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THE LONDON BOROUGH

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DATE: 22 December 2021

To: Members of the  
**PLANS SUB-COMMITTEE NO. 3**

Councillor Katy Boughey (Chairman)

Councillor Tony Owen (Vice-Chairman)

Councillors Christine Harris, Samaris Huntington-Thresher, William Huntington-Thresher, Charles Joel, Kevin Kennedy-Brooks, Alexa Michael and Keith Onslow

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on  
**THURSDAY 6 JANUARY 2022 AT 7.00 PM**

**PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting to speak on a planning application (see the box on public speaking below).**

**There will be limited additional space for other members of the public to observe the meeting – if you wish to attend, please contact us before the day of the meeting if possible, using our web-form:**

**<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>**

**Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.**

TASNIM SHAWKAT

Director of Corporate Services & Governance

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

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

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

**To register to speak please telephone Democratic Services on 020 8461 7694**

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**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](mailto:planning@bromley.gov.uk)**

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

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

## A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 28TH OCTOBER 2021**  
 (Pages 1 - 8)
- 4 PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Shortlands	9 - 22	(09/01899/RECON) 125 Westmoreland Road, Bromley, BR2 0TY.
4.2	Chislehurst	23 - 30	(21/02040/ADV) - 9 Belmont Parade, Green Lane, Chislehurst, BR7 6AN
4.3	Crystal Palace	31 - 46	(21/02649/LBC) - Pedestrian Subway under Crystal Palace Parade, Crystal Palace Parade, Anerley, London
4.4	Crystal Palace	47 - 76	(21/02656/FULL1) - Pedestrian Subway under Crystal Palace Parade, Crystal Palace Parade, Anerley, London
4.5	Petts Wood and Knoll	77 - 96	(21/03566/FULL6) - 10 Derwent Drive, Petts Wood, Orpington, BR5 1EW
4.6	Copers Cope Conservation Area	97 - 110	(21/04432/ADV) - 44-46 High Street, Beckenham, BR3 1AY
4.7	West Wickham	111 - 120	(21/04867/FULL6) - 7 Pickhurst Rise, West Wickham, BR4 0AA
4.8	West Wickham	121 - 130	(21/04868/FULL6) - 7 Pickhurst Rise, West Wickham, BR4 0AA
4.9	Mottingham & Chislehurst North	131 - 150	(21/02616/FULL1) - Land Rear Of 165 And 167, White Horse Hill, Chislehurst
4.10	Shortlands	151 - 156	(21/05307/TREE) - 48 Durham Avenue, Shortlands, Bromley, BR2 0QB

## **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		

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

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# Agenda Item 3

## PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 28 October 2021

### Present:

Councillor Katy Boughey (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Robert Evans, Christine Harris, Samaris Huntington-Thresher, Kevin Kennedy-Brooks, Alexa Michael, Keith Onslow and Suraj Sharma

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

Apologies for absence was received from Councillor William Huntington-Thresher and Councillor Charles Joel, and Councillor Suraj Sharma and Councillor Robert Evans attended as their respective substitutes.

### **39 DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **40 CONFIRMATION OF MINUTES OF MEETING HELD ON 8 JULY 2021**

**RESOLVED** that the minutes of the meeting held on 8<sup>th</sup> July 2021 be confirmed and signed as a correct record.

### **41 PLANNING APPLICATIONS**

#### **41.1 BROMLEY COMMON AND KESTON**

**(21/01465/FULL1) - Land adjacent to Walnut Tree Cottage, Jackass Lane, Keston**

Description of application – Erection of a single storey detached 2 bed dwelling following demolition of existing dwelling.

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

The Development Management Area Team Leader (West) reported that:

- Detailed calculations for the existing dwelling,

permitted development extension and the proposed replacement dwelling had been undertaken by officers. Taking into account the permitted development scheme put forward by the applicant, it was concluded that there would be an increase in the footprint of the building. A reduction in the floorspace was not disputed, however it was calculated that the volume of the building would increase by 42m<sup>3</sup>, and the building would also be rotated to the front of the road in a wider form. A replacement building would have a harmful impact on the openness of the environment.

- the fourth line of the recommendation should read: ‘..and conflicting with *its* essential characteristics.‘;

In response to a question from a Member, the Development Management Area Team Leader (West) said that the table of calculations provided on page 22 of the agenda pack stated that the overall difference in cubic volume for this application was +11%.

Members having considered the report and representations, **RESOLVED that PERMISSION BE GRANTED AGAINST OFFICERS' RECOMMENDATIONS.**

Accordingly, they resolved to approve this application as they considered amongst other things that the application was very little different to a scheme previously approved as permitted development at the same site (20/03703/PLUD) and thus the resulting development would not result any greater material harm to the openness of the Green Belt location.

With the following conditions;

1. TL01 Standard Time Limit
2. TL01A Standard Compliance with Plans
3. PC16 Measures for Construction Vehicles
4. PC06 Surface water drainage
5. AG06 Details of materials for external surfaces
6. AG02 Details of hard and soft landscaping

7. AG Above Ground Condition Biodiversity protection as follows;

*Prior to commencement of above ground works details of biodiversity protection and enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter. Site clearance, tree and other vegetation removals shall be carried out in accordance with the Natural England precautionary approach/working measures.*

*Reason: To preserve and enhance the biodiversity value of the site and to comply with Policies 70, 72 and 73 of the Bromley Local Plan 2019.*

8. AG Above Ground Condition Biodiversity enhancements as follows;

*Removal of trees, vegetation and structures e.g. roof tiles shall follow Natural England's precautionary approach to avoid harm to active wildlife habitats. Biodiversity enhancements including artificial bird nesting boxes and bat roosts, shall be incorporated into the development hereby granted. Before the start of any above ground works details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter.*

*Reason: To preserve and enhance the biodiversity value of the site and to comply with Policies 70, 71 and 72 of the Bromley Local Plan 2019.*

9. OC Prior to Occupation Condition Electric Vehicles as follows;

*Prior to the occupation of the development hereby permitted electric vehicle charging points shall be installed: 1 active electric vehicle charging point and passive provision for a further charging points, and shall be maintained in operation during the lifetime of the development.*

*Reason: To ensure adequate electric charging infrastructure can be provided and to comply Policy 30 of the Bromley Local Plan 2019 and Policy T6.1 of The London Plan 2021.*

10. ND Non-standard condition as follows;

*Within 2 months of the first occupation of the dwelling*

*hereby permitted the existing dwellinghouse shall be demolished as shown in the drawings/details hereby approved and all materials and foundations shall be completely and permanently removed from the site. Thereafter there shall only be one dwelling on the application site.*

*Reason: To ensure that a satisfactory form of development is undertaken on the site, in the interest of visual and residential amenity and the openness of the Green Belt and to comply with Policies 37 and 49 of the Bromley Local Plan 2019.*

11. ND04 Retention of existing trees

12. ND Non-standard condition Removal of PD rights as follows;

*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 building, structure, extension, enlargement or alteration permitted by Class A, AA, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.*

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

13. ND Non-standard condition Accessible dwellings as follows;

*The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.*

*Reason: To ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants and to comply with Policy D7 of The London Plan 2021 and the Mayors Housing Supplementary Planning Guidance 2016.*

14. ND Non Standard Condition Air Quality Management as follows;

*The application site is located within an Air Quality*

*Management Area declared for NOx: any gas boilers must meet a dry NOx emission rate of <40mg/kWh.*

*Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy SI 1 of the London Plan 2021.*

15. ND Non Standard Condition Wash-down facilities as follows;

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

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

#### 41.2 CHISLEHURST

#### (21/02235/FULL6) - 25 Grove Vale, Chislehurst, Kent, BR7 5DS

Description of application – Part one/two storey rear and first floor side extensions, loft conversion incorporating dormer to rear and rooflights to all elevations including cabrio rooflight to rear and elevational alterations. PART RETROSPECTIVE AMENDED PLANS AND DESCRIPTION

The Development Management Area Team Leader (West) noted that the elevations included on page 33 of the agenda pack were both labelled as 'North East', one of which should be 'South West'.

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

Condition 2 of the recommendations in the report was amended to read:-

2. The proposed window(s) in the flank elevations and roof slopes are to be obscure glazed to a minimum of Pilkington privacy Level 3 and are to be non-opening

below 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in accordance as such for perpetuity.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies 37 and 6 of the Bromley Local Plan.

The following condition was also added:-

3. 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 building, structure, extension, enlargement or alteration permitted by Class A, AA, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

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

**41.3  
CHISLEHURST  
CONSERVATION AREA**

**(21/03668/FULL6) - The Croft, Yester Park,  
Chislehurst, BR7 5DQ**

Description of application – Two storey side/rear extensions with single storey rear extension and loft conversion (renewal of permission 18/04093/FULL6 allowed on appeal on 01 March 2019)

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 and informatives set out in the report together with any other planning condition(s) considered necessary by the Assistant Director, Planning.

**41.4  
FARNBOROUGH AND  
CROFTON**

**(21/03396/PLUD) - 17 Drayton Avenue, Orpington,  
BR6 8JN**

Description of application – Single storey detached outbuilding. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**

Members having considered the report, **RESOLVED that A CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT BE GRANTED** as recommended, for the reasons set out in the report of the Assistant Director, Planning.

## **42 TREE PRESERVATION ORDERS**

**42.1  
ORPINGTON**

**CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 2710 - 2 & 6 Lynwood Grove, Orpington, BR6 0BG**

Description of application – To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

**THE REPORT WAS WITHDRAWN BY THE TREE OFFICER – PLANNING DIVISION**

The Meeting ended at 7.35 pm

Chairman

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# Agenda Item 4.1

Committee Date	06/01/22	
Address	125 Westmoreland Road Bromley BR2 0TY	
Application Number	09/01899/RECON	Officer - Susanna Stevenson
Ward	Shortlands	
Proposal	Variation of condition 1 of approval 10/02490/VAR granted for varied opening hours to permission 09/01899/FULL3 (Shopfront and change of use to mixed use comprising retail (Class A1) and cafe (Class A3)) to permit opening hours of: Monday to Saturday 07:00 - 23:30 Sundays and Bank Holidays including Good Friday and Xmas Day - 07:00 - 22:30 New Year's Eve 07:00 - 02:00	
Applicant	<b>Agent</b> Mrs Susan Batmaz  Truffles Kitchen Ltd 125 Westmoreland Road Bromley BR2 0TY	
Reason for referral to committee	Call-In	Councillor call in  Yes

RECOMMENDATION	APPROVE VARIATION OF CONDITION
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KEY DESIGNATIONS
Smoke Control SCA 2

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Class E (Commercial, business and service)	85 sqm
Proposed	No change	85 sqm

<b>Representation summary</b>	Letters were sent to immediate neighbours on 28 <sup>th</sup> May 2021.  On 12 <sup>th</sup> October 2021 further letters were sent to immediate neighbours and all who had commented following the original notification.  A site notice was displayed at the application site on 1 <sup>st</sup> June 2021.
Total number of responses	62
Number in support	19
Number of objections	43

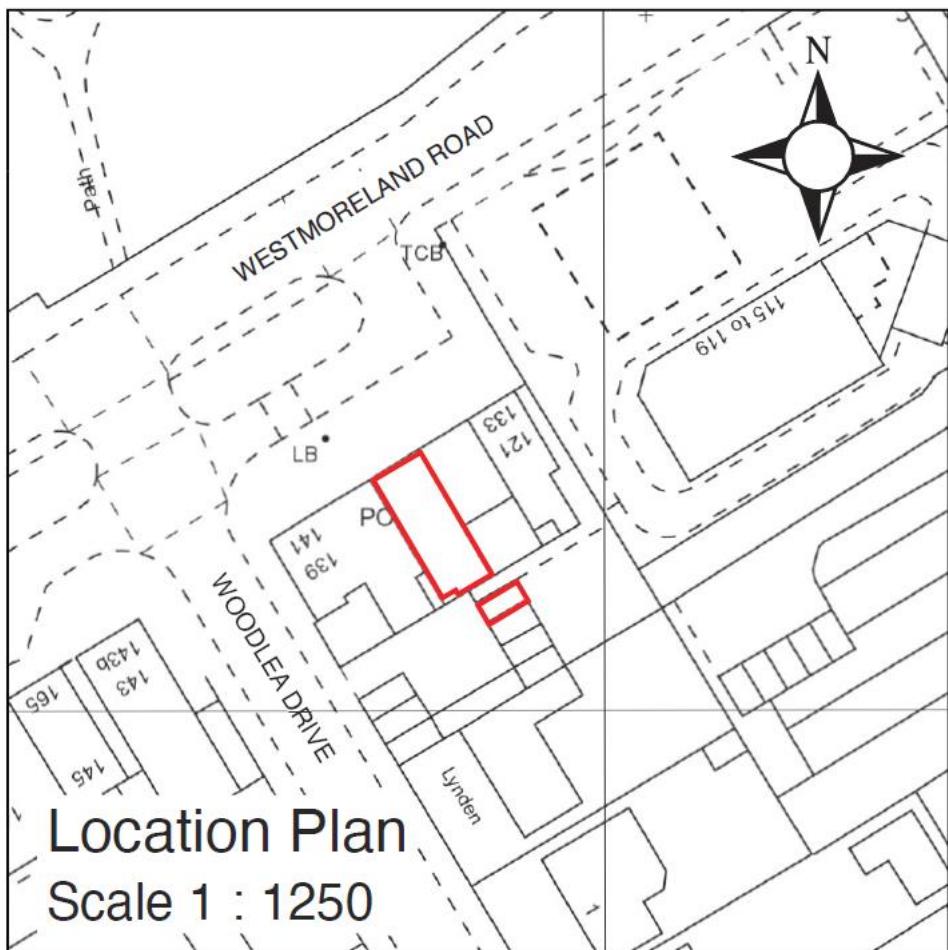
## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal relates to an existing authorised use of the site
- Subject to conditions relating to the extended opening hours, the proposal would not have a significant detrimental impact on the residential amenities of the area
- There are no technical Highways objections to the proposal and it is not considered that the extension of the opening hours would result in conditions prejudicial to highways safety or an unacceptable increase in on-street parking demand

## 2. LOCATION

2.1 The application site lies on the southern side of Westmoreland Road within a local neighbourhood parade. The terrace within which the site is located comprises a three

storey purpose-built block with commercial premises on the ground floor with residential flats above.



2.2 The site fronts onto a wide pavement which includes space for display of goods and a café seating area, with on street pay and display parking bays adjacent to the vehicular circulation space between the main carriageway of Westmoreland Road and the set-back parade.



### **3. PROPOSAL**

- 3.1 The application proposes the variation of the hours-of-operation condition imposed under ref. 09/01899/FULL3 (when planning permission was originally granted for "Shopfront and change of use to mixed use comprising retail (Class A1) and café (Class A3).
- 3.2 Under reference 10/02490/VAR the Council approved the variation of condition 01 of planning permission reference 09/01899 to enable extended opening hours on Sundays from 09.00 hours to 18.00 hours. Condition 1 of this approval set the existing opening hours and states:

"The use shall not operate before 0800 and after 1800 Mondays to Saturdays and not before 0900 hours and after 1800 hours on Sundays and not before 0900 hours and after 1300 hours Bank Holidays. The use shall not operate on Xmas Day or Good Friday."
- 3.3 This application seeks to amend the opening hours of the premises to:
  - Monday to Saturday 07:00 - 23:30
  - Sundays and Bank Holidays including Good Friday and Xmas Day - 07:00 - 22:30
  - New Year's Eve 07:00 - 02:00
- 3.4 During the course of the application the applicant submitted an Acoustic Assessment at the behest of the Environmental Health Officer. This assessment was received originally on 20<sup>th</sup> August and subsequently revised on 11<sup>th</sup> October 2021. Further information was supplied providing explanation on how the data in tables 5 and 6 of the report were calculated and the general scope of the assessment.

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

- 4.1 08/03182/FULL3 Planning permission refused for storefront and change of use from (Class A1) to restaurant (Class A3) ventilation ducting at rear. Permission was refused on the ground:

"In the absence of adequate details to indicate otherwise, the proposed ventilation system would give rise to cooking odours and noise detrimental to the occupiers of nearby properties, contrary to Policy S9 and ER9 of the Unitary Development Plan."
- 4.2 09/01899/FULL3 Planning permission granted for storefront and change of use to mixed use comprising retail (Class A1) and cafe (Class A3), subject to conditions relating to the hours of operation, number of covers and ventilation/extraction system and the use of the premises as a retail/café/coffee shop as per the application submission.

- 4.3 10/02490/VAR Variation of condition 01 of permission 09/01899/FULL3 was approved to allow amended hours of operation.

## 5. CONSULTATION SUMMARY

### A) Adjoining Occupiers/local residents

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

#### In objection

##### Impact on residential amenity (addressed at 7.2/7.4)

- Quiet residential location, with flats above the commercial parade. Inappropriate to have this business open until very late – noise levels and activity in the residential area which is quiet after 6pm at present
- Impact on young children living in the building (sleep)
- Will increase noise and crowds in the area
- There has been a restriction in the area that no fast food or late night food places could operate as is a residential area
- Increase in alcohol consumption, noise on leaving premises and outside smoking
- Cooking smells
- Impact on health resulting from additional noise and disturbance
- Lack of toilet facilities – may result in people using streets and gardens
- Objection is to the general week-to-week late opening – not at Christmas and New Year
- Outdoor seating will attract more people
- Previous permission was granted on the basis that there would be no fryers on the premises, yet cooking oil barrels are being delivered and the menu has expanded

##### Highways Impacts (addressed at 7.3)

- Impact on parking including in Woodlea Drive and surroundings

##### Other matters (addressed at 7.4)

- Impact on biodiversity and local green space
- Light pollution
- Waste management hierarchy
- The comments in support are not from local residents
- The Tesco Express is open until 12 midnight and meets local urgent shopping requirements and there are many restaurants in easy visiting distance that can be

used without disrupting established and quiet neighbourhoods – proposal not needed

### **In support**

- Premises has operated for over 6 years and is peaceful and quiet
- Would be good to have a local place to visit after work
- Nowhere locally to eat in the evening
- Premises does not attract anti-social behaviour
- Parking and smell issues raised have never been a problem
- Will help a small business to develop
- It will be a quiet bistro, not a noisy meeting place
- Will deter the small crowds of kids that gather at night
- The delivery service is excellent
- Would be a great addition to the parade
- Live above the premises – support the application to extend the hours. Need to support community and local businesses. Have never had any issues with the premises
- Provides local employment, particularly for youth
- It isn't a nightclub

## **6. POLICIES AND GUIDANCE**

### **National Policy Framework 2021**

#### **NPPG**

#### **The London Plan**

- Policy E9      Retail, markets and hot food takeaways  
Policy T6      Car parking  
Policy D14      Noise

#### **Bromley Local Plan 2019**

- Policy 32      Road Safety  
Policy 37      General Design of Development  
Policy 96      Neighbourhood Centres, Local Parades and Individual Shops  
Policy 98      Restaurants, Pubs and Hot Food Takeaways  
Policy 119      Noise Pollution  
Policy 121      Ventilation and Odour Control

## **7. ASSESSMENT**

### **7.1 Principle of use - Acceptable**

- 7.1.1 Policy 96 of the Bromley Local Plan relates to restaurants, cafés, drinking establishments and hot food takeaways. It lists 4 criteria with which proposals will be required to comply, including at 98(c) that:

“there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter and unneighbourly opening hours”

- 7.1.2 The principle of the use of the premises was found to be acceptable in the granting of planning permission under reference 09/01899/FULL3 and then in the approval of varied opening hours under reference 10/02490/VAR.
- 7.1.2 The proposal currently under consideration does not seek to change the use of the premises but instead to once again amend the hours of operation of the existing use - to allow for extended use in evenings and later at weekends, Sundays and Bank Holidays (including to 2am in the morning following New Year's Eve).
- 7.1.3 In view of the planning history of the site, the use is acceptable in principle. The extent to which the expanded hours of operation is acceptable relies upon an assessment of the impacts of these extended opening hours on residential amenity and any other impacts relevant to the scope of the application.

### **7.2 Neighbourhood Amenity – Acceptable**

- 7.2.1 Policy 96 of the Bromley Local Plan refers to applications to change the use of premises to restaurants, cafés, drinking establishments and hot food takeaways. While the change of use has already been implemented following the original grant of planning permission, the policy remains relevant in assessing the proposal to extend the hours of operation. Consideration of impacts associated with noise, disturbance, smells, fumes, litter and whether the proposed opening hours would be unneighbourly are relevant to assessment of the impact on neighbouring amenity.
- 7.2.2 The application site lies within a mixed use building comprising commercial uses at ground floor with residential dwellings above. Inevitably it is the impact of the proposal on the residents within the block that would be most pronounced in view of the proximity of the existing premises to these flats, and this falls to be most carefully considered. It is acknowledged that a number of representations have been received from residents in neighbouring streets, particular Woodlea Drive, expressing concern at the impact of the proposal with regards in particular to noise, disturbance and anti-social behaviour and it falls also to consider the potential impact of the proposed extended opening hours on the wider locality.
- 7.2.3 Comments were sought from the Environmental Health Officer regarding the proposed extended opening hours. Initially objections were raised on the basis of lack of noise assessment as in the absence of such information the EHO was

concerned that the proposal could cause a loss of residential amenity due to issues with noise.

- 7.2.4 The first iteration of the noise assessment submitted was considered unacceptable from a technical Environmental Health perspective as the scope of the assessment was limited to the kitchen extractor fan and did not address the other concerns associated with noise resulting from the use. It was noted that the applicant had submitted a separate licence application which referred to the hours of operation as well as provision of live entertainment, recorded music and/or dancing entertainment and these activities had not been addressed within the assessment.
- 7.2.5 An amended acoustic report was received on 11<sup>th</sup> October 2021. The acoustic report emphasises in several places that there will be "no musical entertainment." Further comments were received from the EHO raising no objections to the proposal subject to recommended conditions relating to there being no playing of music or amplified sound for entertainment purposes at any time, no outdoor seating and regarding delivery hours.
- 7.2.6 Assessment of impact on residential amenity in terms of this application is a matter of planning judgement, drawing on the comments received from local residents and the Environmental Health team and a pragmatic consideration of the potential impact of the proposed hours of operation, bearing in mind the existing use and hours of operation at the site and the site's location relative to the parade, the main road and to adjacent residential dwellings and surrounding residential streets.
- 7.2.7 The assessment from an Environmental Health perspective is that subject to conditions, the extended hours of operation would be acceptable in terms of the noise/disturbance impact of the proposal. It is however acknowledged that some residents within the building have expressed concern regarding the impact on their living conditions and that more distant residents within adjacent streets have also raised concerns regarding the impact of the proposal. There has also been local support for the application, relating largely to the employment opportunities associated with the proposal and the expansion of local evening services.
- 7.2.8 In view of the findings of the submitted acoustic assessment and the analysis of this undertaken by the EHO it is considered that conditions could be imposed on the use such that would limit the impact of the extended hours of operation on immediate neighbours to an acceptable degree.
- 7.2.9 With regards to the impact of the proposal on residents within Woodlea Drive and surrounding streets, it is considered that the physical separation between the unit and these residential properties would be sufficient to limit the impact relating to noise and disturbance on these residents and that the conditions recommended would have an even greater mitigation with regards to impact on these adjacent streets, in view of the siting of the unit relative to them.
- 7.2.10 Where some noise and disturbance would be generated by comings and goings associated with the extended hours, this would realistically be confined to the parade frontage rather than extending into neighbouring streets. There is sufficient parking in front of the parade that would be more likely to be freely available in

evening hours given that adjacent shops would be shut. It is not considered that the activities at the site, suitably conditioned, would generate such significant noise and disturbance as to be detrimental to the amenities of residents within the streets leading off Westmoreland Road as to warrant the refusal of this application given that the overall assessment is that subject to conditions, the impact on amenity within the block itself is capable of being reasonably controlled.

