions are made in accordance with Bromley Policies.

RECOMMENDATION: CONSENT

T1 Silver Birch - Fell and replant with 4 flowering cherries.

T2 Walnut - Reduce house facing facade by 2m, to bring canopy away from roof and to rebalance house facing canopy.

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. Replacement Trees (AG04)

Four cherry trees (*Prunus Spp.*), root-balled or container grown of standard size (minimum 2m height) shall be planted to the rear of the application site. The replacement tree will be planted within 12 months of the removal of the subject tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

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

3. Timing of works

Pruning of the walnut tree (T2) must take place between August and October to avoid damage.

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


INFORMATIVE


1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.



Planning

© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 **20/02740/TPO - 3 Bower Place,
Beckenham, BR3 1FD**



12 October 2020

0 10 20 30 40 50 60 metres

Page 129

This page is left intentionally blank

Agenda Item 4.8

Committee Date	29 th October 2020		
Address	Ashiva House 59 Malmains Way Beckenham BR3 6SB		
Application Number	20/02854/TPO	Officer Chris Ryder	
Ward	Shortlands		
Proposal	T1 Willow tree in front garden - Option A - Significant pruning to reduce the spread and height of the tree by 50% or more. Option B - Staged and systematic felling of the tree with a suitable evergreen replacement.		
Applicant Mrs T Patel		Agent	
Reason for referral to committee	High public interest	Councillor call in Yes	

RECOMMENDATION	Consent in part.
-----------------------	------------------

KEY DESIGNATIONS
Tree Preservation Order (TPO) 1327.

Representation summary	<p>Objection on behalf of Park Langley Residents' Association. Objection on behalf of local resident.</p> <p>Supporting representation from immediate neighbour.</p>	
Total number of responses	3	
Number in support	1	
Number of objections	2	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent the proposed works in part as recommended or in full to enable the removal and replacement of the subject tree.
- Members must consider the representations received as part of this decision.

1 PROPOSAL

1.1 This application has been made in respect of a mature weeping willow tree situated to the front of 59 Malmaison Way. Two options have been applied for; Option A - Significant pruning to reduce the spread and height of the tree by 50% or more.

Option B - Staged and systematic felling of the tree with a suitable evergreen replacement.



Figure 1 – Weeping Willow (T1)

2 LOCATION

- 2.1 The application site is comprised of a detached dwelling situated on the east side of Malmaims Way, adjacent to St Peters Hall. Four trees are covered under the above referenced Tree Preservation Order (TPO), three of which are listed within the application site. The subject willow tree is the largest of the scheduled trees and is a landmark feature, visible along both approaches of the road and local vantage points.
- 2.2 The site does not lie in a designated Conservation Area.

3 RELEVANT PLANNING HISTORY

- 3.1 The TPO was applied in 1996 prior to the construction of the dwelling.
- 3.2 Under reference 01/03575/FULL1 planning permission was granted for the construction of the detached dwelling.
- 3.3 Under reference 03/02093/FULL6 planning permission was granted for the construction of the detached double garage.
- 3.4 Under reference 05/02568/TPO permission was refused to reduce the willow tree by 30%.
- 3.5 Under reference 06/00878/TPO permission was granted for clearance pruning.
- 3.6 Under reference 09/01891/TPO a reduction by 15% and clearance pruning were granted consent.
- 3.7 Clearance pruning was permitted under planning reference 20/00197/TPO.

4 CONSULTATION SUMMARY

A site notice was sent to the applicant to be displayed in the public domain and 2 representations of objection were received:

- a) "This tree forms a significant visual amenity to the street scene in Malmaims Way. Very few large trees remain and to remove this tree would contribute to a treeless concrete landscape. It seems from the application that the tree does not pose any threat to nearby properties. This tree is an asset to Park Langley and should remain intact."
- b) "The PLRA committee has reviewed application no. 20/02854/TPO and wish to object.

The Willow Tree in question is iconic to Malmaims Way and the entrance to St. Peter's Hall. It is an enhancement to the street scene. Its importance is acknowledged by the granting of a TPO in 1996. Subsidence is mentioned in the application, but I understand that this occurred over 30 years ago with no recurrence. We are unaware of any threat being caused to nearby properties by the tree: thus we are strongly opposed to the proposed felling.

The tree is a substantial specimen which, as with all trees, needs routine maintenance. If Bromley Council advise, we would suggest prudent pruning, but certainly no more than 50%: 25% reduction would probably be advisable to maintain the shape and appearance of the tree. We would also suggest that the

Willow is regularly maintained in the future. Owning such a magnificent tree comes with a responsibility to maintain it for the enjoyment of the community. For these reasons we oppose the proposed felling and ask Bromley Council to consider MINOR pruning.”