### **7.3 Highways – Acceptable**

- 7.3.1 No objections have been raised to the proposal by the Council's Highways Officer as it is not considered that the proposal would have a significant impact on the local road network.
- 7.3.2 It is noted that parking is available on street adjacent to the premises. Taking into account that the use currently operates during the busier daytime hours and that the scope of the proposal is limited to the extension of hours of operation into the evenings and during times when it would be expected that the on-street parking demand within the parade would be reduced relative to the busier daytime hours within the parade, it is not considered that the proposal is likely to lead to increased on-street parking demand in neighbouring streets.

### **7.4 Other matters**

- 7.4.1 Concerns have been expressed regarding the impact of the proposal on biodiversity within the recreation ground/woods that lie to the north of Westmoreland Road. Taking into account the position of the commercial unit relative to the landscaped area separating the parade from the main road, and the width and impacts of the road itself, it is not considered that there would be any significant impact in this regard.
- 7.4.2 With regards to waste management, an objection makes reference to the Waste Management Hierarchy and expresses concern that the approval of this application will move away from the preferred option of waste reduction. It is not considered that the extension of the opening hours of the existing business would lead to greater reliance on landfill disposal or a reduction in recycling.
- 7.4.3 Concern has been expressed regarding the extended hours of operation with regards to the associated increase in hours for alcohol consumption within the premises. Alcohol licencing is managed under separate legislation, outside of planning control, as is the addressing of anti-social or illegal activities under the policing regime.
- 7.4.4 A number of representations have referred to there being plentiful alternative evening dining venues in local centres and within Bromley Town Centre itself, stating that there is no need for the proposed expanded hours of opening at this specific site. While it is acknowledged that later night dining is generally focussed within local centres such as West Wickham and Hayes, as well as within the Metropolitan Centre of Bromley, that does not mean that the use of premises within smaller shopping areas as restaurants is inherently unacceptable, so long as the

criteria within Policy 96 (relating to vitality and viability, concentration of such establishments, impact on residential amenity and traffic and highways impacts) are met. The current proposal would not result in a change of use, but is limited to the expansion of the hours of operation for the existing use.

## **8. CONCLUSION**

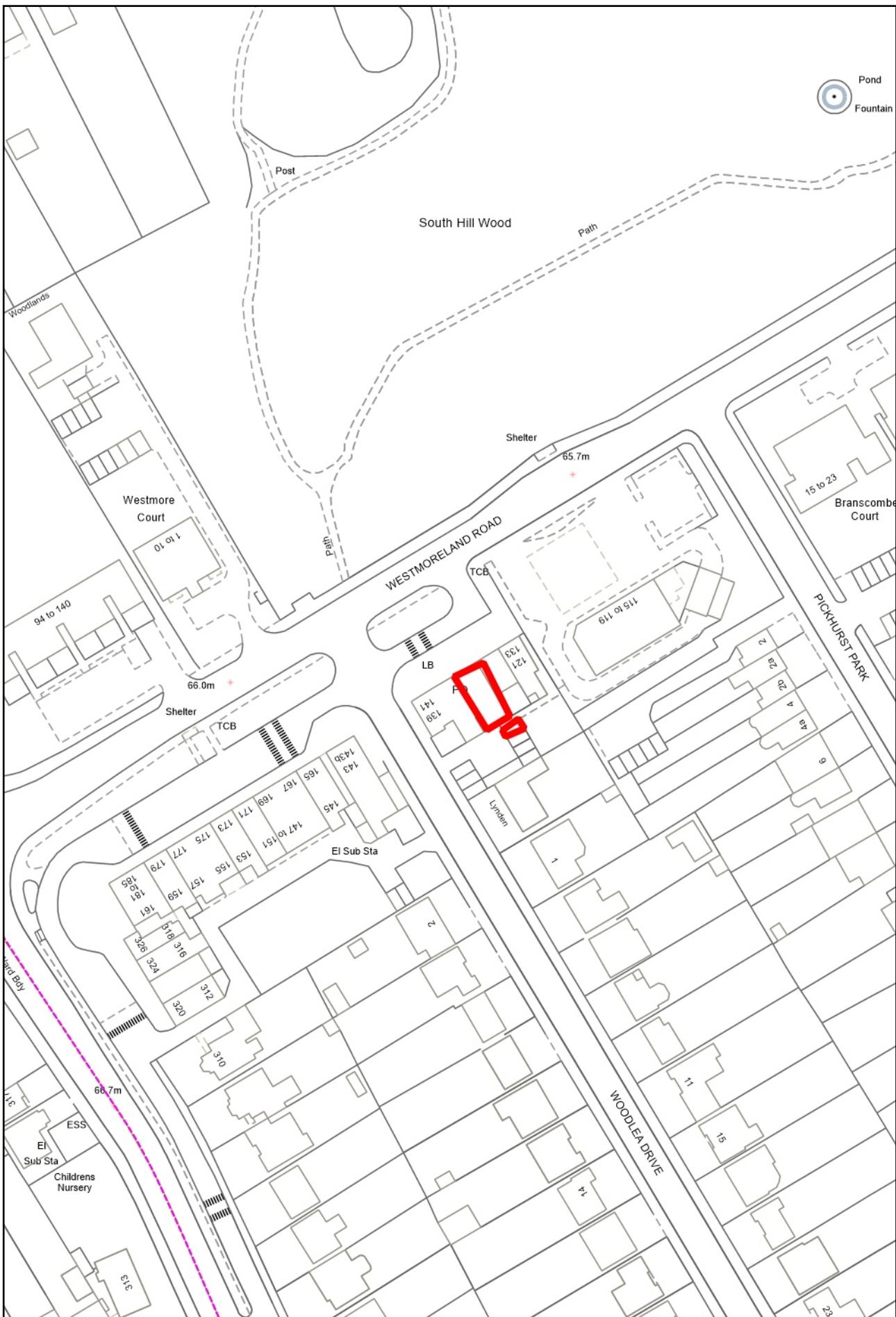
- 8.1 It is considered on balance that the extension of the opening hours of the existing premises would be acceptable, and would not lead to unacceptable highways and neighbouring amenity aspects. This assessment is subject to the use of appropriately-worded conditions to control the use of the premises so as to avoid adverse impact on neighbouring amenity.
- 8.2 The Environmental Health Officer has recommended conditions including with regards to the existing daytime use of the premises – including that there be no outdoor seating. However, Members are advised that there is already outdoor seating at the site and that this application does not seek a change of use. The applicant was advised of the recommendations from an EHO perspective with regards to conditions, and stated that they would have reservations at the limiting of pavement dining to the existing license hours and would prefer for a condition to allow for the use of the outside seating area to at least 8pm.
- 8.3 With regards to the recommendation from an Environmental Health perspective that a condition prohibit the use of amplified sound or music for entertainment purposes at any time the applicant accepts the use of this condition and also confirms that there is no intention on having deliveries outside of existing daytime café hours of operation.
- 8.4 Members are advised that the acoustic assessment undertaken did not gather data sufficient to make a prediction on the potential noise resulting from the outside seating. The application consideration is limited to the scope of the submission i.e. the extended hours of operation. It may not therefore be considered reasonable to remove the existing capacity for outside seating during the existing (approved) opening hours.
- 8.4 In the light of local interest/representations that have been received, along with the comments from a technical Environmental Health perspective it would be reasonable to impose a condition prohibiting the provision of outdoor seating beyond the existing hours which are 07.00 – 17.00 Monday to Friday, Saturdays 08.00 – 17.00 and Sundays from 08.00 – 15.00. Should the applicant wish to vary this condition, it would be open to them to submit a further application with such an application supported by appropriate assessment to ensure that that relaxation would not have an unacceptable impact relating to noise and disturbance to the neighbouring properties.

**RECOMMENDATION:** Approve Variation of Condition

**Subject to the following conditions:**

1. Hours of operation as per the application
2. No amplified sound or music for entertainment purposes
3. Hours of outdoor seating limited to existing hours
4. Deliveries limited to existing hours

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



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# Agenda Item 4.2

<b>Committee Date</b>	06.01.2022	
<b>Address</b>	9 Belmont Parade Green Lane Chislehurst BR7 6AN	
<b>Application Number</b>	21/02040/ADV	<b>Officer</b> - Suzanne Lyon
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	The proposal is to install a noticeboard on the public footway, located in front of 9-10 Belmont Parade Green Lane, Chislehurst, BR7 6AN	
<b>Applicant</b>	<b>Agent</b>	
Miss Jessica Naylor	N/A	
London Borough of Bromley Civic Centre Stockwell Close Bromley BR1 3UH	N/A	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Council application	No

<b>RECOMMENDATION</b>	Grant Advertisement Consent
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## KEY DESIGNATIONS

- **Biggin Hill Safeguarding Area**
- **London City Airport Safeguarding**
- **Smoke Control SCA 16**
- **Adjacent – Chislehurst Conservation Area**

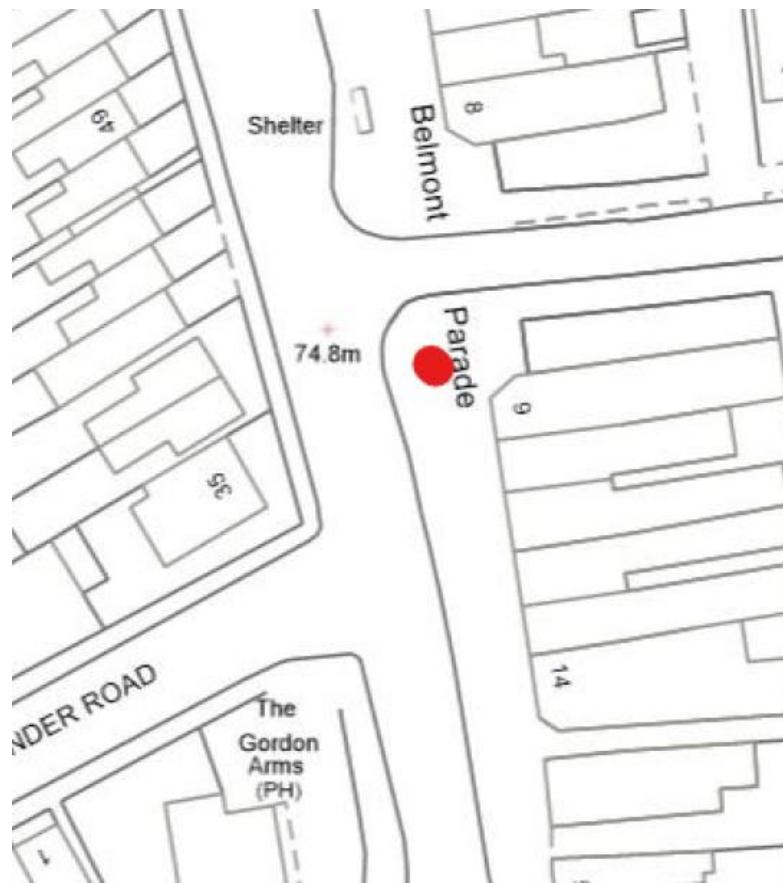
<b>Representation summary</b>	Neighbour letters were sent <u>07.07.2021</u>
Total number of responses	0
Number in support	0
Number of objections	0

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- No unacceptable impact would arise to neighbouring occupiers; and
- No unacceptable Highways impacts would arise

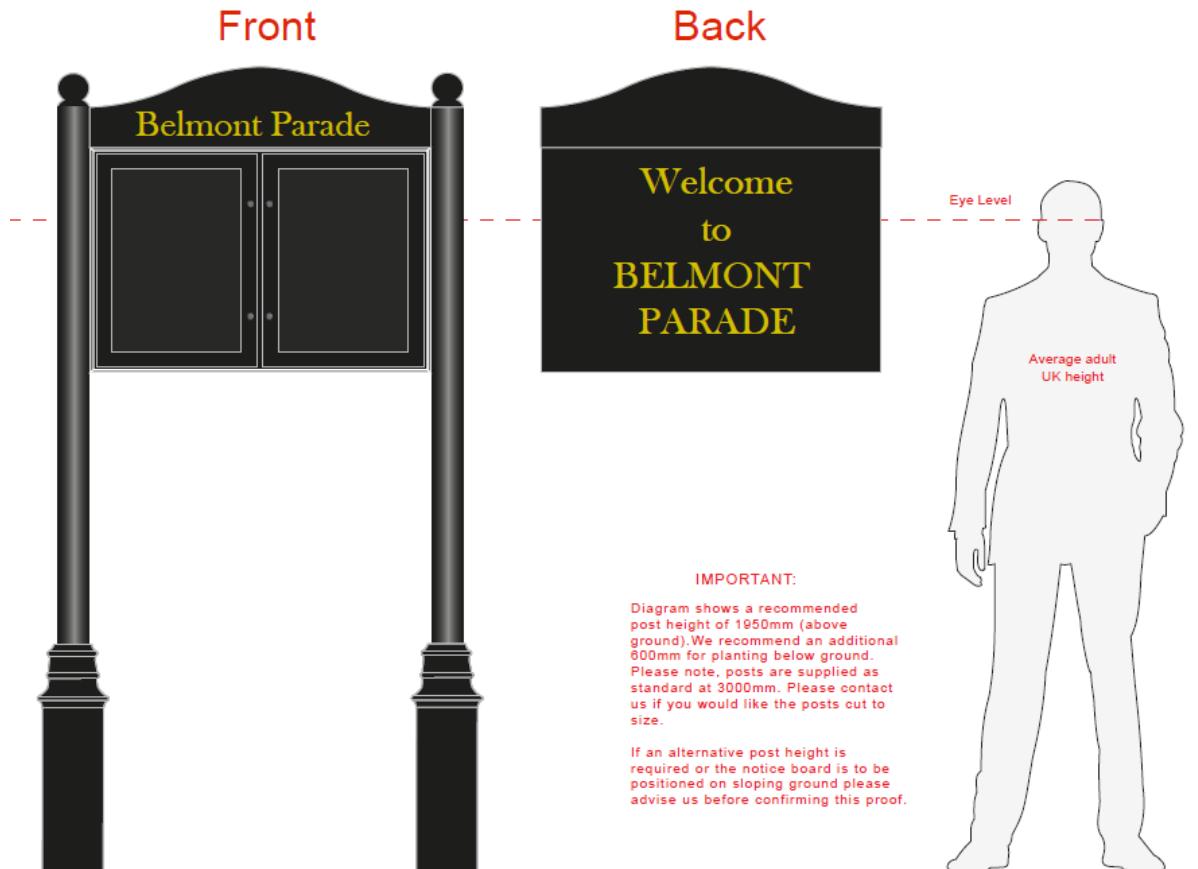
## 2 LOCATION

2.1 The site is on the pavement to the front of 9 - 10 Belmont Parade, at the junction with Woodside Avenue.



### **3 PROPOSAL**

- 3.1 The application seeks advertisement consent for the erection of a free standing noticeboard to include the words 'Welcome to Belmont Parade'.



### **4 RELEVANT PLANNING HISTORY**

- 4.1 No relevant planning history.

### **5 CONSULTATION SUMMARY**

#### **A) Statutory**

Highways:

- I note that the applicant is the London Borough of Bromley and this is going on the public highway. I would have no objection to the

application. They would need to consult with Highways to agree an installation method.

**B) Local Groups**

- N/A

**C) Adjoining Occupiers**

- No representations were received.

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

## **6 POLICIES AND GUIDANCE**

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

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

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

6.3 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

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

### **6.5 The London Plan**

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

### **6.6 Bromley Local Plan 2019**

32 Road Safety  
37 General Design of Development  
102 Advertisement

### **6.7 Bromley Supplementary Guidance**

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

## **7 ASSESSMENT**

### **7.1 Design – Layout, scale – Acceptable**

- 7.1.1 Policy 102 states that advertisements, hoardings and signs should:
- a - have regard to the character of the surrounding area,
  - b - be in keeping with the scale, form and character of any buildings on which they are placed,
  - c - generally not be located in residential areas and the Green Belt, Metropolitan Open Land (MOL) and Urban Open Space,
  - d - preserve or enhance the character or appearance of conservation area,
  - e - not be likely to create a hazard to road users, and
  - f - avoid harm to the significance of listed buildings.
- 7.1.2 The proposed non-illuminated free standing noticeboard will have a maximum height of 1.95m (1.2m posts and 0.75m signage). It will be located on the pavement to the front of 9 - 10 Belmont Parade, at the junction with Woodside Avenue. It will be double sided, to include the words 'Welcome to Eden Belmont Parade" on one side and a notice board on the reverse.
- 7.1.3 The sign is considered to be in context with the surrounding area and is appropriate within the local parade. On balance the proposal is considered to comply with Policy 102 of the Local Plan and does not have a detrimental impact on the visual amenities of the area.
- 7.1.4 Having regard to the form, scale, siting and proposed materials it is considered that the proposed signage would complement the area and would not appear out of character with surrounding development or the area generally.

### **7.2 Residential Amenity – Acceptable**

- 7.2.1 The proposed signage will be non-illuminated. It will be located on the pavement to the front of 9 - 10 Belmont Parade, which forms part of a commercial parade with residential units above. Given the modest scale and separation to residential properties, the proposal is not considered to result in an adverse effect upon residential amenity.

### **7.3 Highways – Acceptable**

- 7.3.1 In relation to pedestrian and highway safety, no objections have been raised by the Council's highways officer. The location and design of the sign would not result in a road safety hazard or interference with any visibility splays.

## **8 CONCLUSION**

- 8.1 The proposed signage is considered to be acceptable in that it would comply with Policy 102 and would not result in harm to the character and appearance of the area in general and would not result in an impact on public safety.
- 8.2 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: Grant Advertisement Consent**

As amended by documents received on 02/12/2021

#### **Subject to the following conditions:**

- 1. Standard time limit of 5 years**

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



21/02040/ADV

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21 December 2021

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# Agenda Item 4.3

<b>Committee Date</b>	6 <sup>th</sup> January 2022	
<b>Address</b>	<b>Pedestrian Subway Under Crystal Palace Parade Crystal Palace Parade Anerley London</b>	
<b>Application number</b>	21/02649/LBC	<b>Officer: Claire Brew</b>
<b>Ward</b>	Crystal Palace	
<b>Proposal (Summary)</b>	Repairs to and restoration of Crystal Palace subway including partial deconstruction and rebuilding of existing retaining walls and construction of new parapet walls and roof structure (LISTED BUILDING CONSENT)	
<b>Applicant</b>	<b>Agent</b>	
Mollie Lyon London Borough of Bromley	Clive England Thomas Ford and Partners	
<b>Reason for referral to committee</b>	LB Bromley is the applicant	<b>Councillor call in</b> No

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

### **KEY DESIGNATIONS**

Grade II\* Listed Building

Grade II\* Registered Historic Park and Garden

Metropolitan Open Land (MOL)

Strategic Outer London Development Centre (SOLDC) in the London Plan

Renewal Area

Air Quality Management Area

Archaeological Priority Area

Green Chain

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	F2(b) Halls or meeting places for the principal use of the local community	587
Proposed	F2(b) Halls or meeting places for the principal use of the local community	587

<b>Representation summary</b>	<b>A site notice was displayed from 30.06.21 for 21 days. Neighbour letters were sent on 23.06.2021 A press ad was displayed News Shopper on the 7.7.21 Consultation is for a minimum of 21 days</b>
Total number of responses	44
Number in support	41
Number of objections	1

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would sustain and enhance the significance of the grade II\* listed subway and enable viable uses consistent with its conservation

### 1. LOCATION



Fig 1: Site Location Plan

- 1.1 The London Plan identifies Crystal Palace as a potential Strategic Outer London Development Centre (SOLDC) with specialist economic functions of more than sub-regional importance related to leisure, tourism, arts, culture and sports.
- 1.2 The SOLDC's key strengths are underpinned by the presence of the National Sports Centre within the park and the historic and cultural significance of the park itself which draws visitors from London and beyond. The Park contains a range of sporting, recreational, educational facilities and tourist attractions. It includes a number of Statutory Listed historic buildings and features.
- 1.3 The subway site is located partially beneath and to the east of Crystal Palace Parade. The east courtyard of the Subway is set within the historic Crystal Palace Park which is a Grade II\* listed Registered Park and Garden. Designated as MOL, Green Chain, Conservation Area and an Archaeological Priority Area, Crystal Palace Park, as a whole, is on Historic England's Heritage at Risk Register.
- 1.4 To the west the site is bounded by Crystal Palace Parade. To the west of the Subway, below Crystal Palace parade, is a small open terrace which is within the London Borough of Southwark and the surrounding context is made up primarily of residential dwellings. There is no access to site from the Crystal Palace Parade side.
- 1.5 The previous use of the site was a pedestrian Subway link from Crystal palace High Level Station until 1954. The site has been unused since that time except periodically for Open House weekend and occasional tours run by the Friends of Crystal Palace Subway.
- 1.6 The Subway is said to have been built by Italian cathedral bricklayers and to the designs of Charles Barry Junior. It is constructed in a striking Byzantine style, with dramatic fan vaults in red and cream brickwork with a paved floor in two types of stone. The remaining external staircases and courtyard parapet walls are constructed out of similar bricks with a patterned stone paving floor. Much of this external structure is in a poor state of repair and collapsing. Two sets of stairs are entirely derelict and all of the parapet walls are missing.
- 1.7 The Subway, Vestibule, Terrace and Stairs to the former Crystal Palace are all grade II\* listed and are included on Historic England's Heritage at Risk Register.

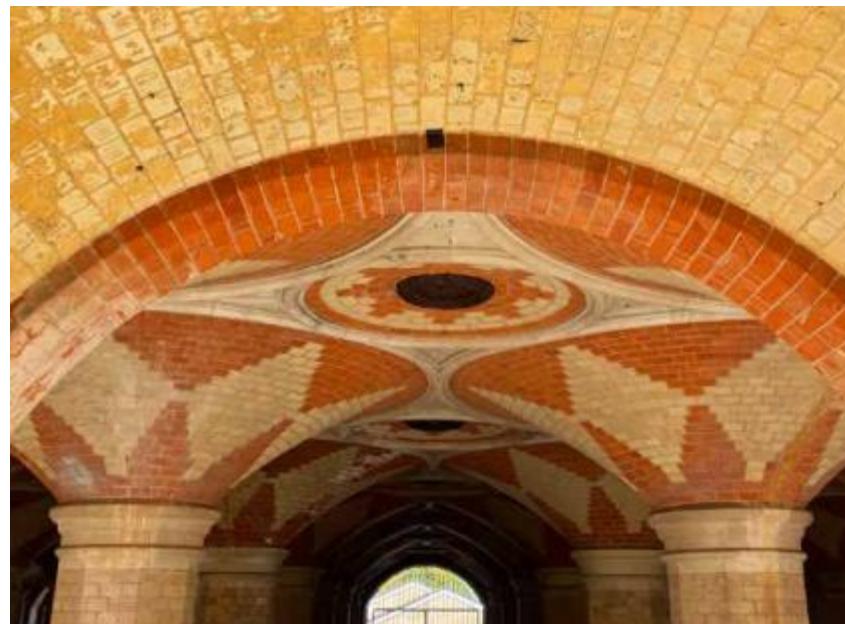


Fig 2: Existing Subway vaults (Design & Access Statement)



Fig 3: View of the west elevation of the east courtyard (Design & Access statement)



Fig 4: View of the east elevation of the east courtyard (Design & Access statement)

## 2. PROPOSAL

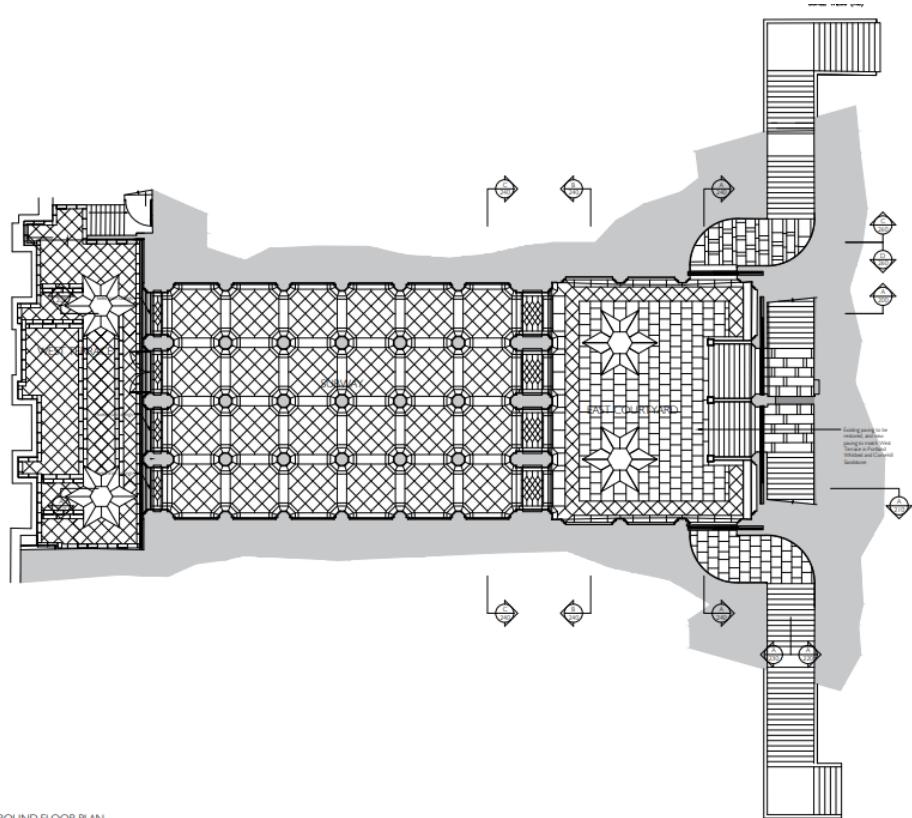


Fig 5: Lower Ground Floor Plan as proposed



Fig 6: 3D render looking west from within the Subway (Design & Access statement)



**Fig 7: 3D render looking south east from within the Subway (Design & Access statement)**

2.1 The overall objectives of the project are:

- To fully repair the Grade II\* listed structure.
- To provide the Subway with a sustainable long-term future through its use as a community and cultural venue
- To remove the Subway from the 'At Risk' Register

2.2 The proposals include:

- Construction of a new roof over the east courtyard
- New parapet walls around the east courtyard and stairs
- Dismantling of east courtyard wall and re-constructing using reclaimed material
- Local repairs to damaged parts of the subway and stairs including new bricks to the vaulted ceiling
- Dismantling of north wall of upper stairs and reconstruction with a new retaining wall behind
- Reconstruction of south stairs together with its flanking walls, the supporting arch to the upper landing, and the landings themselves to match brick and stone on the north side
- Dismantling of west wall, reconstruction and refacing of damaged bricks
- Installation of metal handrails and lighting to staircase
- Installation of lights to new roof structure
- Installation of lights in the original positions in the vaulted ceiling
- Removal of concrete from courtyard floor and missing areas of paving reinstated
- Reinstatement of sliding doors from the courtyard to the four east staircases
- Reinstatement of parapet walls around courtyard and stairs
- New 1.55m high 'mild steel' gates at the top of the stairs to secure the development

2.3 The following materials are proposed:

- External walls: Brickwork and stone to match existing
- Roof covering: Stainless steel and glazing
- External doors: Solid timber doors to original design
- Floors: Stone paving slabs to match existing in Portland Whitbed and Corsehill Sandstone
- Lighting: To staircases: LED built into handrails To vaults: LED fittings in location of original gas fittings To new roof: LED fittings attached to structure

2.4 A separate planning application has been submitted in conjunction with this LBC application for the works requiring planning permission under application ref.21/02656/FULL1

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

28.04.1997: Listed building consent granted for Structural Investigation (ref.96/02245/LBCALT)

20.10.2016: No objection raised to Resurfacing of the subway (ADJOINING AUTHORITY CONSULTATION BY LONDON BOROUGH OF SOUTHWARK) (ref.16/04025/ADJ)

27.02.17: No objection raised to Details of the replacement stone flags as required by condition 2 of planning permission dated 17/11/16 (16/AP/2620 resurfacing of the subway) ADJOINING AUTHORITY CONSULTATION LONDON NOROUGH OF SOUTHWARK (ref.17/00044/ADJ)

09.10.2017: Listed building consent granted for Installation of new retaining walls behind the existing north and south retaining walls of the East Courtyard of Crystal Palace Subway. Removal of the trees behind the north retaining wall of the East Courtyard (ref.17/03321/LBC)

13th December 2010: Part full/part outline permission granted for comprehensive phased scheme for landscaping and improvement of the Park comprising the demolition of and alterations to existing buildings and structures including the removal of existing hard surfaces; changes of use including part of the caravan site to public open space and the museum to a park rangers base; the erection of new buildings and structures for various uses including museum, park maintenance facilities, community facility, information kiosk, greenhouses, retail kiosks, cafes, toilets, classroom, children's nursery, treetop walk, college and up to 180 residential dwellings; erection of a new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths, vehicular access roads, car park, highway works, water features, together with associated and ancillary works, plant and equipment (ref. DC/07/03897/OUT)

13th December 2010: Conservation Area consent granted for demolition of walls, fences, gates and various buildings including park maintenance and office buildings, 3 public conveniences, café, St John's Ambulance premises and One

O'Clock Club (Nos 23 and 27 Crystal Palace Park Road), the Paxton Suite and the hostel at The Lodge, the Jubilee Stand and Stadium Stand, buildings at the Caravan Club site, and dwellings at Nos 1-7 (con) National Sports Centre (Ref.07/03906/CAC)

13th December 2010: Listed Building Consent granted for internal and external alterations including flooring over the swimming pools, provision of toilets and showers within the existing squash courts, removal of the Crystal Suite mezzanine structure at Level 6, refurbishment of the façade including replacement glazing, replacement roofing systems including the copper roof and central roof lights; demolition of high level walkways and ramps, covered football pitch and restaurant, training pool building, concrete ventilation duct structures; associated/ancillary works including plant and equipment (ref.07/03907/LBC)

**AWAITING DECISION** - Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas (Ref. 20/00325/OUT)

**AWAITING DECISION** - Repairs to and restoration of Crystal Palace Subway including partial deconstruction and rebuilding of existing retaining walls; construction of new parapet walls and roof structure (ref.21/02656/FULL1).

## **4. CONSULTATION SUMMARY**

### **a) Statutory**

#### **4.1 Historic England – No Objection**

- Strongly support these proposals which seek to address the conservation needs of the Subway and provide it with public access and sustainable uses.
- We hope that this will enable the removal of the building from our

Heritage at Risk Register.

**4.2 Historic England (GLAAS) – No objection**

- Written Scheme of Investigation condition recommended
- Building recording recommended

**b) Local groups & Adjoining Boroughs**

**4.3 LB Southwark – No objection/No comment**

- We should determine our own (LBC) application as this is the approach we have taken elsewhere.

**4.4 LB Croydon – No objection/No comment**

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

**4.5 LB Lambeth – No objection/No comment**

**4.6 LB Lewisham – No objection**

**4.7 Ancient Monuments Society**

- Support the proposal for repairs and restoration works to the Crystal Palace Subway, including partial deconstruction and rebuilding of existing retaining walls, parapet walls and staircases that have unfortunately been lost, and re-instatement of the roof structure
- While the glazed roof to the Eastern court was originally two double-pitched roofs with a central valley, we recognise the benefits of the proposed single pitched roof as a contemporary interpretation that addresses the issues of drainage and potential vandalism, and the overall benefits to the stabilisation and restoration of the structure outweighs the less than substantial harm of the proposed roof design
- The schedule of works are well considered and informed by a detailed Condition Survey and will help stabilise the structure and in order to remove it from Historic England's Heritage at Risk register

**4.8 Friends of Crystal Palace Subway**

- Fully support proposals

**4.9 The Victorian Society**

- The proposed restoration of the Grade II\* listed subway is laudable, and we strongly support the refurbishment and reuse of this significant structure. However, we have some concerns with aspects of the restoration, in particular, the proposed design for the replacement roof structure.

- Paxton was known for championing the ridge-and-furrow roofing system and notably employed this in the design of the Crystal Palace. Although built over a decade later, Barry's decision to incorporate the ridge-and-furrow method into his own design is a clear attempt by the architect to link this building with the Palace it served.
- Whilst the subway courtyard has suffered much damage, including the loss of the glazing and roof structure, enough evidence of the original structure remains to replicate the original roof design, and in doing so, allude to the historical relationship with the now lost Crystal Palace. We understand that the construction of this type of roof would present additional issues in regard to vandalism and maintenance, but we remain unconvinced that these could not be overcome with the incorporation of elements such as double glazing, or solar glazing.
- Additionally, we are of the view that the replication of lost central columns would be more appropriate in the reinvigoration of the space, creating a sense of variety and contributing to the special spatial quality of the subway.
- As stated, we strongly support the principle of restoring the subway. However, given its great significance as a Grade II\* listed structure, we urge the council to reconsider elements of the scheme, particularly the installation of a double-pitched roof

### **c) Adjoining Occupiers**

4.10

- Concerned about potential noise pollution from this area into Bowley Lane, Burntwood Close and Spinney Gardens
- What sort of premises license will be granted and what will the hours of the license be?
- Construction timeframe
- Delivery and servicing
- In the initial drawing there was a viewing platform, is that still the case?
- What is the viewing platform going to be used for and what will the hours of the viewing platform be?

## **5. POLICIES AND GUIDANCE**

5.1

- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) set out the obligation on local planning authorities to pay special regard to safeguarding the special interest of listed buildings and their settings, and preserving or enhancing the character or appearance of conservation areas.

### **National Policy Framework (NPPF) 2021**

5.2

- Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.3 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.4 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 5.5 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **National Planning Practice Guidance (NPPG)**

- 5.7 Relevant paragraphs are referred to in the main assessment.

### **The London Plan (March 2021)**

- 5.8 Relevant policies:
- Policy HC1 Heritage conservation and growth

## Bromley Local Plan (2019)

### 5.9 Relevant policies:

- 37 General Design of Development
- 38 Statutory Listed Buildings
- 45 Historic Parks and Gardens
- 123 Sustainable Design and Construction

## 6. ASSESSMENT

- 6.1 The main consideration relates to the impact of the proposed amendments on the special architectural and historic interest of the listed building and its setting.
- 6.2 The Crystal Palace Subway is recognised by Historic England as a rare and important listed building within the borough. It is however, in poor condition as recognised in its Heritage at Risk status.
- 6.3 The majority of the works affecting the listed building are internal. The most significant intervention would be the reinstatement of a roof to the courtyard.
- 6.4 The applicant acknowledges that the proposed roof would not match the original design, however they are of the view that resemblance to the roof design of Paxton's Crystal Palace was entirely accidental, and that the roof was simply a straightforward design with two parallel pitched roofs sharing a common valley gutter. While the roof would not be a like for like replacement of the original, this is due to the perceived issues with maintenance and vandalism that a central valley could create and officers consider that there is clear justification for this approach. Historic England share this view.
- 6.5 The proposal to re-instate the original parapet walls to their original scale and materials is welcomed. Historic England's comment that the visualisations suggest a somewhat unresolved visual relationship between the parapet wall and roof pitch, as well as the roof interfaces with the courtyard internal walls are noted; however it is not considered by Historic England (or officers) that the visual impacts of the proposed roof along Crystal Palace Parade would be harmful due to the very localised subterranean setting of the Subway. Historic England have subsequently confirmed that the additional drawings submitted on 03.08.21 provide much more detail on the interfaces/junctions between the proposed roof and historic fabric and they are satisfied that this issue has been resolved, but materials etc should still be subject to condition.
- 6.6 The applicant is proposing to install new, modern light fittings in the courtyard roof and low voltage lighting in the vaulted ceiling in the positions of the original gas lights. The exact detail of this will be resolved through prototyping utilising the specific light fittings. There are very few

opportunities within the construction to provide the cupboards that the drivers require, or to run wires to reach them. These, and the main electrical intake cabinet, will be provided as a combination of cupboards constructed within the depth of the rebuilt parapet walls and freestanding cabinets. A lighting condition is recommended which will require further details of all the proposed lighting to be submitted to the LPA for approval.

*Response to adjoining occupier comments received*

- 6.7 Noise impacts from the development are considered in more detail under the associated planning application (ref.21/02656/FULL1). In summary, whilst there is potential for some increased noise and disturbance at the nearest residential sites resulting from the re-use of the subway for events, no change of use or significant noise-generating uses are being proposed. Events that are put on by commercial operators (concerts, etc.) would be subject to a separate licensing regime which can incorporate entertainment noise limits.
- 6.8 Construction impacts are discussed in more detail in the associated report for the full planning application. Construction and Environmental Management Plan (CEMP) and delivery and servicing plan conditions are recommended in the event that planning permission is granted.
- 6.9 The proposals which are the subject of this application are solely for the repairs and restoration of the subway, along with a new roof over the east courtyard. The viewing platform is a feature of the proposed cultural venue under application ref.20/00325/OUT (Crystal Palace Park regeneration plan).

## **7. CONCLUSION**

- 7.1 These proposals would sustain and enhance the significance of this important designated heritage asset and should enable its removal from the Heritage at Risk Register. At the same time these proposals would bring back the derelict structure of the Subway into use to allow cultural, educational and recreational events, enabling London's residents and visitors to better appreciate and understand the historic significance of this listed building.
- 7.2 These proposals have been worked up closely with Historic England and the Council's Conservation Officer fully endorses and supports comments made by Historic England.
- 7.3 Having regard to the provisions of the NPPF the less than substantial harm to the significance of the grade II\* listed subway which would result from these proposals is outweighed by the public benefits of the scheme.
- 7.4 In the light of the above, the proposals are considered acceptable in accordance with the overarching principles of the NPPF and the relevant

policies of the development plan. Accordingly Listed Building Consent should be granted.

## **RECOMMENDATION      GRANT LISTED BUILDING CONSENT**

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

#### **Standard condition**

- **Time limit of 5 years**
- **Compliance with approved plans**

#### **Pre- commencement**

- **Construction and Environmental Management Plan**
- **External and internal finishes**
- **Paint finishes**
- **Details of the interfaces between the parapet wall and roof pitch**
- **Ecological Mitigation**
- **Fixtures and fittings**

#### **Compliance**

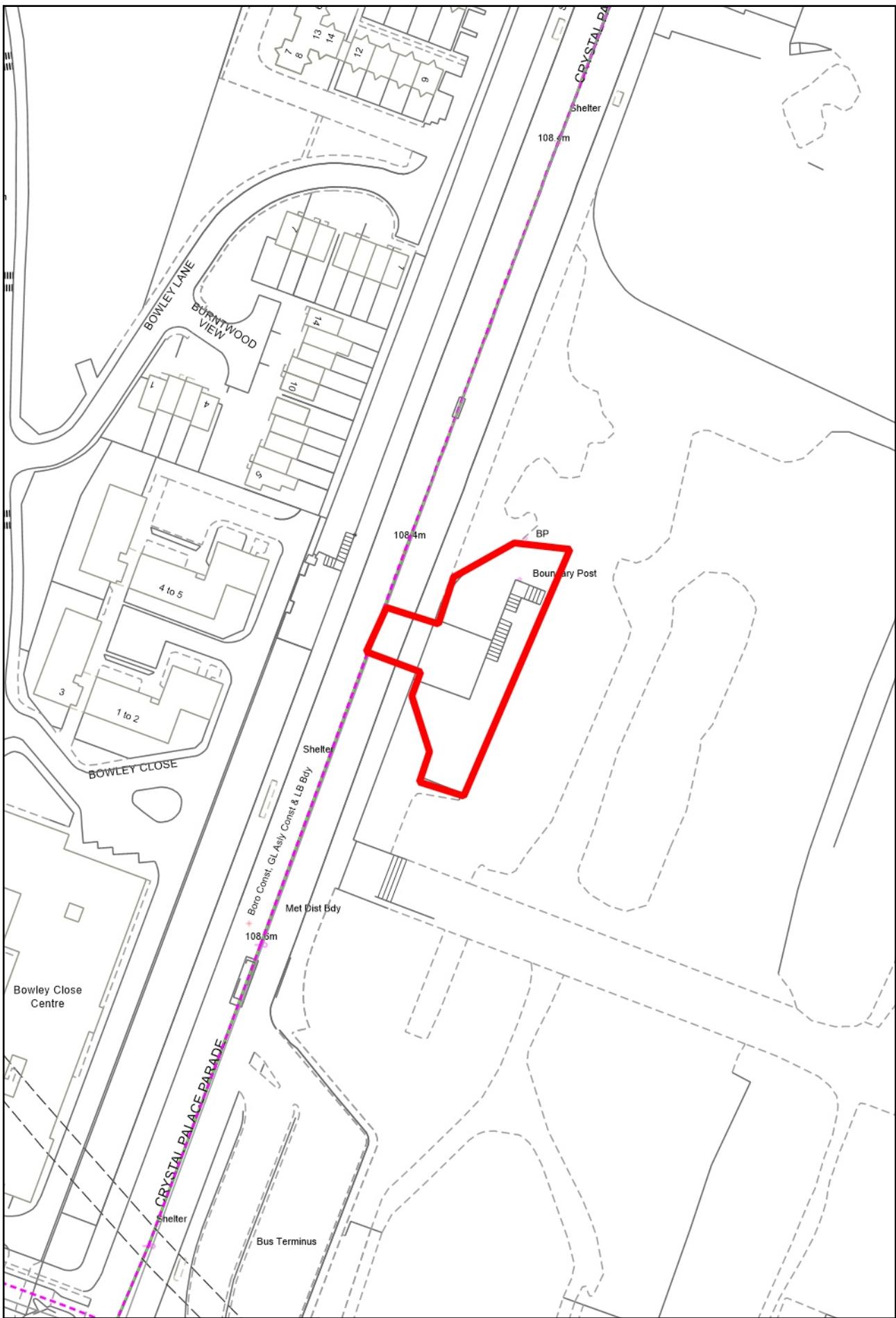
- **Non-Road Mobile Machinery (NRMM)**

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

#### **Informatics**

- **Access to fire appliances in accordance with Part B5 of the Building Regs**

#### **Any other informative(s) considered necessary by the Assistant Director of Planning**



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# Agenda Item 4.4

<b>Committee Date</b>	6 <sup>th</sup> January 2022	
<b>Address</b>	<b>Pedestrian Subway Under Crystal Palace Parade Crystal Palace Parade Anerley London</b>	
<b>Application number</b>	<b>21/02656/FULL1</b>	<b>Officer: Claire Brew</b>
<b>Ward</b>	Crystal Palace	
<b>Proposal (Summary)</b>	Repairs to and restoration of Crystal Palace subway including partial deconstruction and rebuilding of existing retaining walls and construction of new parapet walls and roof structure	
<b>Applicant</b>	<b>Agent</b>	
Mollie Lyon London Borough of Bromley	Clive England Thomas Ford and Partners	
<b>Reason for referral to committee</b>	LB Bromley is the applicant	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	<b>PERMISSION</b>

## Summary

### **KEY DESIGNATIONS**

Grade II\* Listed Building  
 Grade II\* Registered Historic Park and Garden  
 Metropolitan Open Land (MOL)  
 Strategic Outer London Development Centre (SOLDC) in the London Plan  
 Renewal Area  
 Air Quality Management Area  
 Archaeological Priority Area  
 Green Chain

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	F2(b) Halls or meeting places for the principal use of the local community	587
Proposed	F2(b) Halls or meeting places for the principal use of the local community	587

<b>Representation summary</b>	<b>A site notice was displayed from 30.06.21 for 21 days. Neighbour letters were sent on 23.06.2021 A press ad was displayed News Shopper on the 7.7.21 Consultation is for a minimum of 21 days</b>
Total number of responses	44
Number in support	41
Number of objections	1

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would sustain and enhance the significance of the grade II\* listed subway and enable viable uses consistent with its conservation
- The proposed development would have a limited impact on the openness and visual amenities of the MOL and there are very special circumstances which clearly outweigh the harm caused to the MOL by reason of inappropriateness, and any other harm
- The proposed development would be of an appropriate mass, scale, form and design that would be in keeping with its context, thus preserving the appearance of the site and surrounding area
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers
- No unacceptable Highways impacts would arise

## 1. LOCATION



Fig 1: Site Location Plan

- 1.1 The London Plan identifies Crystal Palace as a potential Strategic Outer London Development Centre (SOLDC) with specialist economic functions of more than sub-regional importance related to leisure, tourism, arts, culture and sports.
- 1.2 The SOLDC's key strengths are underpinned by the presence of the National Sports Centre within the park and the historic and cultural significance of the park itself which draws visitors from London and beyond. The Park contains a range of sporting, recreational, educational facilities and tourist attractions. It includes a number of Statutory Listed historic buildings and features.
- 1.3 The subway site is located partially beneath and to the east of Crystal Palace Parade. The east courtyard of the Subway is set within the historic Crystal Palace Park which is a Grade II\* listed Registered Park and Garden. Designated as MOL, Green Chain, Conservation Area and an Archaeological Priority Area, Crystal Palace Park, as a whole, is on Historic England's Heritage at Risk Register.
- 1.4 To the west the site is bounded by Crystal Palace Parade. To the west of the Subway, below Crystal Palace parade, is a small open terrace which is within the London Borough of Southwark and the surrounding context is made up primarily of residential dwellings. There is no access to site from the Crystal Palace Parade side.



**Fig 2: Relationship of the site, to the left, to the Crystal Palace Parade (looking south) (Design & Access statement)**



**Fig 3: View of the site, from Crystal Palace Parade, looking north east (Design & Access statement)**

- 1.5 The previous use of the site was a pedestrian Subway link from Crystal palace High Level Station until 1954. The site has been unused since that time except periodically for Open House weekend and occasional tours run by the Friends of Crystal Palace Subway.
- 1.6 The Subway is said to have been built by Italian cathedral bricklayers and to the designs of Charles Barry Junior. It is constructed in a striking Byzantine style, with dramatic fan vaults in red and cream brickwork with a paved floor in two types of stone. The remaining external staircases and courtyard parapet walls are constructed out of similar bricks with a patterned stone paving floor. Much of this external structure is in a poor state of repair and collapsing. Two sets of stairs are entirely derelict and all of the parapet walls are missing.
- 1.7 The Subway, Vestibule, Terrace and Stairs to the former Crystal Palace are all grade II\* listed and are included on Historic England's Heritage at Risk Register.