One supporting representation was received:

- c) “We live at 61 Malmains Way and for years have found this willow tree a real problem. We have been underpinned twice because of it and last year its roots penetrated our drains which necessitated replacement. Several years ago, a large dead branch fell onto our drive. Fortunately, no one was on the drive and neither was our car parked there but potentially it could have caused a person or a car serious damage. Around the same time, another large branch fell onto the pavement. Again, fortunately no one was hurt.

The tree has been allowed to grow far too large and bearing in mind its proximity to our house, it should never have been planted there in the first place. Placing a preservation order on it has only made it more difficult to keep a check on its size.

The tree is such a nuisance, we would probably prefer it to be taken down but only if we can be assured that it won't cause heave to our property. We feel structural engineers must be consulted to report on the risks involved in taking the tree down and if they feel it is okay to do so, to advise on a time scale as we think the one year suggested is probably too short a time. If it is considered too risky to take the tree down, we need to be assured that going forward the tree will be appropriately managed.”

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 – 057

6 CONSIDERATIONS

- 6.1 A site visit was made on 14th September 2020. Observations reveal the tree has been reduced in the past as noted within the planning history. The regrowth is dense and it is clear that some branch unions are weak. The tree as a species is naturally fragile and can self-propagate from fallen stems. This tree has clearly been planted prior to the construction of the applicant's dwelling, when the plot was more spacious.
- 6.2 The tree's canopy is breaching reasonable clearance over the neighbouring property and is a cause for complaint in general. Localised lifting of hard surfacing is taking place at the neighbouring property and subsidence issues have also been reported. No. 61 Malmaims Way has been underpinned twice in the late 80s and early 90s.
- 6.3 The risk of branch failure is high due to the current form of the tree. Having recovered from historic crown reductions, the tree is prone to occasional branch failure.



Figure 2 – Canopy Structure

6.4 The applicant wishes to carry out the proposed options for the following reasons:

- To address clearance issues.
- To reduce the influence of the tree upon the neighbouring property.
- To address localised subsidence and property damage.
- Due to excessive maintenance tasks.
- Due to the inappropriate location.
- Cost of management.
- Safety concerns.
- Liability concerns should failure occur.

7 CONCLUSION

7.1 Officers have checked the planning history associated with this tree and regular management has taken place. Management is also likely to have been carried out prior to the TPO being made. Where trees are reduced, subsequent reductions can be expected on a basis necessary for each species. Willow is fast growing and reductions would usually be expected every few years. The last time this tree was reduced, was approximately 10 years ago.

7.2 Regular branch failures will continue without a repeat reduction. Looking at previous pruning wounds, a reduction to previous points will allow the majority of the growth to be removed. The tree will quickly recover from this and by the next growing season, a weeping canopy will return.

7.3 The felling of the tree would be contrary to Council Policy. A repeat reduction is justified and I would recommend this be to previous pruning points, leaving suitable growth points. Pruning must abide by British Standard guidelines. Final wound size must remain minimal, to allow occlusion to occur and reduce the risk of decay.

7.4 Considering the neighbouring property has been underpinned, I cannot give any further consideration to this point. A full investigation would be required to support a claim that the tree is implicated in subsidence related property damage.

7.5 The management of this tree would have been a foreseeable task of property ownership. The cost of management is part and parcel of land ownership.

7.6 No significant defects were observed that would put the overall structural integrity at risk. Visual tree assessment highlight multiple issues with regard to weak branch connections. This would be addressed as part of a forthcoming reduction.

7.7 Liability is not placed onto the Council, unless a challenge is made following a refused decision a year from the date of the decision notice. A duty of care exists for all landowners, as set out within The London Borough of Bromley Tree Management Strategy (2016-2020).

7.8 Members are recommended to consent to reduction works in part as recommended.

7.9 Response to objections:

- a) A level of pruning is required, but the visual contribution will be retained in years to follow.
- b) The tree will tolerate heavy pruning. Unfortunately, lesser pruning specifications will not be sufficient to address the canopy faults.

RECOMMENDATION:

Refusal for:

T1 Willow tree in front garden -

Option B - Staged and systematic felling of the tree with a suitable evergreen replacement.

Reason:

The felling of the tree would be detrimental to local amenities. Alternative management is available. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

Consent in part for:

T1 Willow tree in front garden – Reduce to previous pruning points, abiding by British Standard 3998 or Option A - Significant pruning to reduce the spread and height of the tree by 50%.