Fig 4: View of the west elevation of the east courtyard (Design & Access statement)

## 2. PROPOSAL



Fig 5: 3D render showing a top view of the proposed new roof, with corten to the gable end, glazing to the upper part of the roof and stainless steel standing seam to the lower part (Design & Access statement)



**Fig 6: 3D render looking south east from within the Subway (Design & Access statement)**

2.1 The overall objectives of the project are:

- To fully repair the Grade II\* listed structure.
- To provide the Subway with a sustainable long-term future through its use as a community and cultural venue
- To remove the Subway from the 'At Risk' Register

2.2 The proposals include:

- Construction of a new roof over the east courtyard
- New parapet walls around the east courtyard and stairs
- Dismantling of east courtyard wall and re-constructing using reclaimed material
- Local repairs to damaged parts of the subway and stairs
- Dismantling of north wall of upper stairs and reconstruction with a new retaining wall behind
- Reconstruction of south stairs together with its flanking walls, the supporting arch to the upper landing, and the landings themselves to match brick and stone on the north side
- Dismantling of west wall, reconstruction and refacing of damaged bricks
- Installation of metal handrails and lighting to staircase
- Installation of lights to new roof structure
- Installation of lights in the original positions in the vaulted ceiling
- Removal of concrete from courtyard floor and missing areas of paving reinstated
- Reinstatement of sliding doors from the courtyard to the four east staircases
- Reinstatement of parapet walls around courtyard and stairs
- New 1.55m high 'mild steel' gates at the top of the stairs to secure the development

2.3 A separate Listed Building Consent application has been submitted and is under consideration for the works proposed to the listed building (including the internal works) under application ref.21/02649/LBC

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

28.04.1997: Listed building consent granted for Structural Investigation (ref.96/02245/LBCALT)

20.10.2016: No objection raised to Resurfacing of the subway (ADJOINING AUTHORITY CONSULTATION BY LONDON BOROUGH OF SOUTHWARK) (ref.16/04025/ADJ)

27.02.17: No objection raised to Details of the replacement stone flags as required by condition 2 of planning permission dated 17/11/16 (16/AP/2620 resurfacing of

the subway) ADJOINING AUTHORITY CONSULTATION LONDON NOROUGH OF SOUTHWARK (ref.17/00044/ADJ)

09.10.2017: Listed building consent granted for Installation of new retaining walls behind the existing north and south retaining walls of the East Courtyard of Crystal Palace Subway. Removal of the trees behind the north retaining wall of the East Courtyard (ref.17/03321/LBC)

13th December 2010: Part full/part outline permission granted for comprehensive phased scheme for landscaping and improvement of the Park comprising the demolition of and alterations to existing buildings and structures including the removal of existing hard surfaces; changes of use including part of the caravan site to public open space and the museum to a park rangers base; the erection of new buildings and structures for various uses including museum, park maintenance facilities, community facility, information kiosk, greenhouses, retail kiosks, cafes, toilets, classroom, children's nursery, treetop walk, college and up to 180 residential dwellings; erection of a new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths, vehicular access roads, car park, highway works, water features, together with associated and ancillary works, plant and equipment (ref. DC/07/03897/OUT)

13th December 2010: Conservation Area consent granted for demolition of walls, fences, gates and various buildings including park maintenance and office buildings, 3 public conveniences, café, St John's Ambulance premises and One O'Clock Club (Nos 23 and 27 Crystal Palace Park Road), the Paxton Suite and the hostel at The Lodge, the Jubilee Stand and Stadium Stand, buildings at the Caravan Club site, and dwellings at Nos 1-7 (con) National Sports Centre (Ref.07/03906/CAC)

13th December 2010: Listed Building Consent granted for internal and external alterations including flooring over the swimming pools, provision of toilets and showers within the existing squash courts, removal of the Crystal Suite mezzanine structure at Level 6, refurbishment of the façade including replacement glazing, replacement roofing systems including the copper roof and central roof lights; demolition of high level walkways and ramps, covered football pitch and restaurant, training pool building, concrete ventilation duct structures; associated/ancillary works including plant and equipment (ref.07/03907/LBC)

AWAITING DECISION - Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of

educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas (Ref. 20/00325/OUT)

AWAITING DECISION - Repairs to and restoration of Crystal Palace Subway; partial deconstruction and rebuilding of existing retaining walls; construction of new parapet walls and roof structure (Listed Building Consent) (ref.21/02649/LBC).

## 4. CONSULTATION SUMMARY

### a) Statutory

#### 4.1 Historic England – No Objection

- Strongly support these proposals which seek to address the conservation needs of the Subway and provide it with public access and sustainable uses.
- We hope that this will enable the removal of the building from our Heritage at Risk Register.

#### 4.2 Historic England (GLAAS) – No objection

- Written Scheme of Investigation condition recommended
- Building recording recommended

#### 4.3 TfL – No objection

- Construction management and delivery and servicing management conditions are recommended which should, inter alia, enable the implementation of the restoration scheme and the subway's successful reuse whilst also not impacting upon the safety and efficiency of the adjacent bus operations and passengers.
- Depending upon the ultimate numbers of people visiting the attraction and timings it may also be necessary to secure an events management plan which should then coordinate with one for the park itself.
- It is noted that no vehicle parking or service bays are proposed. Those involved in the implementation of the scheme, its operation as an attraction and visitors should not park or drop off/pick up so as to block operation bus lane or operational use of the bus stops and stands.
- Travel by public transport or walking and cycling is therefore strongly supported.

**4.4 Natural England – No comment / refer to standing advice**

- The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.
- The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**4.5 Drainage (lead local flood authority) – No objection**

- Compliance with submitted drainage plan condition recommended

**b) Local groups & Adjoining Boroughs**

**4.6 LB Croydon – No objection/No comment**

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

**4.7 LB Lambeth – No objection/No comment**

**4.8 LB Lewisham – No objection**

**4.9 LB Southwark – No objection/No comment**

**4.10 Friends of Crystal Palace Subway**

- Fully support proposals

**4.11 Crystal Palace Foundation**

- The proposed roof is a compromise in terms of the fact that it is not a ridge and furrow design – one of the renowned hallmarks of Sir Joseph Paxton's Crystal Palace (addressed in paragraph 6.31)
- If the proposed roof's gable end were to be enclosed with Corten steel, would this result in rust staining the Crystal Palace Parade wall, internally and/or externally – and would it sit sympathetically with that wall (addressed in paragraphs 6.33 and 6.74)
- Can more be said about the proposed soakaways, which would receive rainwater and detritus from the proposed roof, and their effectiveness in coping with a deluge? (addressed in paragraphs 6.72 and 6.73)
- Will grilles be fitted to stop leaves, twigs and other detritus from falling into the gutters? (addressed in paragraph 6.28)
- The courtyard space below, which would be covered with a form of glazed roof, whatever the final solution, would not be the best acoustic by a long way for, say, any type of music/performance in the Subway (addressed in paragraphs 6.48-6.50)

- we should all now be working towards, i.e., a world-class museum – not merely a ‘cultural venue’ as proposed (addressed throughout report)
- We understand that the flagstones on the Southwark side of the Subway were put in place by LB Southwark in 2018. Are there any plans to offer protection to these and the historic structure by placing a roof over this portion of the Subway? (addressed in paragraph 6.34)
- A china gully in the northern alcove (on the Southwark side) has, in large part, been removed. Can arrangements be made with Southwark for this important historic element to be replaced with a custom-made replica, to the original design and materials? (addressed in paragraph 6.34)

#### 4.12 **Bromley Friends of the Earth**

- Fully support proposals

#### c) **Adjoining Occupiers**

##### 4.13 *Support*

- Fabulous / wonderful scheme
- a lovely approach to maintaining a local heritage site
- Boost to the local economy of Crystal Palace and bring jobs to the area
- Will provide additional space for local events and businesses to make use of
- Will bring much needed interest
- Not only a part of a beautiful and historically important building but a symbol of a local community
- A worthy restoration / preservation project showcasing important local historical architecture which has sadly fallen into disrepair
- Will respect the history and unique heritage of the park
- Big fan of the regenerative nature of the projects that are happening around the area and this is one of them
- Thos. Ford & Partners were awarded the work as they have carried out some marvellous restorations in the past

##### 4.14 *Design (addressed in paragraphs 6.25 – 6.37)*

- Love the idea of the roof being a contemporary reimagining of the original Victorian roof
- Roof will help protect the area from vandalism
- New gates do not match current style of gate on the west side of the Parade
- Not clear if the masonry matches the west parapet wall

##### 4.15 *Noise (addressed in paragraphs 6.48 – 6.50)*

- The study, measurements and predictions present targets for noise levels summarised in Table 9- 21, but only refer to 'Building Services Plant' without suggesting that future uses of the subway, e.g. as a music venue, will also need to be considered

- There are many other standards which may need to be invoked in this context to provide an idea of what future intrusive sound generation might be like

#### 4.16 Other

- Not sure if there is much function left for the structure, unless a right of way can be created through the development on the west side (addressed in paragraph 6.34)

## 5. POLICIES AND GUIDANCE

### National Policy Framework (NPPF) 2021

5.1 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Other relevant paragraphs are referred to in the main assessment.

### National Planning Practice Guidance (NPPG)

5.2 Relevant paragraphs are referred to in the main assessment.

### The London Plan (March 2021)

5.3 Relevant policies:

<b>Chapter 2 Spatial Development Patterns</b>	
Policy SD1	Opportunity Areas

<i>Policy SD2</i>	<i>Collaboration in the Wider South East</i>
Policy SD10	Strategic and local regeneration
<b>Chapter 3 Design</b>	
Policy D1	London's form character and capacity for growth
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D8	Public realm
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of Change
Policy D14	Noise
<b>Chapter 6 Economy</b>	
Policy E10	Visitor infrastructure
Policy E11	Skills and opportunities for all
<b>Chapter 7 Heritage and Culture</b>	
Policy HC1	Heritage conservation and growth
Policy HC3	Strategic and Local Views
Policy HC4	London View Management Framework
Policy HC5	Supporting London's culture and creative industries
<b>Chapter 8 Green Infrastructure and Natural Environment</b>	
Policy G1	Green infrastructure
Policy G3	Metropolitan Open Land
Policy G4	Open space
Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands
Policy G9	Geodiversity
<b>Chapter 9 Sustainable Infrastructure</b>	
Policy SI1	Improving air quality
Policy SI4	Managing heat risk
Policy SI5	Water infrastructure
Policy SI12	Flood risk management
Policy SI13	Sustainable drainage
<b>Chapter 10 Transport</b>	
Policy T1	Strategic approach to transport
Policy T2	Healthy Streets
Policy T3	Transport capacity, connectivity and safeguarding
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T7	Deliveries, servicing and construction

<b>Chapter 12 Monitoring</b>	
Policy M1	Monitoring

## **Mayor Supplementary Guidance**

### 5.4 Relevant SPGs:

- Social Infrastructure (2015)
- Accessible London: Achieving an Inclusive Environment (2014)
- The control of dust and emissions during construction and demolition (2014)
- Character and Context (2014)
- Preparing Borough Tree and Woodland Strategies (2013)
- All London Green Grid (2012)
- London View Management Framework (2012)
- London's Foundations (2012)

## **Bromley Local Plan (2019)**

### 5.5 Relevant policies:

- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 15 Crystal Palace Penge & Anerley Renewal Areas
- 20 Community Facilities
- 21 Opportunities for Community Facilities
- 24 Allotments and Leisure Gardens
- 26 Health and Wellbeing
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 45 Historic Parks and Gardens
- 46 Ancient Monuments and Archaeology
- 48 Skyline
- 50 Metropolitan Open Land
- 54 South East London Green Chain
- 69 Development and Nature Conservation Sites
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature

- 111 Crystal Palace SOLDC
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction

## **Bromley Supplementary Guidance**

### 5.6 Relevant SPGs:

- SPG 1 General Design Principles

## **6. ASSESSMENT**

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

#### *Metropolitan Open Land (MOL)*

- 6.1 The site, and the wider context of Crystal Palace Park is designated at Metropolitan Open Land, offering it protection from development, unless under special circumstances.
- 6.2 London Plan Policy G3 affords Metropolitan Open Land (MOL) the strongest possible protection and says it should be protected from inappropriate development. Proposals that harm MOL should be refused. National Green Belt policies, set out within the NPPF, apply to MOL and therefore MOL is offered the same protection as Green Belt. Bromley Local Plan (BLP) policy 50 is consistent with the London Plan.
- 6.3 As set out in paragraph 149 of the NPPF, the construction of new buildings should be regarded as inappropriate development in the Green Belt (and henceforth the MOL). Exceptions to this of relevance to the application proposals are:
- (a) 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;
- 6.4 Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. At criteria (d) it states that the re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate.
- 6.5 Inappropriate development is, by definition, harmful to the Green Belt (and henceforth MOL) and should not be approved except in very special circumstances.

- 6.6 The proposal includes the construction of a new roof structure to cover the existing Crystal Palace Subway courtyard. This replaces the original roof that fell into disrepair and was eventually removed in the 1960's. While the proposed new roof could meet criteria (a) in the NPPF in that it replaces an original roof, the proposed roof does not exactly follow the original Victorian design of the roof but acts as a contemporary re-imagining of it.
- 6.7 The original Victorian roof was of a metal and glass construction and of double pitched design with a central valley gutter, whereas the proposed roof will be a single pitch design, larger than the original roof, projecting above the parapet wall on Crystal Palace Parade. As such it is considered inappropriate development in the MOL.
- 6.8 Accordingly, the applicant has put forward what they consider to be 'very special circumstances' which can be broadly summarised as follows:
- Heritage benefits
  - Community benefits
  - Limited impact on openness

#### *Heritage benefits*

- 6.9 At the National level, the NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, taking into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - The desirability of new development making a positive contribution to local character and distinctiveness; and
  - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.10 The Crystal Palace Subway is recognised by Historic England as a rare and important listed building within the borough. It is however, in poor condition as recognised in its Heritage at Risk status. These proposals seek to address the conservation needs of the Subway and unlock the potential for a variety of future uses by creating a covered area within the courtyard and providing improved access.
- 6.11 Heritage-led regeneration is supported, in principle, at the strategic level by the London Plan and at the local level the Council will work with the Mayor, the community and other stakeholders to ensure that development proposals and other initiatives within the SOLDC contribute to the long - term planning and regeneration strategies for the park and

support where appropriate the wider Crystal Palace, Penge and Anerley Renewal Area objectives (policy 111, BP).

#### *Community Benefits*

- 6.12 The proposal seeks to bring back the derelict structure of the Subway into use to allow cultural, educational and recreational events to be held for the local community.
- 6.13 Following a period of disuse after the closure and demolition of the High Level Station, the Subway has been used as a community venue, and for no other purpose, since 1979. The present project addresses the deterioration of the structure and will make it safe for this use continue.
- 6.14 Historic England are of the view that the proposed roof to the courtyard is necessary in order to secure a beneficial reuse of the subway. The proposals will enable London's residents and visitors to better appreciate and understand the historic significance of this listed building, providing significant cultural and social benefits in line with the strategic aims of the London Plan.
- 6.15 Crystal Palace park is served by a number of bus routes and there are 2 railway stations within walking distance. The enhancement of cultural and community facilities in this location is therefore acceptable in terms of London Plan and Local Plan policies requiring provision of such development on sites where there is good existing or planned access by public transport.
- 6.16 While it is regrettable that step-free access to the subway is not possible as part of these restoration works the constraints of the listed structure are recognised in this instance. It is noted that step-free access via a new cultural venue is being proposed as part of application ref.20/00325/OUT, however this application is still awaiting a formal determination.

#### *Impact on openness*

- 6.17 Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- 6.18 The proposed development sits within the footprint of the existing courtyard structure and there is no additional floorspace. New parapet walls around the East Courtyard and stairs reinstate similar walls that formed part of the original construction. Ground levels have changed since the Subway was first constructed. There will be limited changes to the site topography in order to regulate ground levels locally adjacent to the new parapet walls. As such there would be very little impact on the openness of the MOL, spatially speaking.

- 6.19 The impact on the MOL is largely limited to the visual impact of the new roof structure and parapet walls. The proposed roof is a pitched, gable ended, design with glazing and a height of approximately 3m to its ridge.
- 6.20 The roof itself would be largely screened from surrounding views by the surviving 2m high parapet wall on Crystal Palace Parade and the new / restored 2.15m high parapet walls. Only a small section of the brick-built gable ends would be visible above the parapet wall on Crystal Palace parade and the new parapet wall facing the park and the majority of the roof structure visible above the parapet walls would be glazed.
- 6.21 Overall it is considered that the proposals have been sensitively designed and would have only a modest visual impact on the MOL.



**Fig 7: 3D render looking into the site from the Crystal Palace Parade, showing the glazed roof, the corten gable, the proposed new parapet walls and the existing parapet wall to Crystal Palace Parade (Design & Access Statement)**



**Fig 8: 3D render looking from the Crystal Palace Park, showing the new cream parapet walls and piers, and the new roof beyond (Design & Access Statement)**

#### *Land Use*

- 6.22 The proposed use of the site will remain the same as F2(b) - Halls or meeting places for the principal use of the local community. It is envisaged that the new roof will allow the Subway site to be used for community gatherings, performances, craft/food markets and private events.

- 6.23 No parking is proposed as part of the application and the site benefits from a high PTAL of 5-6a and is in close proximity to stations and bus stops. As such the development is unlikely to be a significant generator of traffic.

*Conclusion on principle of development*

- 6.24 The proposals involve the restoration of an important Grade II\* historic structure with the aim of removing it from the 'At Risk' register and returning it to a 'community asset' to be enjoyed by London's visitors and residents. In this instance it is considered that there are adequate very special circumstances to outweigh the limited harm which would be caused to the MOL.

**Design (Layout, Access, Scale and Massing) – Acceptable**

- 6.25 The proposed site layout remains unchanged as the new roof is to be within the footprint of the existing structure. Proposed access doors to the four entrances to the east courtyard will allow passage between the park and the Subway. The boundary treatment to Crystal Palace Parade will remain the same. The application also includes a proposal for installation of gates to close off access from the park. It is highly unlikely that were ever gates in these positions however this is to prevent the stairs from being accessed out of hours and used for antisocial activities.
- 6.26 The new parapet walls around the East Courtyard and steps will be constructed and detailed based on the available historical evidence. Although colours are not known from photographs, it is assumed that they matched the surviving wall to Crystal Palace Parade. Samples of matching bricks will be sourced for approval in due course. The exact specification is requested to be a Reserved Matter.
- 6.27 The proposed roof will have the same pitch as the original but, rather than having two ridges and a central valley, the outer slopes will be continued upwards to form a higher central ridge. The overall intention is to acknowledge the original form and materials of the roof whilst also addressing the new use and practical concerns about maintenance and safety.
- 6.28 The lower halves of the slopes will have a standing seam stainless steel covering externally and a timber boarded finish internally (which will be fire protected). The upper halves of the slopes will be glazed. The upper parts of the gables will rise above the original wall lines at the east and west end and the triangular apertures at the head of each gable will be covered by open grilles which will provide natural ventilation to the interior to combat any solar gain in the summer.
- 6.29 The north retaining wall to the east courtyard has become structurally unstable since its construction and bows significantly along its length.

This wall will be carefully dismantled and rebuilt to the same design and using the same bricks wherever possible. The side walls to parts of the access stairs, also retaining walls, are also unsound and will be similarly dismantled and rebuilt.

6.30 The following materials are proposed:

- External walls: Brickwork and stone to match existing
- Roof covering: Stainless steel and glazing
- External doors: Solid timber doors to original design
- Floors: Stone paving slabs to match existing in Portland Whitbed and Corsehill Sandstone
- Lighting: To staircases: LED built into handrails To vaults: LED fittings in location of original gas fittings To new roof: LED fittings attached to structure

6.31 Concerns have been raised by Crystal Palace Foundation that the proposed roof would not match the original design. Many of the comments made seem to centre around the suggestion that the original form of the roof was consciously intended to match the well-known 'ridge and furrow' design of Paxton's Crystal Palace. The applicant is of the view that resemblance was entirely accidental, and that the roof was simply a straightforward design with two parallel pitched roofs sharing a common valley gutter - a very common feature of many buildings of the period and often found in industrial and semi-industrial applications such as railway stations.

6.32 While the roof would not be a like for like replacement of the original, this is due to the perceived issues with maintenance and vandalism that a central valley could create, and officers consider that there is clear justification for this approach. Historic England share this view.

6.33 The proposal to re-instate the original parapet walls to their original scale and materials is welcomed. Historic England's comment that the visualisations suggest a somewhat unresolved visual relationship between the parapet wall and roof pitch, as well as the roof interfaces with the courtyard internal walls are noted; however it is not considered by Historic England (or officers) that the visual impacts of the proposed roof along Crystal Palace Parade would be harmful due to the very localised subterranean setting of the Subway. Historic England have subsequently confirmed that the additional drawings submitted on 03.08.21 provide much more detail on the interfaces/junctions between the proposed roof and historic fabric and they are satisfied that this issue has been resolved, but materials etc should still be subject to condition.

6.34 Regarding the question of a roof over the western terrace, a replacement china gulley and the potential for a right of way through the development on the west side, these parts of the subway all lie outside of LB Bromley, within LB Southwark, and are outside the scope of this application.

- 6.35 Policy 122 of the Local Plan requires lighting in new development, to be at an appropriate level so as to minimise impact on amenity whilst ensuring safe and secure places. A lighting condition is recommended which will require further details of all the proposed lighting to be submitted to the LPA for approval. This will help to ensure that there will be no adverse effects on residential amenity, through glare or hours of operation, no harm to the significance of designated heritage assets and no adverse impact on road safety, landscape or nature conservation.
- 6.36 The overall strategy, in terms of landscaping, is to remove all the poor quality scrub and replace it with ‘a more species rich grassland mixture’ as recommended in the above report. At the head of each of the four staircases to the eastern courtyard, a small area of paving is proposed to remove dirt and mud from visitors shoes before they descend into the subway. Two trees have been identified for removal to facilitate these works and repairs of the subway, along with overgrown bramble and buddleia. However, opportunities and space are available within the site for new tree/hedge planting and a landscaping condition is recommended.
- 6.37 Overall, it is considered that the proposed roof design would be imaginative and attractive to look at, of a good architectural quality and would complement the scale, proportion, form, layout and materials of adjacent buildings and areas. These proposals would positively contribute to the existing street scene (by clearly demarcating the position of the historical subway) and the landscape (through landscaping enhancements) and would have minimal impact on the adjacent townscape in the London Borough of Southwark. Furthermore, the proposal would not adversely impact on any important views or landmarks, including that of the Crystal Palace BBC TV mast.

## **Heritage – Acceptable**

### *Built Heritage*

- 6.38 In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness (Para 197, NPPF).
- 6.39 In accordance with paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated

heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.40 The most significant intervention would be the reinstatement of a roof to the courtyard. Due to the subterranean nature of the subway the parapet wall is the only listed element of street scale value. The majority of the works affecting the listed building are internal requiring listed building consent and are the subject of a separate LBC application.
- 6.41 The proposed community uses should provide much anticipated public access to the Subway, ensuring that it has a sustainable future, which should enable its removal from the Heritage at Risk Register. The proposals are therefore strongly supported by Historic England.
- 6.42 Having regard to the provisions of the NPPF these proposals would lead to less than substantial harm to the significance of a designated heritage asset, significance of the grade II\* listed subway. The proposals would sustain and enhance the significance of this important designated heritage asset and enable viable uses consistent with its conservation.
- 6.43 The application site lies outside of the Crystal Palace Park conservation area, approximately 86m to its west. As such there would be no significant harm to its setting and the proposals would not detract from views into or out of the area.

#### *Archaeology*

- 6.44 The conservation of archaeological interest is a material consideration in the planning process. The significance of the site, the exhibition building and its' Bromley park landscaped grounds, is important to record and interpret. This significance is reinforced by the fact that the archive that included detail of the construction of the Crystal Palace was destroyed in either of two fires that were to occur at the site.
- 6.45 The applicant has not submitted a desk-based assessment with this application. They state that:

The only excavation that forms part of the proposal will occur incidentally as part of the rebuilding of the retaining walls and it is expected that this ground has already have been disturbed as part of the original construction of the walls or during the recent construction of new retaining structures in 2017. The most significant area of rebuilding is the north wall of the courtyard, which is just in front of the new ground retaining structure, which will have disturbed the ground in this area. No Archaeological Statement was submitted as part of application 17/03321/LBC for the new retaining structures, although these arguably had a greater ground impact than the Subway repair proposals. For

these reasons, we have not submitted an Archaeology Assessment as part of this application.

- 6.46 If planning consent is granted the applicant is required to record and advance understanding of the significance of any heritage assets to be harmed and make this evidence publicly available. It is considered that a measure of building recording would be appropriate and pre-commencement conditions are recommended accordingly.

## **Neighbourhood Amenity – Acceptable**

### *Visual impact*

- 6.47 The nearest residential properties to the site are on Burntwood View and Bowley Close. They are located to the west of the site within LB Southwark and are located at a lower level, on the opposite side of Crystal Palace Parade. The proposals would therefore have minimal visual impact when perceived from these nearby properties.

### *Noise*

- 6.48 No works are proposed to the western terrace which lies within LB Southwark close to the nearest residential sites. The construction of the roof would allow the site to be used as a meeting and performance space for the local community, and potentially for private events and food/crafts markets.
- 6.49 There is potential for some increased noise and disturbance at the nearest residential sites resulting from the re-use of the building. However, no change of use or significant noise-generating activities are proposed. While there are various exemptions for regulated entertainment under the 2003 Licensing Act, events that are put on by commercial operators (concerts, etc.) should be subject to a separate licensing regime which can incorporate entertainment noise limits.
- 6.50 Regarding the suggestion of a sound dampening canopy, the applicant conforms that acoustic treatment of this nature has not been considered as part of these proposals.

### *Construction Impacts*

- 6.51 In relation to construction noise, the applicant states that in the 20/00325/OUT Noise and Vibration Impact Assessment submission, '*a receptor was placed along the Crystal Palace Parade in close proximity to the subway site, and was not deemed likely to be affected by the proposed works (which include the construction of the cultural venue) to any degree that mitigation steps would need to be taken.*'
- 6.52 It is unclear from the submission what impacts construction noise would have on the nearest residential properties in Burntwood View and

Bowley Close or what shielding affect there will be. The Council's Environmental Health Officer has therefore recommended the imposition of Construction and Environmental Management Plan (CEMP) and Non-road Mobile Machinery (NRMM) conditions.

- 6.53 Subject to the appropriate planning conditions, the proposal is unlikely to result in a significant loss of amenity to local residents.

### **Transport - Acceptable**

- 6.54 No parking is proposed as part of the application, however, the site benefits from a high PTAL of 5-6a and is in close proximity to stations and bus stops. As such the development is unlikely to significantly increase the number of vehicular movements in the local area.
- 6.55 As discussed, no change of use is proposed which would materially alter the characteristics or nature of journeys being made to the site, as such the applicant has not provided a Transport Assessment.
- 6.56 TfL have noted that, depending upon the ultimate numbers of people visiting the attraction and timings, it may be necessary to secure an events management plan which should then coordinate with one for the park itself. The regeneration proposals for the wider park do not currently benefit from planning consent and permission granted for the subway should therefore work as a stand-alone planning consent. However, in this instance, as no change of use is proposed, it is not considered that a framework events management plan would be a reasonable condition and would fail to meet the tests in the NPPG.
- 6.57 Construction management and delivery and servicing management conditions are however recommended which should, inter alia, enable the implementation of the restoration scheme and the subway's successful reuse whilst also not impacting upon the safety and efficiency of the adjacent bus operations and passengers.
- 6.58 Subject to these conditions the proposals would accord with policy 31d of the BLP which states that any new development likely to be a significant generator of travel will need to incorporate or contribute to improvements to the highway network, including traffic management measures; and policy 33 which requires a consideration of the potential impact on public transport services and their users and seeks the provision on and contributions to suitable infrastructure improvements on a case by case basis.

### **Environmental Health: Land Contamination & Air quality - Acceptable**

#### *Land Contamination*

- 6.59 In relation to contaminated land the Design and Access statement has stated that the only excavation that forms part of the proposal will occur

incidentally as part of the rebuilding of the retaining walls and it is expected that this ground has already have been disturbed as part of the original construction of the walls. The most significant area of rebuilding is the north wall of the courtyard, which is just in front of the new ground retaining structure, which will have disturbed the ground in this area. There are no impacts from the perspective of health and therefore no requirement from Pollution Control for further details.

#### *Air Quality*

- 6.60 Air quality impacts are to be managed within the construction phase as part of the CEMP submission and the NRMM condition.
- 6.61 Subject to the appropriate planning conditions, the proposal is unlikely to have significant air quality impacts.

#### **Trees - Acceptable**

- 6.62 The application is accompanied by supporting arboricultural information which recommends the removal of a Silver Birch (T2) as it is growing out of one of the dilapidated retaining walls for the subway stairs and roots are likely to be within the buildings; and the removal of a Norway Maple (T3) due to future structural stability issues and practical on site working. There are no objections to the removal of T2 and T3 subject to suitable replacement planting. A soft landscaping condition is recommended accordingly.
- 6.63 The retention of a good quality London Plan (T1) directly to the north of the retaining wall for the subway stairs is welcomed and works can be carried out to the wall with minimal tree impacts.

#### **Ecology - Acceptable**

- 6.64 The application is accompanied by a 'Ecology, Habitat and Bat Hibernation Survey Report' which focusses on the impact of the restoration of the subway specifically on bats. The previous surveys have been supplemented with summer and winter survey work to establish hibernation, breeding and summer roosting activity, all of which are considered to be low although some evidence was found of hibernating bats at the site. The report concludes a minor negative impact on bats and suggests mitigation measures including replacement of vegetation lost with vegetation of a better biodiversity value and a sensitive lighting scheme.
- 6.65 The report recommends a detailed mitigation strategy to be prepared based on the precise details of the restoration methods, given that it is uncertain whether bats are infrequently using the subway for hibernation. This in turn will inform the ecological licences required and the extent of mitigation/enhancement needed.

- 6.66 A Contractor has not yet been appointed for the works. Once they have however, a detailed programme and method statement for the restoration works will be completed and supplied to the ecologist to allow them to prepare a more detailed mitigation strategy.
- 6.67 Accordingly, a mitigation strategy should be supplied before works commence on site as a condition of any permission granted.
- 6.68 A lighting condition is also recommended.

### **Sustainability - Acceptable**

- 6.69 The proposal has been designed to deliver a scheme that would be energy efficient and promote resource conservation. The roof will be designed to include sustainable features from the following list to reduce energy demands and improve overall energy efficiency:
- Installation of energy efficient LED light fittings
  - Natural and passive ventilation
  - Natural and passive daylighting
  - Provision of Operational and Maintenance manuals to inform the Council and users of the energy saving design features installed within the proposed building
- 6.70 The roof structure will not be fully enclosed. Additional ventilation is gained through the perforated Corten panels at the Gables and the ventilated ridge which will allow natural ventilation throughout the year and negates the need for mechanical ventilation.
- 6.71 The proposal is not for Major development, as such there is therefore no requirement for it to be 'net zero-carbon'. However, the Subway will remain unheated, which further contributes to lowering the carbon footprint of the structure whilst in use.

### **Drainage and flooding - Acceptable**

- 6.72 The proposed drainage for the new roof will discharge into soakaways located to the north and south of the site as indicated on the accompanying drawing.
- 6.73 The proposed "Drainage Layout General Arrangement" Plan DRW No. A6829-1500 Rev P3 dated 06/07/2021 is acceptable. A condition is recommended to ensure that the development is implemented in full accordance with the approved details.
- 6.74 Regarding the comments from Crystal Palace Foundation regarding rainwater and the use of the Corten steel, the applicant contends that all of these have been carefully considered as part of the detailed design.

## **Other Issues**

### *Fire Safety and Security*

- 6.75 London Plan D12 requires that, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. Part A of the policy sets out the relevant considerations which proposals should have regard to including identifying suitably unobstructed outside space for fire appliances, appropriate evacuation assembly point(s), appropriate fire alarm systems and means of escape and suitable access and equipment for fire-fighting.
- 6.76 London fire Brigade were consulted on the application. They have confirmed that an undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and adequate water supplies for fire fighting purposes, will be provided.
- 6.77 More detailed fire safety matters will be picked up under the Building Control Regulations at the relevant point in the development.
- 6.78 The Designing out Crime Officer is supportive of the proposed gate to close off access from the park. They have advised that due to the bespoke nature of the proposals, the development is unlikely to be able to achieve Secured by Design accreditation however it would still benefit from following the aims and principles of Secured by Design and crime prevention through environmental design principles, as applied to other historic or listed structures. Accordingly, a condition is recommended that the applicant engages with the SE Designing out Crime Office in order to develop a strategy of relevant crime prevention measures, following the aims and principles of Secured by Design, to be submitted to and approved by the Local Planning Authority.

### *Community Engagement*

- 6.79 Due to the on-going Covid-19 pandemic, the proposed public consultations have not been able to proceed as planned. To compensate for this, the Council (the applicant) has sent out letters to local residents and established a dedicated page on their website to provide background information and updates on the project. The applicant states they are also planning a range of public engagement events in the pre-construction phase of the project, once restrictions permit them to proceed.
- 6.80 According to the applicant, the project team has been working in close partnership with the Friends of Crystal Palace Subway community group and the LB Southwark Regeneration team throughout the project. Community representatives have been present at multiple meetings and have been an integral part of the design process to date.

## **7. CONCLUSION**

- 7.1 The proposals to restore the grade II\* historic subway with the aim of removing it from the 'Heritage At Risk' register and returning it to a 'community asset' in a manner appropriate to its significance is supported and would accord with the overarching principle of 'sustainable development' running through the NPPF.
- 7.2 Whilst the application site is within MOL where inappropriate development should be refused unless there exist 'very special circumstances' which clearly outweigh any harm resulting from the proposal by reason of inappropriateness (and any other harm), in this instance it is considered that there are compelling reasons to permit this application which would outweigh the limited harm caused to the MOL.

## **RECOMMENDATION      PERMISSION**

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

#### **Standard condition**

- **Time limit of 3 years**
- **Compliance with approved drawings**

#### **Pre- commencement**

- **Construction and Environmental management plan**
- **External and internal finishes**
- **Written scheme of Investigation**
- **Tree Protection Plan and Arboricultural Method Statement**
- **Ecological Mitigation**
- **Lighting Scheme**

#### **Prior to above ground works**

- **Landscaping**
- **Designing out crime**

#### **Prior to occupation**

- **Service and Delivery Plan**

#### **Compliance conditions**

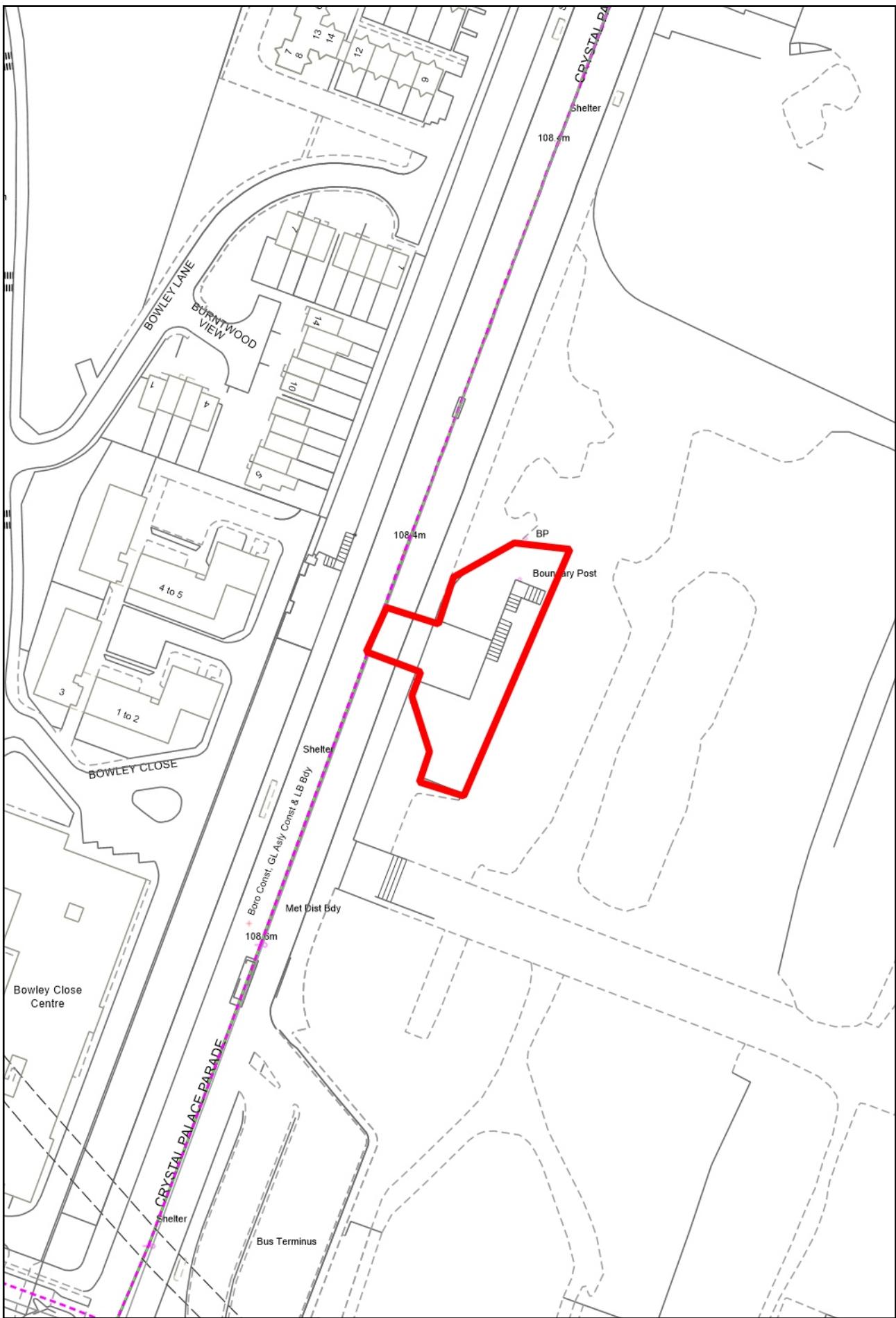
- **Non-Road Mobile Machinery (NRMM)**
- **Drainage**

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

#### **Informatives**

- Access to fire appliances in accordance with Part B5 of the Building Regs
- Archaeological Written Scheme of Investigation

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



21/02656/FULL1



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# Agenda Item 4.5

<b>Committee Date</b>	6 <sup>th</sup> January 2022	
<b>Address</b>	10 Derwent Drive Petts Wood Orpington BR5 1EW	
<b>Application Number</b>	21/03566/FULL6	<b>Officer</b> - Suzanne Lyon
<b>Ward</b>	Petts Wood and Knoll	
<b>Proposal</b>	Proposed ground floor front, side and rear extension, garage conversion, facade alterations and paved driveway	
<b>Applicant</b>	Mr Basant Mertia	<b>Agent</b>
		Mr Alberto Ochoa
10 Derwent Drive Petts Wood Orpington BR5 1EW		Resi International House Canterbury Crescent Brixton London SW9 7QD
<b>Reason for referral to committee</b>		<b>Councillor call in</b>
	Call - in	Yes

<b>RECOMMENDATION</b>	Resolve not to contest the appeal
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## KEY DESIGNATIONS

- **Biggin Hill Safeguarding Area**
- **London City Airport Safeguarding**
- **Smoke Control SCA 8**

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0

<b>Representation summary</b>	Neighbour letters were sent 14.09.2021
Total number of responses	3
Number in support	2
Number of objections	1

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area.
- The development would not adversely affect the amenities of neighbouring residential properties.
- The site would provide adequate parking spaces and not impact detrimentally upon highway safety.
- The development has fully addressed the previous reasons for refusal.
- Members are requested to resolve not to contest the appeal.

## 2 LOCATION

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



Figure 1: Site Location Plan

### 3 PROPOSAL

- 3.1 Permission is sought for a single storey side/rear extension, located behind the existing garage. It will project 1.8m beyond the rear of the existing garage and will be 2.35m wide. It will then reduce to 1.86m wide and project an additional 8.3m to the rear, to match the depth of the existing conservatory.
- 3.2 The proposal also includes the conversion of the existing garage to a habitable room, involving the removal of the garage doors and replacement with brickwork and a window.
- 3.3 A replacement front porch is also proposed, which will project 1.9m forward and will be 2.8m wide.
- 3.4 An appeal for non-determination has been lodged on the 25.11.2021 under ref. APP/G5180/W/21/3287713. It is therefore necessary to consider whether the Council will contest the appeal or not.

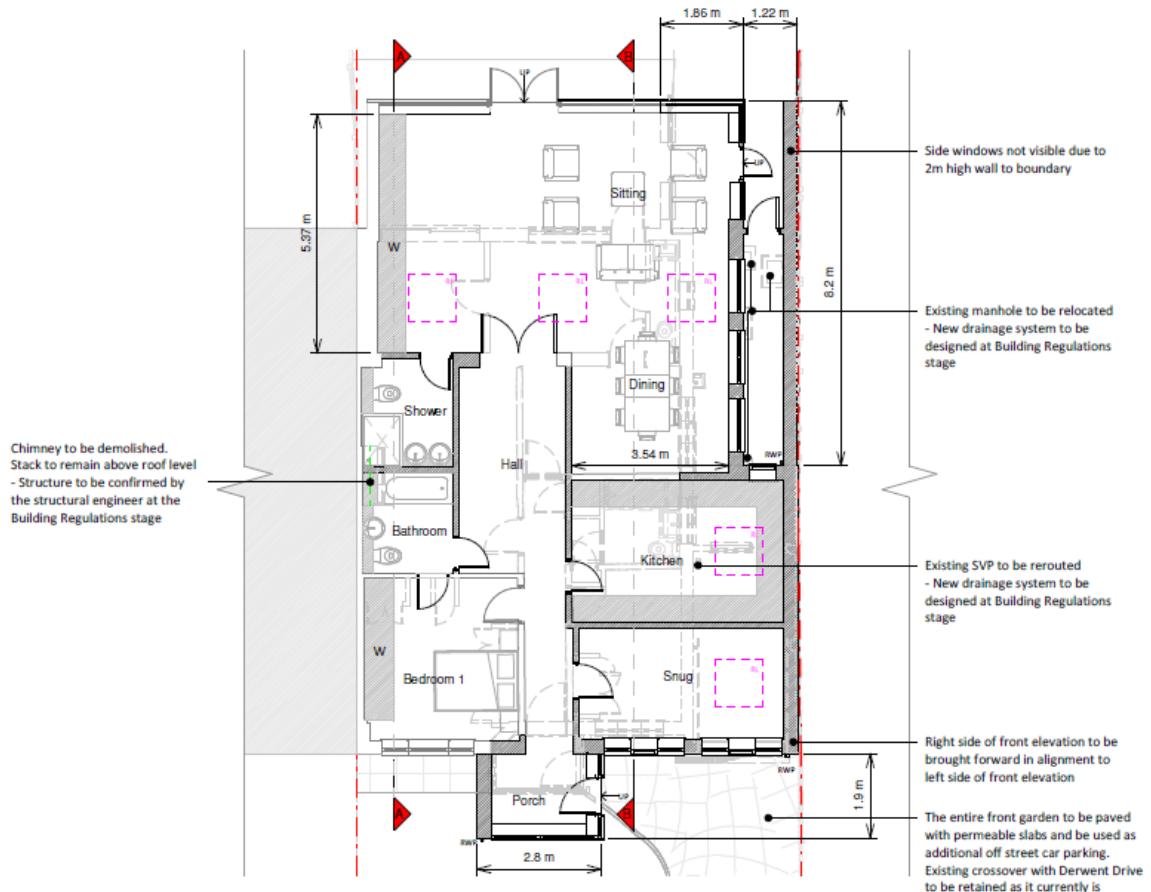


Figure 2: Proposed Ground Floor Plan



Figure 3: Proposed Front Elevation



Figure 4: Proposed Side (Right) Elevation

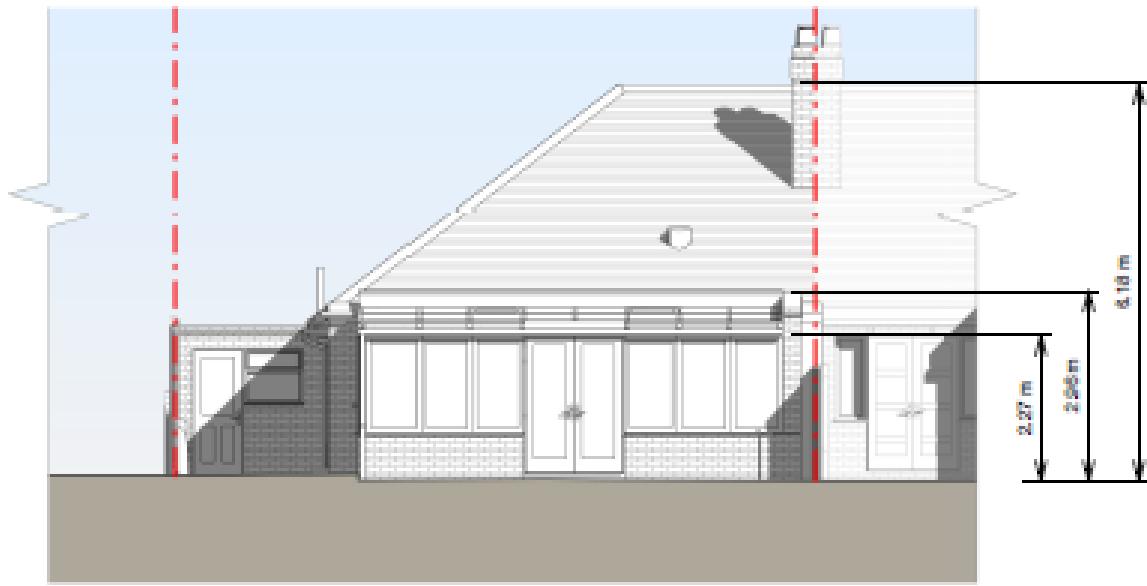


Figure 5: Proposed Rear Elevation

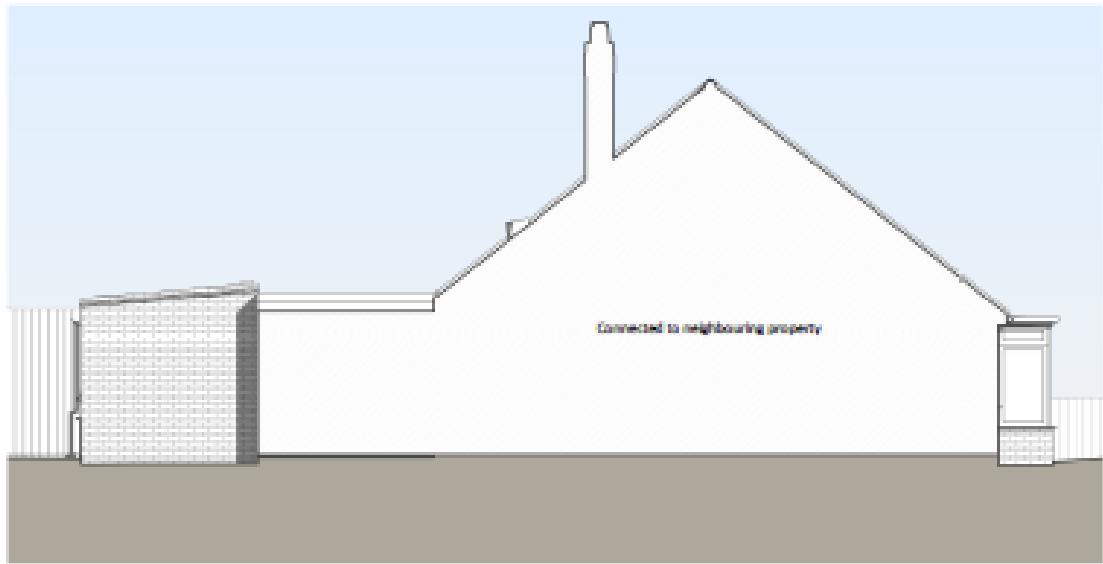


Figure 6: Proposed Side (Left) Elevation

## **4 RELEVANT PLANNING HISTORY**

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

- 86/02504/FUL - Single storey side and rear extensions - Permitted 23.10.1986
- 02/00148/FULL1 - Single storey rear extension for conservatory - Permitted 06.03.2002
- 02/01698/FULL1 - Side and rear boundary fence RETROSPECTIVE APPLICATION - Permitted 03.07.2002
- 18/05592/FULL6 - Single storey side extensions incorporating garage conversion, enlargement of existing porch entrance, and enlargement of roof space incorporating extension to rear roof to provide first floor accommodation with rooflights to front and side and Juliet balcony to rear. - Refused 13.06.2019  
(APPEAL DISMISSED - Ref: APP/G5180/D/19/3233737)
- 19/00185/PLUD - Loft conversion and roof alterations incorporating hip to gable end and 2 front rooflights PROPOSED LAWFUL DEVELOPMENT CERTIFICATE - Proposed Development Is Not Lawful 03.05.2019
- 19/04604/PLUD - Hip to gable loft conversion with rooflights to front LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - Proposed Development Is Lawful 18.12.2019
- 20/00693/FULL6 - Single storey side/rear extensions, conversion of garage to habitable room, enlargement of existing porch entrance, and enlargement of roofspace incorporating hip to gable extension, rear dormer and front roof lights - Refused 27.08.2020  
(APPEAL DISMISSED - APP/G5180/D/20/3263465)
- 20/01841/PLUD - Conversion of roof space with hip to gable, rear dormer and front rooflights (Proposed lawful development certificate) - Proposed Development Is Lawful 21.07.2020
- 21/03719/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 6.00m, for which the maximum height would be 3.50m, and for which the height of the eaves would be 2.42m (42 Day Notification for Householder Permitted Development Prior Approval) – Refused
- 21/03564/PLUD - Proposed hip to gable loft conversion with rear dormers and front and rear rooflights LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) – Pending Decision