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. ND52 Tree Surgery

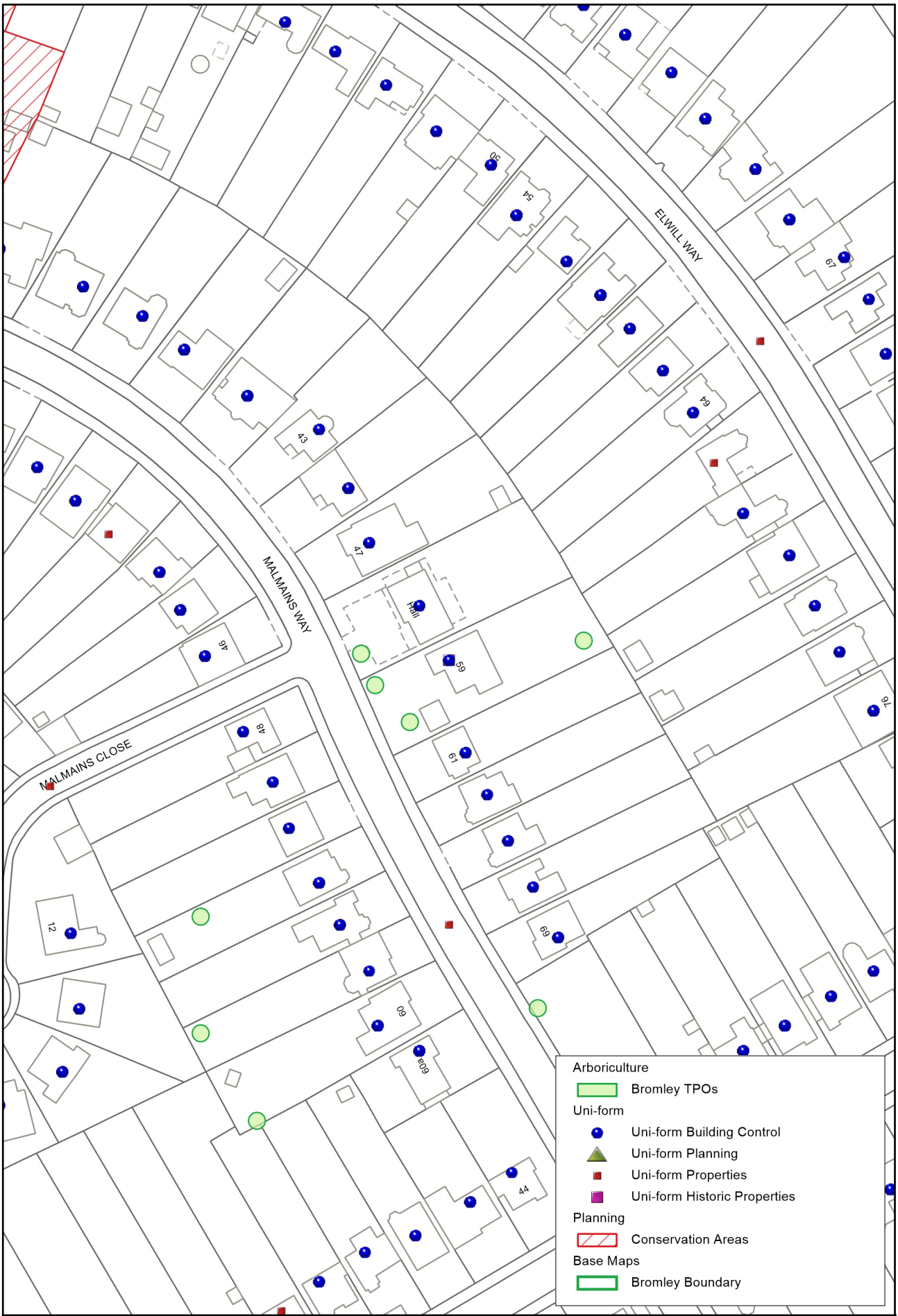
The work to the tree(s) hereby granted consent shall be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

Reason: In order to comply with Policies 73 and 74 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

INFORMATIVE

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.

This page is left intentionally blank



Arboriculture
○ Bromley TPOs

Uni-form
● Uni-form Building Control
▲ Uni-form Planning
■ Uni-form Properties
■ Uni-form Historic Properties

Planning
 Conservation Areas

Base Maps
 Bromley Boundary

Planning

© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.



20/02854/TPO - 59 Malmains Way
Beckenham
BR3 6SB



13 October 2020



This page is left intentionally blank