## 5 CONSULTATION SUMMARY

### A) Statutory

### B) Local Groups

- N/A

### C) Adjoining Occupiers (summary)

#### Objections

- Multiple applications
  - This is one of three applications that the applicant has submitted that are currently being considered by the Council (other LBB refs DC/21/03564/PLUD and DC/21/03719/HHPA), and are not shown on the current plans.
  - This makes a total of eight applications that have been submitted in three years and two appeals that were dismissed
  - The three current applications would cumulatively add significant volume to the property overall, but do not correspond with each other, such that it would not be possible to construct them together in accordance with the details of the approved plans.
- Hardstanding and additional parking. **points addressed in paragraphs 7.2 and 7.3**
  - Unacceptable to pave the entire front garden with slabs, causing loss of amenity to neighbouring property and the area, and creating potential hazards, including for pedestrians such as school children.
  - Should revert to previous parking arrangement (20/00693/Full6)
  - Removal of spoil is an engineering operation requiring planning permission but no details have been provided.
  - Increased risk of water run off and flooding causing nuisance, disturbance and loss of amenity
  - No details are provided of the appearance of the proposed frontage, its gradient and profile, permeability of the proposed slabs, or additional drainage
  - Loss of amenity to adjoining bungalow due to noise, disturbance and fumes from vehicle movements
  - Hazardous vehicle movements and loss of dedicated street side parking area
  - Installing slabs over the entire front garden for additional off street parking while losing the existing garage is unnecessary and would be seriously harmful to the character and appearance of the street scene
- Porch is out of character **points addressed in paragraph 7.2**
  - The impact of this porch would be improved in the street scene if it were to be glazed in similar fashion to all the other bungalows on this part of Derwent Drive that have front porches, thus avoiding a solid flank wall.
  - The other bungalows project around half the distance from the front of those bungalows relative to the current porch proposed at no 10.

## Support

- Despite the dismissed appeal, the Planning Inspector commented favourably for the development that is now proposed in this application.
- We are a community in Petts Wood and Orpington, and we are all together with the applicant on this matter.

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

## 6 POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.
- 6.4 The application falls to be determined in accordance with the following policies:

### The London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design
- T6 Car parking

### Bromley Local Plan 2019

- 6 Residential Extensions
- 30 Parking
- 32 Road Safety
- 37 General Design of Development

### Bromley Supplementary Guidance

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

## 7 ASSESSMENT

### 7.1 Resubmission

- 7.1.1 The site has been subject to a number of recent applications, as set out in the Planning History section above.
- 7.1.2 The most relevant application to note is the refusal under planning ref. 20/00693/FULL6, for a "Single storey side/rear extensions, conversion of garage to habitable room, enlargement of existing porch entrance, and enlargement of roofspace incorporating hip to gable extension, rear dormer and front roof lights". The reason for refusal was as follows:
1. The proposed development, by reason of its overall scale and form, would unbalance the pair of semi-detached bungalows and would appear out of keeping with that of other dwellings in the vicinity, resulting in harm to the character and appearance of the host dwelling and its surroundings and a loss of residential amenity to the occupiers of No. 8; thereby contrary to Policy 7.4 of the London Plan, Policy 37 of the Bromley Local Plan and the Bromley Supplementary Planning Guidance 1 General Design Principles and Bromley Supplementary Planning Guidance 2 Residential Design Guidance.
- 7.1.3 The subsequent appeal (APP/G5180/D/20/3263465) was dismissed.
- 7.1.4 The current application seeks permission for a single storey side/rear extension, conversion of the garage and a replacement porch. The proposal will match the ground floor extensions proposed under the previous application, 20/00693/FULL6, however the loft extension has been removed from the proposal.

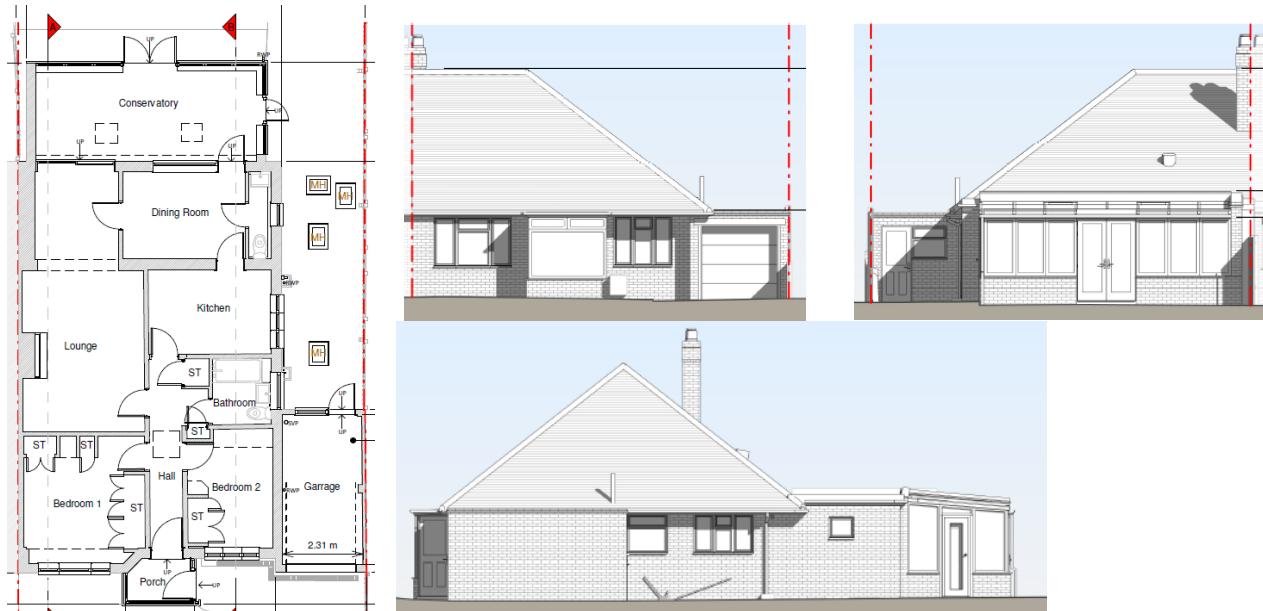


Figure 7: Existing Plans

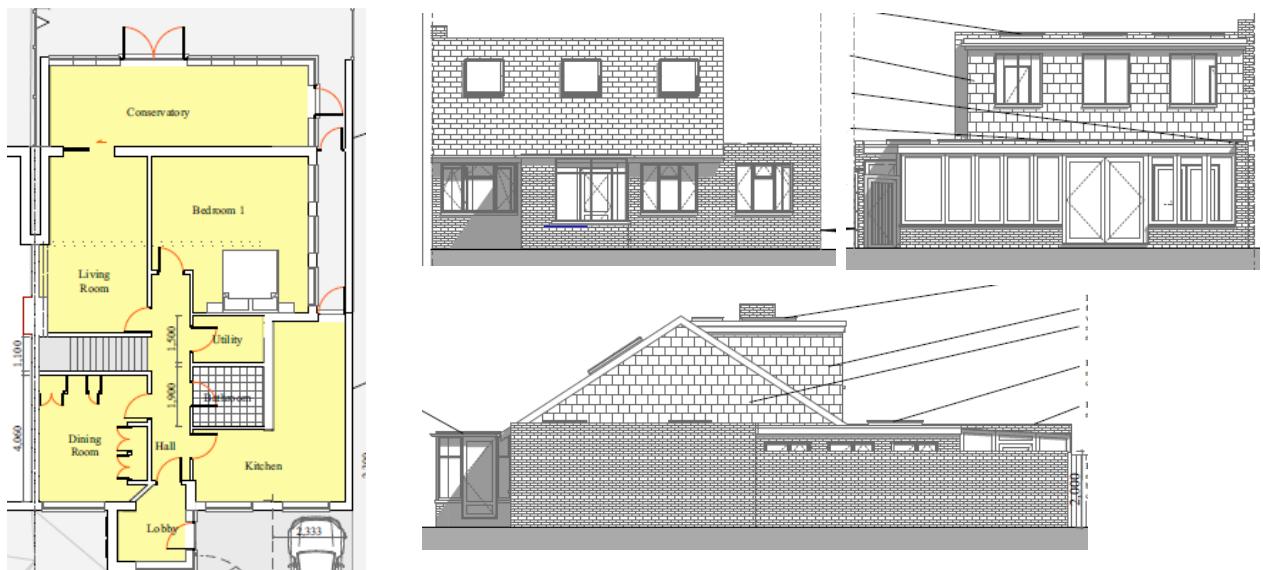


Figure 8: Previous Proposed Plans (20/00693/FULL6) – Dismissed on Appeal

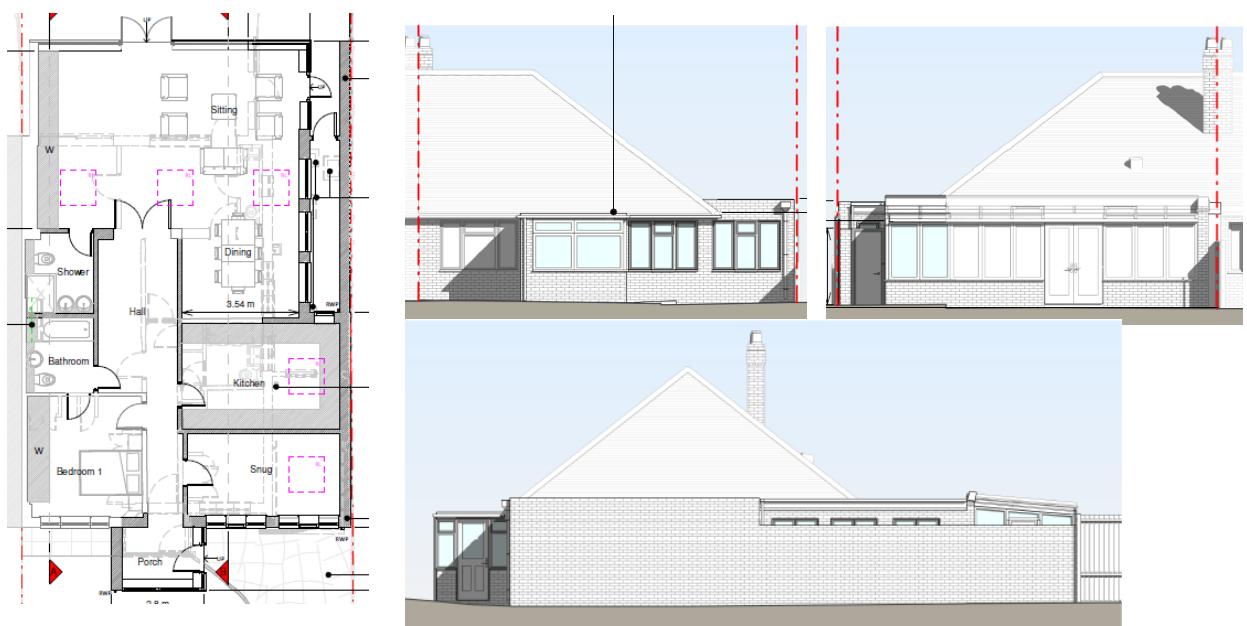


Figure 9: Current Proposed Plans

## **7.2 Design – Layout, scale – Acceptable**

- 7.2.1 The proposed single storey side/rear extension will be located behind the existing garage. It will project 1.8m beyond the rear of the existing garage and will be 2.35m wide. It will then reduce to 1.86m wide and project an additional 8.2m to the rear, to match the depth of the existing conservatory. It is noted that a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. The proposal includes a 2m high boundary wall which will be 8.2 deep to replace the existing boundary fence. On balance the size and design of the proposed extension is considered to be in-keeping with the host property, with the materials indicated to match the existing property. As such, it is not considered to result in a detrimental impact on the character or appearance of the host property or the street scene in general.
- 7.2.2 The proposed conversion of the existing garage to a habitable room includes the removal of the garage doors and replacement with brickwork and a window. The proposal will incorporate enlarging the hardstanding to provide additional off street parking within the curtilage. It is noted that none of the surrounding bungalows have converted the garage to a habitable room, however it is considered that the garage conversion and enlarged hardstanding will not impact significantly on the character or appearance of the property or the street scene in general.
- 7.2.3 The proposal also includes a replacement front porch. It is noted that the existing property benefits from a front porch that projects 1m forward and is 2.3m wide. The proposed porch will project an additional 0.9m forward, a total forward projection of 1.9m, and will be 2.8m wide. It will have a flat roof that is 2.5m high. It is set back approximately 6.8m from the front boundary line.
- 7.2.4 This is identical to the porch considered under the previous application ref: 20/00693/FULL6 (Appeal ref. APP/G5180/D/20/3263465), whilst the appeal was dismissed the Inspector raised no objection to the garage conversion, side/rear extension or porch extension. The Appeal Inspector stated in paragraph 7 that "whilst the proposed porch would noticeably enlarge the existing, it would remain to be set well back from the highway. Given its low level form and setting against the backdrop of the existing building, together with the use of matching materials, I am satisfied that, in isolation, the porch enlargement would not significantly alter the appearance of the dwelling in the street scene. Neither would the proposed conversion of the garage, or the single-storey extension to the rear which would be reasonably well screened from sight by the site's boundary enclosure". Overall, the size and design is considered acceptable, with materials indicated to match the existing property.
- 7.2.5 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

### **7.3 Residential Amenity – Acceptable**

- 7.3.1 It is noted that the adjoining property, No.12, has been subject to a single storey rear extension that is approximately 2.8m deep and steps out to 4.3m deep. The application site also benefits from a 2.8m deep single storey rear extension, with additional 2.9m deep conservatory extension. The proposed single storey side/rear extension will match the depth of the existing conservatory therefore this element will not be visible from the adjoining property. As such is not considered to adversely impact on the amenities of No.12 over and above that already existing.
- 7.3.2 With regards to the neighbouring property to the east, No.8, a public footpath runs along the eastern flank boundary which is approximately 3.3m wide. Given the separation between properties, the proposed side/rear extension is not considered to adversely impact on the amenities of this neighbouring property with regards to loss of light, outlook or privacy.
- 7.3.3 With regards to the proposed porch, due to the modest scale and separation to neighbouring properties, it is not considered to lead to any undue loss of amenity to either neighbouring property with regards to loss of light, outlook or privacy. The proposal includes enlarging the hardstanding to provide additional off street parking. The existing dropped kerb will remain unchanged. The proposal is not considered to result in a significant increase in noise or disturbance, nor result in a detrimental impact on visual amenities, to warrant refusal on this basis.
- 7.3.4 Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

### **7.4 Highways – Acceptable**

- 7.4.1 The area has a PTAL level of 1b (on a scale of 0 - 6b, where 6b is the most accessible). The proposal results in the loss of the garage by way of the conversion to form a habitable room. The proposal seeks to enlarge the existing hardstanding to provide at least two off street parking spaces within the front curtilage of the site. As such, no objection was raised from a highways perspective.

## **8 CONCLUSION**

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.
- 8.2 Given the Inspector did not raise an objection to the ground floor extensions, Members are requested to resolve not to contest the appeal.

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. Matching materials**
- 4. Car parking details to be implemented**

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

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# Appeal Decision

Site visit made on 26 March 2021

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 April 2021.**

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**Appeal Ref: APP/G5180/D/20/3263465**

**10 Derwent Drive, Petts Wood, Orpington, BR5 1EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Basant Mertia against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/20/00693/FULL6, dated 14 February 2020, was refused by notice dated 27 August 2020.
- The development proposed is described as "*Proposed front porch enlargement. Conversion of existing garage, together with new extension to rear to form additional dwellingspace with flat roof over. Conversion of roofspace with dormer to rear, together with 3no. skylights to front roofslope*".

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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was made in the name of Mr Basant Mercia. The appeal was made in the name of Mr Basant Merita. Both submissions were made by the appellant's agent. As part of the appeal process the appellant has confirmed that his last name is correctly spelled as Mertia, which I have recorded accordingly in my formal decision. I am satisfied that both former spellings were grammatical mistakes and that the applicant and the appellant are one and the same person.
3. Since the date of the decision The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the development plan. The Council's decision notice referred to Policy 7.4 of The London Plan 2016 (LP 2016), which is now superseded. The officer's report also refers to LP 2016 Policy 7.6, as does the appellant's grounds of appeal. The main parties for the appeal were invited to express their views on the LP 2021 insofar as it relates to the appeal.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

5. The appeal property is a semi-detached bungalow with a hipped roof and with a flat roof garage to the side. It is located within a residential cul-de-sac which includes groups of similar type properties, the majority of which retain their original form. The proposal would include converting the existing side hipped roof to a gable by extending the length of the roof ridge and constructing a 'box-like' dormer to the rear elevation.
6. Despite some changes to the original front elevation of Nos 10 and 12 at ground floor level, this semi-detached pair retains a pleasing symmetry that is typical for the majority of buildings along Derwent Drive. The uniformity of the architecture provides a rhythm and balance to the street scene that contributes positively to its character and sense of place, particularly along this immediate stretch of Derwent Drive.
7. I saw a variety of altered entrance porches to some of the properties nearby. Despite these changes, the overall character of the street scene was not significantly impacted. Whilst the proposed porch would noticeably enlarge the existing, it would remain to be set well back from the highway. Given its low-level form and setting against the backdrop of the existing building, together with the use of matching materials, I am satisfied that, in isolation, the porch enlargement would not significantly alter the appearance of the dwelling in the street scene. Neither would the proposed conversion of the garage, or the single-storey extension to the rear which would be reasonably well screened from sight by the site's boundary enclosure.
8. The Council's *Supplementary Planning Guidance No. 2 Residential Design Guidance* (SPG) adopted in 2003, states that the character of the immediate locality should guide the built form. With regard to roofs and dormers it specifically states that roof alterations should be carefully considered to ensure that they respect the form and appearance of the existing roof and that large or dominant dormers, or those which harm the over-all appearance of the building, should be avoided.
9. In contrast to the proposed ground floor alterations and extensions, the hip to gable would be a considerably more prominent addition. It would noticeably unbalance the symmetrical appearance of the existing building. The elongated ridge line and new gabled elevation would be atypical of other dwellings in the vicinity. Due to the open plan frontages and the footpath which runs immediately to the side of the appeal site these changes would be openly seen from the public domain as incongruous additions. The rear dormer would dominate the rear roof slope stepped only marginally up from the eaves, down from the ridge, and in from both sides. There would be little of the rear roof slope visible to frame the dormer extension such that it would effectively appear as a bulky, additional storey to the bungalow. This too would be openly seen from the adjacent footpath and in oblique angles from Derwent Drive in the gap between Nos 8 and 10. The side and rear roof alterations would combine to completely alter the form of the existing roof, the shape and character of which would be entirely lost.
10. Neither the hip-to-gable change, nor the rear dormer, would follow the advice within the adopted SPG. My impression overall is that the changes to the roof

would appear discordant and harmful to the appearance of the existing building and the wider established character of the street scene. As such there would be conflict with Policy 37 of the London Borough of Bromley Local Plan 2019 (Local Plan) which requires a high standard of design in all development in order to, amongst other things, complement adjacent buildings in the area and make a positive contribution to the street scene. Policies D1, D3 and D4 of the LP 2021 have been drawn to my attention by the Council as relevant replacements for Policies 7.4 and 7.6 of the LP 2016. These deal with delivering good design and for development proposals to respond positively to local distinctiveness. Although amongst them there is support for growth, this is not at any cost, and for the reasons given, the proposal's failure to positively respond to its local context means that there would be clear conflict with these policies' aims and objectives. As such, there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed places meaning that the proposal would fail to satisfy the environmental objective for achieving a sustainable form of development.

#### *Other Matters*

11. The appellant has drawn my attention to an appeal decision dated 17 October 2019 for the appeal property (Ref APP/G5180/D/19/3233737). In that case the appeal was dismissed. However, the proposal overall was for a materially different form of development compared with the current appeal proposal in terms of design and appearance of the roof alterations. The Inspector's findings in that case are therefore not fully relevant to this current appeal, which I have considered on its own merits.
12. I am aware that the appellant recently obtained a Lawful Development Certificate from the Council (Ref 20/01841/PLUD) for extensions described as "Conversion of roof space with hip to gable, rear dormer and front rooflights". Whilst there are obvious similarities between the appeal proposal and the scheme which could be constructed as permitted development without the need to obtain planning permission from the Council, the proposal that is before me is noticeably larger. Although the appellant may have the benefit of a 'fallback' position by constructing an extension that would qualify as permitted development, this is not sufficient justification for a larger proposal that I have found would cause significant harm. My findings in this case are based on the proposal that is before me and which I have determined in accordance with the development plan.
13. I have noted the cases at Nos 29 and 31 Derwent Drive, and Nos 7 and 11 Greenfield Gardens, where hip to gable extensions and rear dormers have been added to similar bungalows. Firstly, these properties are not adjacent to the appeal site and do not sit within the immediate context of No 10. Furthermore, I do not know the specific planning history to any of these cases. In addition, it was not evident to me that the dormer windows to the rear are as large as the appeal proposal and neither are they open to such exposed views from the public domain. None of these cases, nor any other examples where dwellings in the area have been modified, are directly comparable to the appeal proposal.
14. I have noted the appellant's personal circumstances and the requirement to provide sufficient accommodation for their family, but these needs do not outweigh the harm that I have identified.

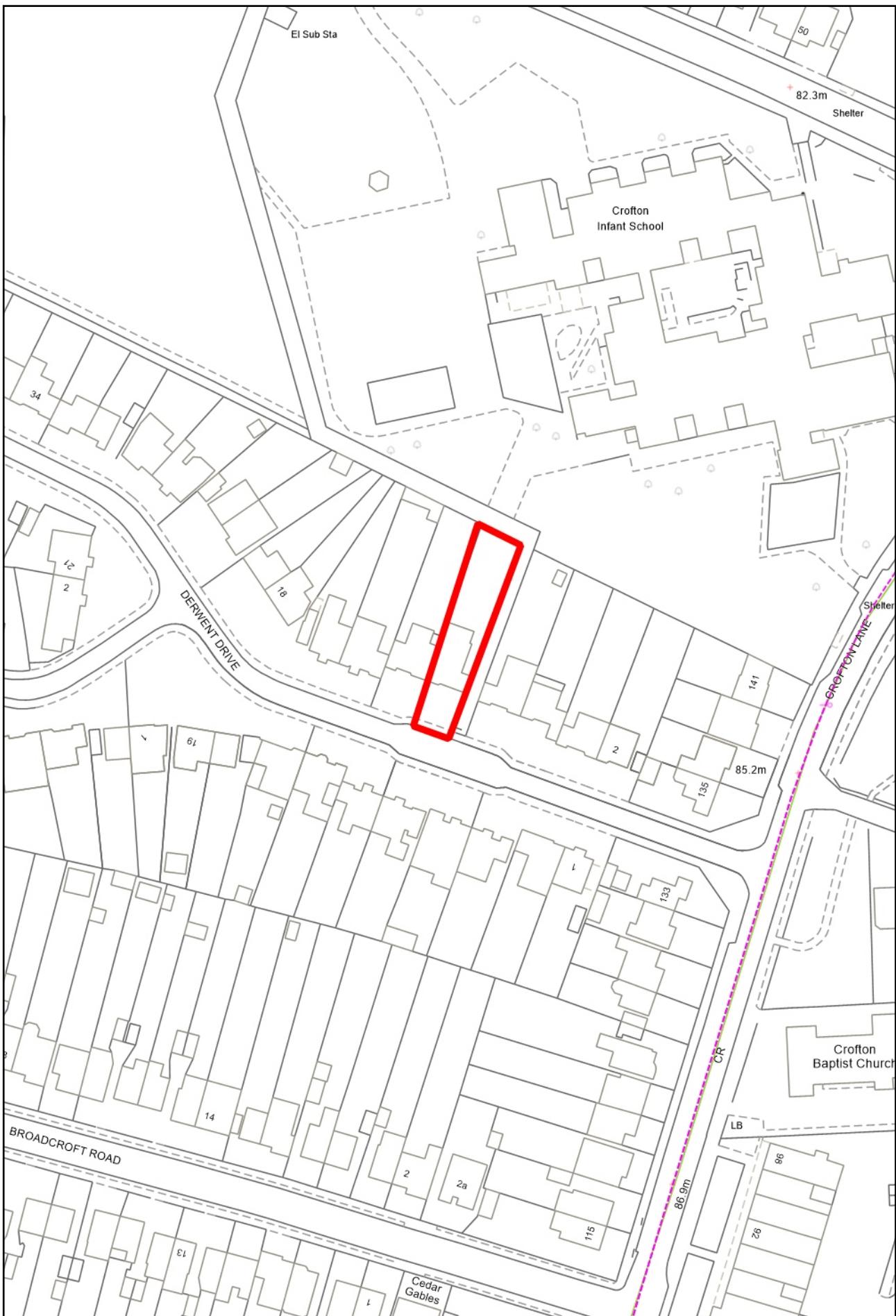
15. I am aware that the Council's decision was taken by their Plans Sub Committee against the recommendation by officers that the application be approved. I also note the appellant obtained officer's advice following the last appeal decision and prior to submitting the current appeal proposal. However, planning decisions often involve elements of judgement and the circumstances surrounding the decision that was taken by the Council are not unusual. The Council's decision was reasonable and properly supported by policies of the development plan.
16. The appellant has referred to other policies of the Local Plan which purport to support the proposal but for reasons that I have explained, I have identified clear conflict with the development plan and national policy when read as a whole.
17. The reason for refusal suggests that the proposal would impact upon the amenities at 8 Derwent Drive. However, neither the decision notice nor the minutes of the Committee meeting expand upon this or explain precisely how the neighbouring occupiers may be affected. No 8 is set on the opposite side of the public footpath which runs to the side of the appeal site. It is separated from the proposed works by a considerable margin and there is no evidence to suggest that there would be any impact upon the living conditions at No 8 that would be harmful. Neither did I perceive that this would be the case during my visit.
18. I have noted some suggestions that the plans are inaccurate and that the Council's decision to grant a Lawful Development Certificate was based on misleading information. However, my decision is based on the plans provided as part of the original planning application and it is not for me to consider, as part of this appeal, the validity of the Council's previous decision.

### **Conclusion**

19. For the reasons given, and having regard to all other matters raised, I conclude that the proposal would harm the character and appearance of the area. The appeal is therefore dismissed.

*John D Allan*

INSPECTOR



21/03566/FULL6

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Ordnance Survey 100017661.

21 December 2021

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# Agenda Item 4.6

<b>Committee Date</b>	09.12.2021	
<b>Address</b>	44 High Street Beckenham BR3 1AY	
<b>Application Number</b>	21/04432/ADV	<b>Officer</b> - Louisa Bruce
<b>Ward</b>	Copers Cope	
<b>Proposal</b>	Proposal: 3 x internally illuminated replacement fascia signs, 1 x internally illuminated replacement projecting hanging sign and 3 x vinyl signage applied to existing glazing (front windows).	
<b>Applicant</b>	<p>-</p> <p>Waterside House 35 North Wharf Road London W2 1NW</p>	<b>Agent</b>
		Ms Sonia Walley
	<p>84 Great Suffolk Street London SE1 0BE</p>	
<b>Reason for referral to committee</b>		<b>Councillor call in</b>
	Call-In	Yes

<b>RECOMMENDATION</b>	Grant Advertisement Consent
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<b>KEY DESIGNATIONS</b>	
Conservation Area: Beckenham Town Centre Conservation Area: Beckenham St. Georges Areas of Archeological Significance Biggin Hill Safeguarding Area London City Airport Safeguarding Secondary Shopping Frontage Smoke Control SCA 12	

<b>Representation summary</b>	Neighbour notification letters were sent on 25 <sup>th</sup> October 2021 and a Site Notice was displayed at the store on the 27 <sup>th</sup> November 2021.
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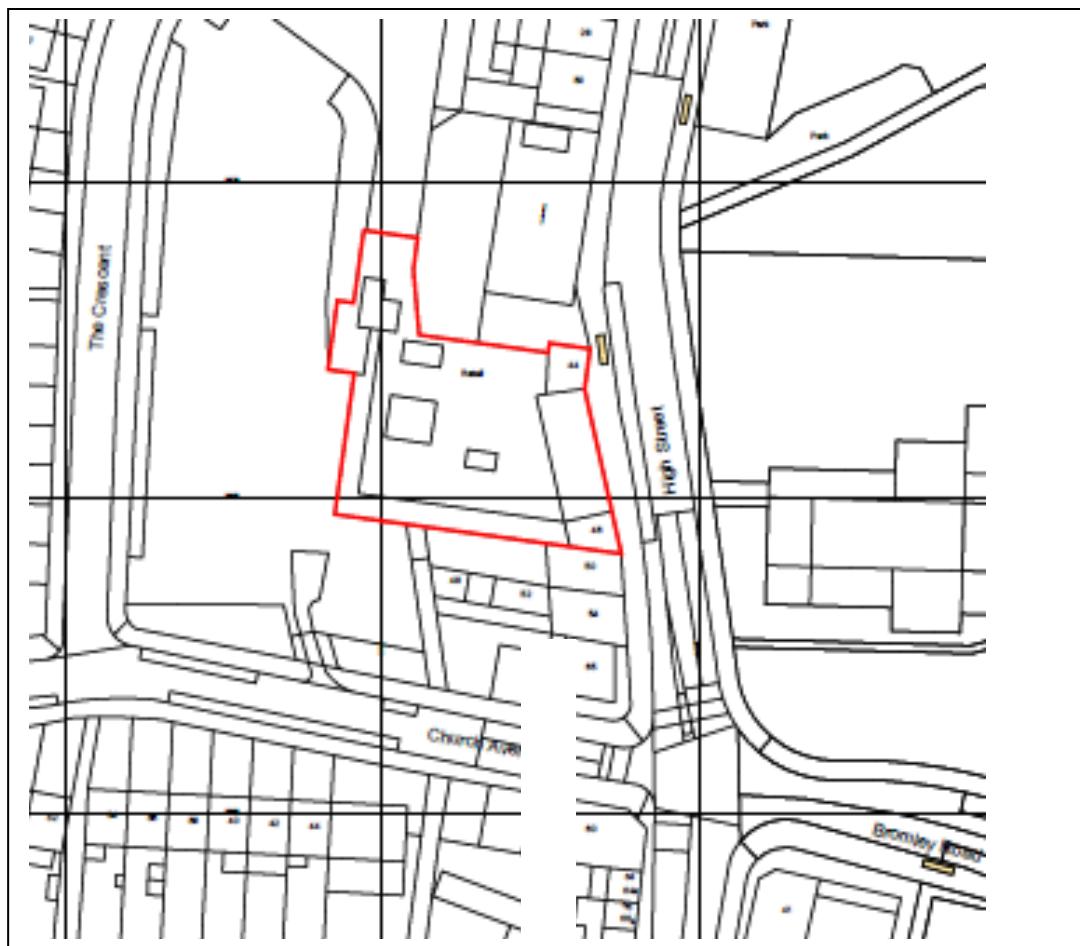
Total number of responses	0
Number in support	0
Number of objections	0

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

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

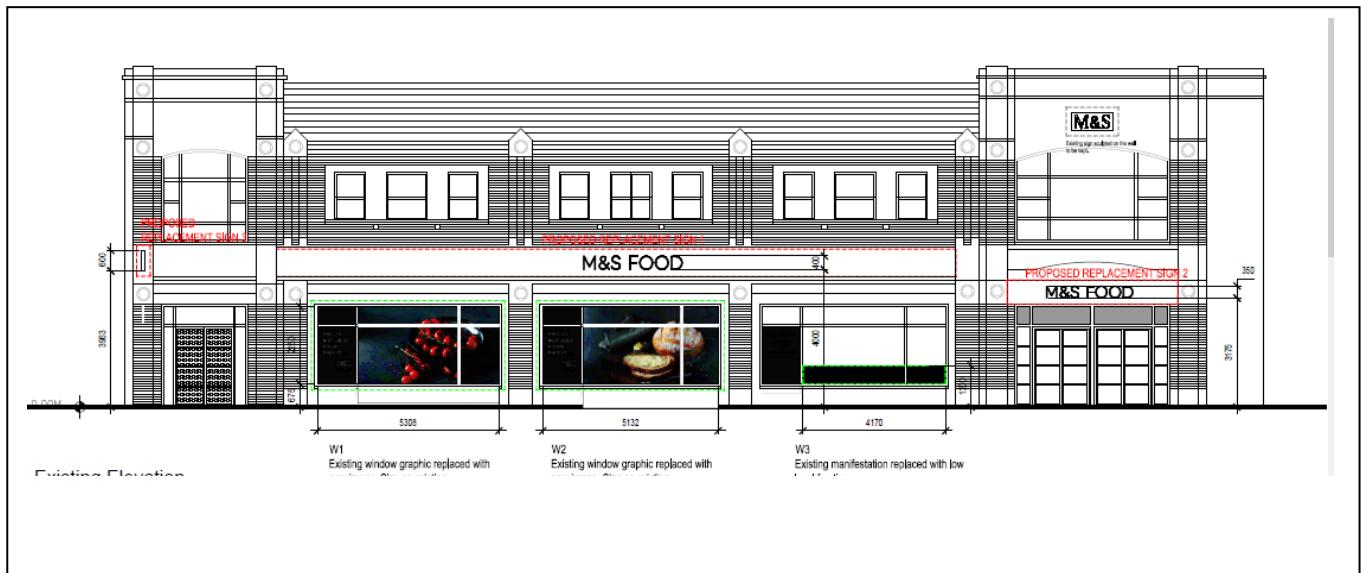
## 2. LOCATION

- 2.1 The application site is Marks and Spencer Foodhall, a medium sized supermarket located on the western side of High Street, Beckenham. The site sits between two commercial units; Fee and Brown and Em's Kitchen (both cafes). The car park is located to the rear of the high street but is bounded by commercial buildings to the east, The Crescent to the west and Church Avenue to the south. The Beckenham High Street Conservation Area is located immediately to the east of the site and covers the buildings fronting the high street.
- 2.2 The site also lies in the Beckenham Town Conservation Area.



### 3. PROPOSAL

- 3.1 The application seeks advertisement consent for the installation of replacement signage comprising 3 x internally illuminated replacement fascia signs, 1 x internally illuminated replacement projecting hanging sign and 3 x vinyl signage applied to existing glazing (front windows).



### 4. RELEVANT PLANNING HISTORY

90/02243/OUT Former town hall church avenue part one/two storey building with basement comprising retail shop with ancillary storage and staff accommodation parking and servicing areas outline. Permission subject to legal agreement 18.12.1990

90/02244/OUT Town hall part one/two storey building with basement comprising retail shop with ancillary storage and staff accommodation parking and servicing areas outline. Permission with legal agreement 18.12.1990

91/02459/DET Former town hall details pursuant to 902243 granted for part one/two storey building with basement comprising retail shop with ancillary storage and staff accommodation parking and service. Permission

92/00741/ADVILL 2 externally illuminated and 3 non-illuminated high level logo signs internally illuminated fascia letters externally illuminated hanging sign non illuminated canopy sign. Permission

92/02231/DETMAJ details of plant equipment and machinery and related soundproofing to comply with conditions 38 99 of permission ref 902243 granted for retail supermarket. Permission

- 93/00069/FUL Lighting on columns to car park and wall lights to service area and facing car park section 73a application. Permission
- 98/01580/FUL first floor rear extension and 3 condenser units on existing roof. Permission
- 02/02956/ADV Non-illuminated letters and information sign on car park elevation CON1  
30.10.2002
- 02/03443/VAR Variation of condition 95 of permission 90/02243 and condition 01 of permission 01/03671 granted for retail shop which prohibits deliveries on Sundays, to allow delivery vehicles to enter the site after 09.00 hours on Sundays 15th and 22nd December 2002. Approved
- 02/03444/VAR Variation of condition 96 of permission 90/02243 and condition 01 of permission 01/03672 granted for retail shop, which prohibits opening on Sundays to permit opening between 10.00 and 18.00 hours on Sunday 15 December and Sunday 22 December 2002 . Approved
- 02/03575/FULL1 Enclosure of goods reception yard. Permission
- 02/03652/FULL1 Alterations to car park exit to Church Avenue. Permission
- 03/01842/ADV Internally illuminated projecting box sign. Consent
- 03/01842/SPLADV High level internally illuminated lettering on High Street frontage. Refused
- 03/03946/VAR Variation of conditions 95 and 96 of permission 90/02243 and conditions 1 and 5 of permissions 02/03443 and 02/03444 granted for retail shop, which prohibits opening on Sundays to permit opening between 10.00 and 18.00 hours on Sunday 14th December and Sunday 21st December 2003 and deliveries on Sundays to allow delivery vehicles to enter the site after 09.00 hours on Sundays 14th and 21st December 2003. Approved
- 04/00195/FULL1 Installation of three plant units on roof. Permission
- 04/04341/VAR Variation of conditions 95 and 96 of permission 90/02243 and conditions 1 and 5 of permission 03/03946 granted for retail shop, which prohibits opening on Sundays, to permit opening between 10.00 and 18.00 hours on Sunday 12th and Sunday 19th December 2004 and deliveries on Sundays to allow delivery vehicles to enter the site after 9.00 hours on Sundays 12th and 19th December 2004. Approved
- 05/03702/VAR Variation of conditions 95 and 96 of permission 90/02243 and conditions 1 and 5 of permission 04/04341 granted for retail shop, to permit opening between 10.00 and 18.00 hours on Sunday 11th and Sunday 18th December 2005 and deliveries on Sundays to allow delivery vehicles to enter the site after 9.00 hours on Sunday 11th and 18th December 2005. Approved
- 05/03950/FULL1 4 air condition units and steel platform on roof. Permission

- 05/04409/ADV Internally illuminated fascia and projecting box signs. Consent
- 06/00072/ADV Non illuminated replacement wall mounted and freestanding information and direction signs in car park. Consent
- 06/00257/VAR Variation of conditions 95 of permission 90/02243 and condition 1 of permission 05/03702 granted for retail shop, to permit deliveries between 6.30am and 11pm Monday to Saturday and between 9am to 7pm on Sundays, for the period between the 23rd January and the 27th March 2006. Approved
- 06/02730/VAR Variation of conditions 95 and 96 of permission 90/02243 and condition 01 of permission 06/00257 and condition 05 of 05/03702 granted for retail shop to permit opening of store from 11am to 5pm and deliveries to the store on Sundays from 9.30am to 3.00pm. Approved
- 06/03518/VAR Variation of conditions 95 and 96 of permission ref. 90/02243 and condition 01 of permission ref. 06/00257 and condition 5 of permission ref. 05/03702 granted for retail shop to permit opening of store from 11am to 5pm and deliveries to the store on Sundays from 9.30am to 3pm. Approved
- 08/03202/VAR Variation of condition 96 of permission 90/02243 to permit increased opening of store during Christmas period (excluding all Sundays). Approved
- 09/02245/VAR Variation of condition 96 of permission 90/02243 to permit increased opening of store during Christmas period (excluding all Sundays). Approved
- 10/02563/VAR Variation of condition 96 of permission 90/02243 to permit increased opening of store during Christmas period (excluding all Sundays). Approved
- 11/02874/ADV Replacement of internal vinyl graphics to windows, replace existing 'eye board' display with window display TV to high street elevation. Consent
- 11/03778/VAR Variation of condition 96 of permission 90/02243 to permit increased opening of store during Christmas period (excluding all Sundays).
- 12/03733/VAR Temporary variation of Condition 96 of planning permission 90/02243 (granted for part one/two storey building with basement comprising retail shop with ancillary storage and staff accommodation, parking and servicing areas - Outline application) to extend opening hours between 17/11/12 and 02/01/13 (PART RETROSPECTIVE APPLICATION) WDN 23.01.2013
- 15/02425/ADV 3 internally illuminated fascia sign, 1 internally illuminated projecting sign, 2 applied lettering to windows and interior backing and 1 totem sign to replace existing signage with updated branding. Consent
- 15/05253/FULL1 Installation and removal of one temporary refrigerated (40ft) storage container between 1st November and 31st January annually.

17/05453/ADV The display of 4 non-illuminated advertisements in relation to the supermarket car park.

17/05456/FULL1 The installation of 2 No. four metre high columns for an Automatic Number Plate Recognition (ANPR).

## 5. CONSULTATION SUMMARY

### A) Statutory

Conservation Officer (*No objections*):

On the basis the agent has confirmed that the existing signage is no larger or deeper than the existing signage no objections are raised.

Para. 3.17 of the SPG for this conservation area is relevant:

*"In shopfronts of both traditional and contemporary appearance, the Council will place considerable emphasis on achieving a high quality of design, materials and workmanship."*

Advisory Panel for Conservation Areas (*No objections*):

No comments received

Environmental Health Pollution Officer (*No objections*):

No objections

Highways (*No objections*):

I would have no objection to this application from a highway perspective.

Illuminated signs visible from the highway must comply with the latest issue of the Institute of Lighting Engineers Technical Report No 5 Brightness of illuminated adverts.

### B) Local Groups

No objections received

### C) Adjoining Occupiers

No objections received

## **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 National Planning Policy Framework was published on 19th February 2019. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

### London Plan

- D4 Delivering good design
- D8 Public realm
- HC1 Heritage, Conservation and growth
- SD6 Town Centres and High Streets

### Bromley Local Plan

- 37 General Design of Development
- 41 Conservation Areas
- 102 Advertisements.

### SPG1 - General Design Principles Beckenham Town Centre Conservation Area Guidance

*A Beckenham Design Guide for Shopfronts was informally approved at the meeting of the Development Control Committee on 2nd November 2021. The content of the Guide is noted insofar as the Committee considered it to represent best practice but the informal status of the document will affect the weight that can be given to it in the assessment and determination of the application.*

## **7. ASSESSMENT**

- 7.1 The main issue in this case is whether the proposed replacement sign(s) would be significantly harmful to the appearance and character of the Beckenham Town Centre Conservation area within which the property lies. Consideration should also be given to pedestrian and highway safety.

*Design – Acceptable*

- 7.2 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3 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 Policy 102 states that advertisements, hoardings and signs should:
- a - have regard to the character of the surrounding area,
  - b - be in keeping with the scale, form and character of any buildings on which they are placed,
  - c - generally not be located in residential areas and the Green Belt, Metropolitan Open Land (MOL) and Urban Open Space,
  - d - preserve or enhance the character or appearance of conservation area,
  - e - not be likely to create a hazard to road users, and
  - f - avoid harm to the significance of listed buildings.

**7.5 Fascia sign (Sign 1)**

The above-mentioned fascia sign located to the front elevation of the foodhall will measure 0.8m in height by 19.8m in width and 0.05m in depth. The sign would be located 3.8m from ground level and be internally illuminated at a level of 800 cd/m<sup>2</sup>. The fascia will have a white background and black lettering which extends to 40cm in height.

7.6 Fascia sign (Sign 2)

The above-mentioned fascia sign located to the front elevation of the foodhall (above the entrance doors) will measure 0.7m in height by 4.9m in width and 0.05m in depth. The sign would be located 3m from ground level and be internally illuminated at a level of 800 cd/m<sup>2</sup>. The fascia will have a white background and black lettering which extends to 35cm in height.

7.7 Projecting hanging sign (Sign 3)

The above-mentioned projecting hanging sign is located to the front elevation of the foodhall and will measure 1.2m in height by 1.2m in width and 0.05m in depth. The sign would be internally illuminated at a level of 800 cd/m<sup>2</sup>. The projecting hanging sign will have a white background and black lettering which extends to 34cm in height.

7.8 Fascia sign (Sign 4)

The above-mentioned fascia sign located to the rear/side elevation of the foodhall (via the car park entrance) will measure 0.6m in height by 0.6m in width and 0.1m in depth. The sign would be located 3.9m from ground level and be internally illuminated at a level of 800 cd/m<sup>2</sup>. The fascia will have a white background and black lettering which extends to 22cm in height.

7.9 Three vinyl graphic signs (non-illuminated) are also proposed to be fitted to the existing windows to the front of the foodhall.

7.10 The replacement signage is considered to be in context with the building and appropriate within this business location. All four signs are considered to be appropriate in size and internal illuminance for this commercial location. The signs collectively do not result in a visual clutter or proliferation of signage at this particular unit. The agent has confirmed that the replacement signage is no larger or deeper than the existing.

7.11 On balance the proposal is considered to comply with Policy 102 of the Local Plan and does not have a detrimental impact on the visual amenities of the area.

*Heritage Impact – Acceptable*

7.12 Policy 41 of the Bromley Local Plan states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Proposals for new development, for engineering works, alteration or extension to a building or for change of use of land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by:

- o Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- o Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- o Using high quality materials.

- 7.13 The site is located within the Beckenham Town Centre Conservation Area. The Conservation Officer has confirmed that they raise no objections on the basis that the signage is no larger or deeper than the existing. The internal illumination levels, given the site benefits from existing signage it is not considered to result in a significant increase in harm over and above that already existing, and would not be sufficient to warrant refusal on these grounds.
- 7.14 It is noted there are a variety of different advertisements within the high street, including large fasciae with evidence of both internal and external illumination. There is also evidence of a number of externally and internally illuminated projecting signs within the high street.
- 7.15 The proposed internally illuminated white fascia's with black lettering are not considered to be out of keeping with the modern design of the host building. The projecting sign is also considered modest and its design, colour and lettering would limit its prominence. It therefore is considered to be in keeping with the scale, form and character of the existing building.
- 7.16 Neither the text or projecting hanging sign would not dominate the frontage or be out of keeping with the modern nature of the building or examples of other projecting signs in the high street. The Conservation Officer has raised no objections.

#### *Highway safety – Acceptable*

- 7.17 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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.18 London Plan and Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Local Plan should be used as a basis for assessment.
- 7.19 In relation to pedestrian and highway no objections have been raised by the Council's highways office. The location and design of the sign would not result in a road safety hazard or interference with any visibility splays.

#### *Neighbouring amenity – Acceptable*

- 7.20 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.

- 7.21 No residential properties are located directed above the foodhall and given the town centre location the proposal is not considered excessive or harmful to residential amenity.
- 7.22 The proposed signs would replace the existing signage on site. The Council's Environmental Health Officer has raised no objections to the application and therefore, it is considered that no substantial impacts to neighbouring amenity would arise as a result of the proposed development.

#### CIL

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

### **8. CONCLUSION**

- 8.1 It is considered that the proposed advertisements are acceptable in that they would preserve the character and appearance of the Conservation Area. There would be no harm to highway or pedestrian safety and therefore the advertisements are considered to be in accord with BLP Policies 41 and 102.
- 8.2 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: Grant Advertisement Consent**

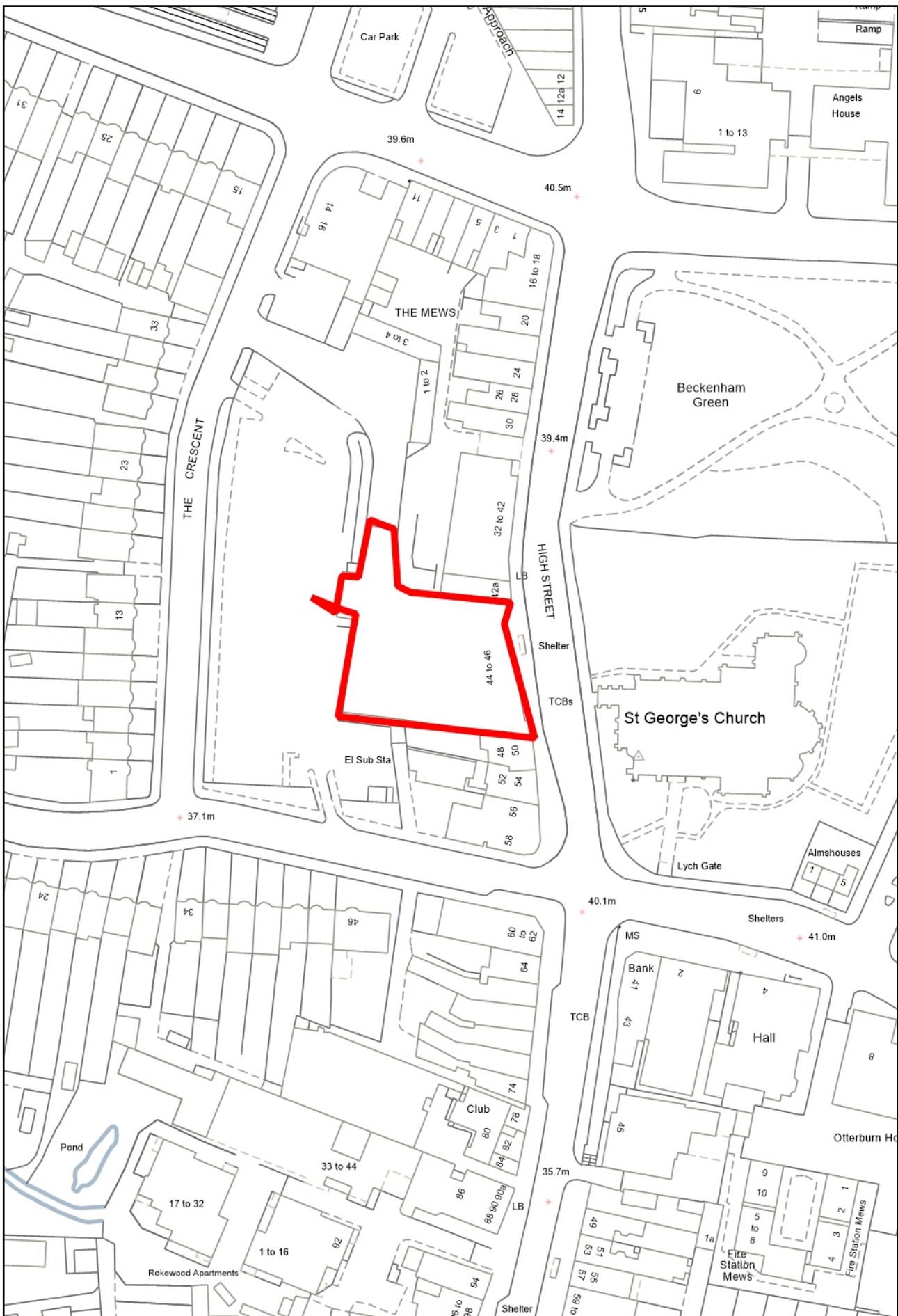
Subject to the following conditions:

1. Standard Time Limit
2. Materials in accordance with plans
3. Compliance with plans
4. Advert time limit
5. Luminance levels

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

#### Informatics

Illuminated signs visible from the highway must comply with the latest issue of the Institute of Lighting Engineers Technical Report No 5 Brightness of illuminated adverts.



© Crown copyright and database rights 2021. Ordnance Survey 100017661.	 THE LONDON BOROUGH www.bromley.gov.uk
21 December 2021	1:1250

21/04432/ADV

0 10 20 30 40 50 60 metres

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# Agenda Item 4.7

<b>Committee Date</b>	06/01/2022	
<b>Address</b>	7 Pickhurst Rise West Wickham BR4 0AA	
<b>Application Number</b>	21/04867/FULL6	<b>Officer</b> - Andrea Templeton
<b>Ward</b>	West Wickham	
<b>Proposal</b>	Single storey rear extension	
<b>Applicant</b>	<b>Mr &amp; Mrs Ashmore</b>  7, Pickhurst Rise West Wickham BR4 0AA	<b>Agent</b>
		Nick McAdam
		Mayfield Lodge, 4 Kingswood Road 4 Kingswood Road Shortlands BR2 0HQ
<b>Reason for referral to committee</b>	Outside delegated powers	<b>Councillor call in</b>

<b>RECOMMENDATION</b>	Permission
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<b>KEY DESIGNATIONS</b>	
Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 2	

<b>Representation summary</b>	Adjoining neighbours were consulted by letter on 04 November 2021
Total number of responses	0
Number in support	0
Number of objections	0

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

- The scale and design of the proposed extension would respect the scale and form of the host dwelling and that of surrounding development.
- The development would not adversely affect the amenities of neighbouring residential properties.

## **2. LOCATION**

- 2.1 The application site is a two storey, detached property located on the northern side of Pickhurst Rise, West Wickham. The surrounding area is residential in nature and consists of detached and semi-detached properties set within medium garden plots. The site does not lie within any conservation area and the property is not a listed building.



**Figure 1: Site Location Plan**

## **3. PROPOSAL**

- 3.1 The application seeks permission for a single storey rear extension.
- 3.2 The proposed single storey rear extension would measure a maximum depth of approximately 4.7m in depth by 10m in width. The existing garage will be demolished as part of the scheme.
- 3.3 The proposed extension will include two roof treatments – the main part of the extension will measure 4m deep x 6m wide and will have a flat roof with a height of approximately 3.1m. A large rooflight is proposed within the flat roof of the extension.

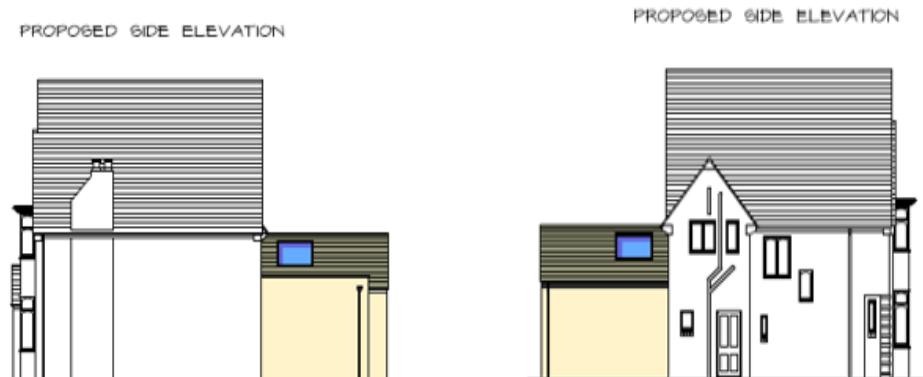
- 3.4 The smaller section of the extension measuring approximately 4.7m deep and 3.7m wide will have a tiled pitched roof with a maximum height of 4.3m and an eaves height of 2.7m. The pitched roof will be inset with two rooflights.
- 3.5 The extension will have a painted render finish and will include a set of bifold doors as well as a picture window and casement window within the rear elevation.



**Figure 2: Existing Front and Rear Elevations**



**Figure 3: Proposed Front and Rear Elevations**



**Figure 4: Proposed Side Elevations**

## **4. RELEVANT PLANNING HISTORY**

There is no recent or relevant planning history on this site.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

No consultees were contacted for comment on this planning application.

### **B) Local Groups**

No comments received

### **C) Adjoining Occupiers**

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

## **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 National Planning Policy Framework was revised on 20<sup>th</sup> July 2021.
- 6.4 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.5 The application falls to be determined in accordance with the following policies:
- 6.6 **National Policy Framework (2021)**
- 6.7 **The London Plan (2021)**
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design

## **6.8 Bromley Local Plan (2019)**

- 6 Residential Extensions
- 37 General Design of Development

## **6.9 Bromley Supplementary Guidance**

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

## **7. ASSESSMENT**

### **7.1 Design – Layout, scale height and massing - Acceptable**

- 7.1.1 Design is a key consideration of the planning process.
- 7.1.2 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable 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.
- 7.1.3 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.4 Policy D3 of the London Plan relates to ‘Optimising site capacity through the design-led approach’ and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of the place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise heritage assets and architectural features that contribute towards the local character.
- 7.1.5 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for the site.
- 7.1.6 Policies 6 and 37 of the Bromley Local Plan and the Council’s Supplementary Design Guidance seek to ensure that new development, including residential extensions are of high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.7 The proposal is to erect a single storey extension to the rear of the main building. Given the orientation of the dwelling in its plot, its distance from the street and the current mature hedging, the proposed extension would have a limited impact on the visual amenities of the street scene.

- 7.1.8 Both neighbouring properties have existing rear extensions, so the proposed development is in keeping with the character of the area. The single storey rear extension at No.5 was approved in 2015 and is of a similar size to that proposed at no.7. The rear conservatory extension at No.9 is more modest and measures 3.5m deep and 4 m wide and sits on the eastern side of the plot.
- 7.1.9 The proposed dimensions of the new extension are in keeping with the size and scale of the main property. It would have a modest roof design which helps to ensure the structure remains subservient to the main building. No new windows are proposed for the flank elevations and the proposed windows will look onto the good-sized rear garden. In addition, it would be finished in materials that complement the existing dwelling.
- 7.1.10 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

## 7.2 Residential Amenity - Acceptable

- 7.2.1 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.
- 7.2.2 Nos. 5, 7 and 9 Pickhurst Rise, are all detached properties dating from the 1930's each property sits squarely on its plot with a good separation distance. Both of the neighbouring properties has been extended – No.5 was extended in 2015 with a single storey rear extension of a comparable size to that proposed at No.7. The proposed rear extension would maintain approx. 2.8m from the boundary shared with No.5 Pickhurst Rise. It would not project beyond the rear of the existing building. As such, there are no significant concerns with regards to the potential impact to the amenities of this property.
- 7.2.3 With regards to the neighbouring property to the east, No.9, the proposed rear extension will maintain approximately 1m separation to the shared boundary. Whilst the proposed rear extension will project approximately 2.5m beyond the rear elevation of this property, given the separation distance of almost 3m and that No.9 sits further back in its plot, it is not considered to result in a detrimental impact on the amenities of this neighbouring property, with regards to loss of light, outlook or visual amenity.
- 7.2.4 In addition, the dimensions of the proposed extension are respectable and unlikely to hugely impact the amenities of this neighbour. When considered together with the orientation, there are no substantial concerns with regards to the impact the extension would have to the enjoyment of no.9.
- 7.2.5 No objections have been received from either neighbour.

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

## **8. CONCLUSION**

- 8.1 Having regard to the above, it is considered that the proposed development is acceptable.
- 8.2 The scale and design of the proposed extension respects the scale and form of the host dwelling and that of surrounding development and would be detrimental to the character and appearance of the area within which it lies.
- 8.3 The proposed development would not give rise to a significant loss of residential amenity to neighbouring occupiers.
- 8.4 The proposed development would therefore comply with Policies 6 and 37 of the Bromley Local Plan.
- 8.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

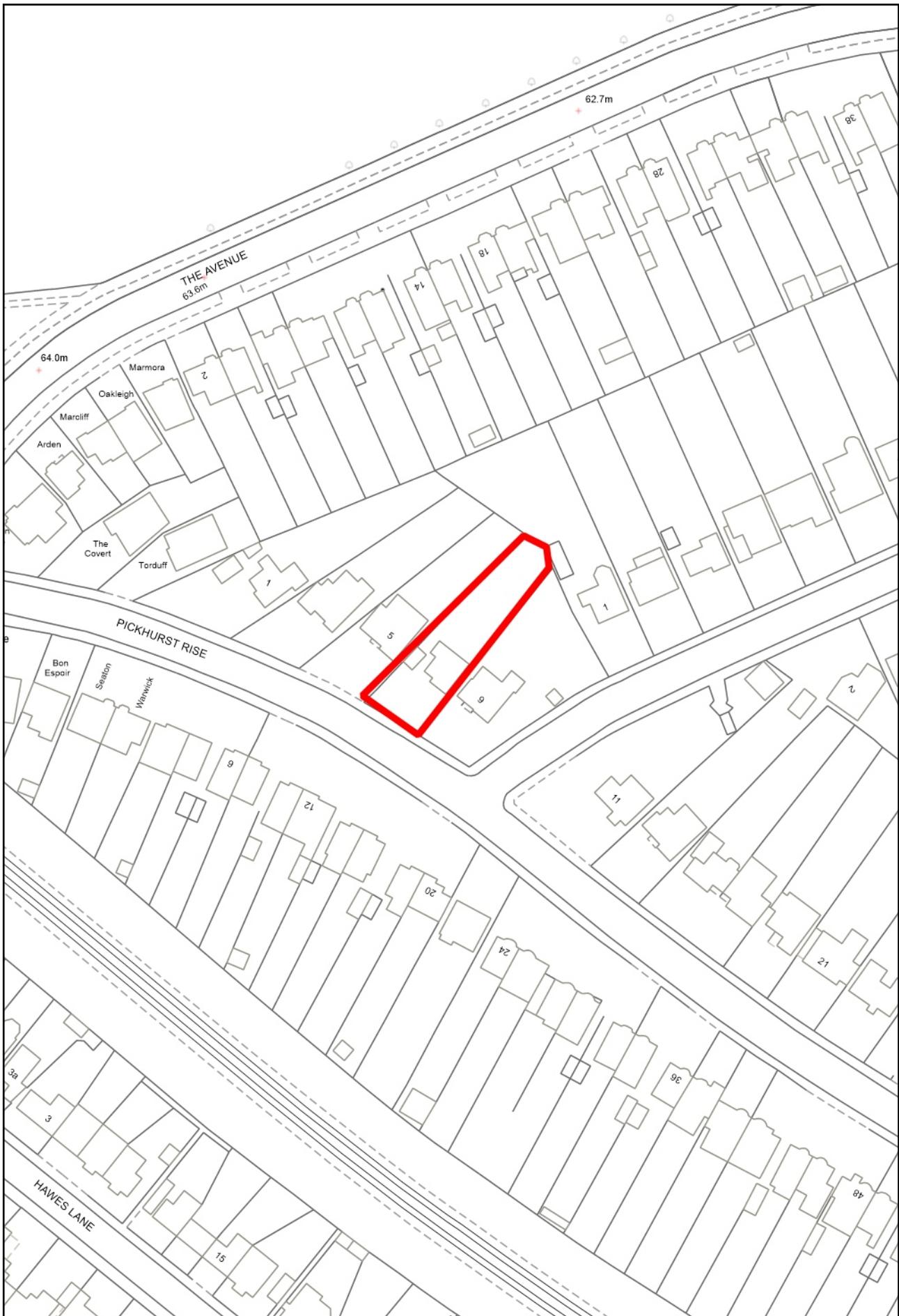
## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1. Time limit of 3 years**
- 2. Materials as per the submitted plans**
- 3. In accordance with approved plans**

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

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21/04867/FULL6



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# Agenda Item 4.8

<b>Committee Date</b>	06 <sup>th</sup> January 2022	
<b>Address</b>	7 Pickhurst Rise West Wickham BR4 0AA	
<b>Application Number</b>	21/04868/FULL6	<b>Officer</b> - Andrea Templeton
<b>Ward</b>	West Wickham	
<b>Proposal</b>	Loft conversion with side dormer and roof lights and the installation of roof windows to the roof slope.	
<b>Applicant</b>	<b>Mr &amp; Mrs Ashmore</b>  7, Pickhurst Rise Kingswood Road Shortlands West Wickham BR4 0AA	<b>Agent</b>
		Nick McAdam
		Mayfield Lodge, 4 Kingswood Road 4 Kingswood Road Shortlands BR2 0HQ
<b>Reason for referral to committee</b>	Outside delegated powers	<b>Councillor call in</b>

<b>RECOMMENDATION</b>	Permission
-----------------------	------------

KEY DESIGNATIONS	
Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 2	

<b>Representation summary</b>	Adjoining neighbours were consulted by letter on 04 November 2021
Total number of responses	0
Number in support	0
Number of objections	0

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

- The development would not result in a harmful impact of the character and appearance of the local area.
- The development would not adversely affect the amenities of neighbouring residential properties.

## **2. LOCATION**

- 2.1 The application site is a two storey, detached property located on the northern side of Pickhurst Rise, West Wickham. The surrounding area is residential in nature and consists of detached and semi-detached properties set within medium garden plots.
- 2.2 The site does not lie within any conservation area and the property is not a listed building.



**Figure 1: Site Location Plan**

## **3. PROPOSAL**

- 3.1 The application seeks planning permission for the construction of a side dormer with a width of 2.8m, a height of 3m, and a depth of 7.7m.
- 3.2 The dormer would have a flat roof and would be set below the main ridgeline by approximately 1.3m. A rofflight is to be inset into the flat roof of the dormer.
- 3.3 The walls of the dormer would be constructed out of either zinc or lead and the roof would be constructed from a fibreglass covering.

- 3.4 Four narrow aluminium windows are proposed within the western side elevation and three rooflights are proposed for the eastern side roof slope.



**Figure 2: Existing Front and Rear Elevations**



**Figure 3: Proposed Front and Rear Elevations**

## **4. RELEVANT PLANNING HISTORY**

There is no recent or relevant planning history on this site.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

No consultees were contacted for comment on this planning application.

### **B) Local Groups**

No comments were received from Local Groups.

### **C) Adjoining Occupiers**

No comments were received from adjoining occupiers.

## **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 National Planning Policy Framework was revised on 20<sup>th</sup> July 2021.
- 6.4 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.5 The application fails to be determined in accordance with the following policies:
- 6.6 **National Policy Framework (2021)**
- 6.7 **The London Plan (2021)**
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design

## **6.8 Bromley Local Plan (2019)**

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development

## **6.9 Bromley Supplementary Guidance**

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

## **7. ASSESSMENT**

### **7.1 Design – Layout, scale height and massing - Acceptable**

- 7.1.1 Design is a key consideration of the planning process.
- 7.1.2 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable 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.
- 7.1.3 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.4 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of the place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise heritage assets and architectural features that contribute towards the local character.
- 7.1.5 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for the site.
- 7.1.6 Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Design Guidance seek to ensure that new development, including residential extensions are of high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.7 The proposal seeks permission for a loft conversion with side dormer & roof lights & the installation of roof windows to roof slope.

- 7.1.8 The application site lies within a predominantly residential area where similar side dormers are a common feature. It is noted that the neighbouring detached property to the east, already benefits from a similar scheme (granted under ref. 15/03699/FULL6, amended under ref: 18/02459/FULL6).
- 7.1.9 The proposed dormer would be set down from the main roof ridgeline and would appear subservient to the host dwelling. As such the principle of extending the property in the manner proposed would not be out of character in the area or harmful to the visual amenities of the street scene.
- 7.1.10 Policy 8 requires a minimum of 1m space from the side boundary of the site be retained for the full height and length of the flank wall of the building to prevent extensions which would be harmful to the spatial standard of its residential areas and an unrelated terracing effect. This is expected for the full height and length of the flank wall including any existing ground floor aspect in order to prevent a cramped appearance which can lead to unrelated terracing and to safeguard the amenities of the neighbouring property.
- 7.1.11 The policy also states that where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. The addition of the dormer would create the appearance of a two-storey side extension.
- 7.1.12 The proposal provides approximately 3.5m at the narrowest point. It is therefore considered that the proposal is compliant with Policy 8 of the Bromley Local Plan.
- 7.1.13 The proposed dormer would provide an additional 32m<sup>3</sup> of family living space, creating two additional bedrooms and a shower room. This would be well within the 50m<sup>3</sup> allowed for a detached property under the Permitted Development Rights for Householders Technical Guidance.
- 7.1.14 The proposed materials would be in keeping with the host dwelling and it is therefore considered the development would not detract from the appearance of the host dwelling and appear harmful to the character and visual amenities of the local area.

## 7.2 Residential Amenity - Acceptable

- 7.2.1 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.
- 7.2.2 The main impact of the proposed dormer would be with regards to No.5 to the west of the application property. However, given the separation distance between the properties there is not considered to be a significant loss of light or outlook to this neighbouring property. The dormer would introduce four tall, narrow windows facing this neighbouring property which would serve the stairwell and a bedroom. These two windows would be obscure glazed and non-opening.

- 7.2.3 The side dormer windows are considered relatively modest in size and are not considered to cause any undue harm to either neighbour through over development, loss of prospect or privacy. No objections have been received from neighbours.
- 7.2.3 Given the relationship between the dwellings being at a slight angle, and the separation distance between the houses (approximately 8m) it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise..
- 7.2.4 The side dormer windows are considered relatively modest in size and are not considered to cause any undue harm to either neighbour through over development, loss of prospect or privacy. No objections have been received from neighbours. However, it is recommended that the remaining two windows on the dormer also be opaque and non-opening by condition.
- 7.2.5 Having regard to the scale, siting, separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise complying with Policy 37 of the Bromley Local Plan.

## **8. CONCLUSION**

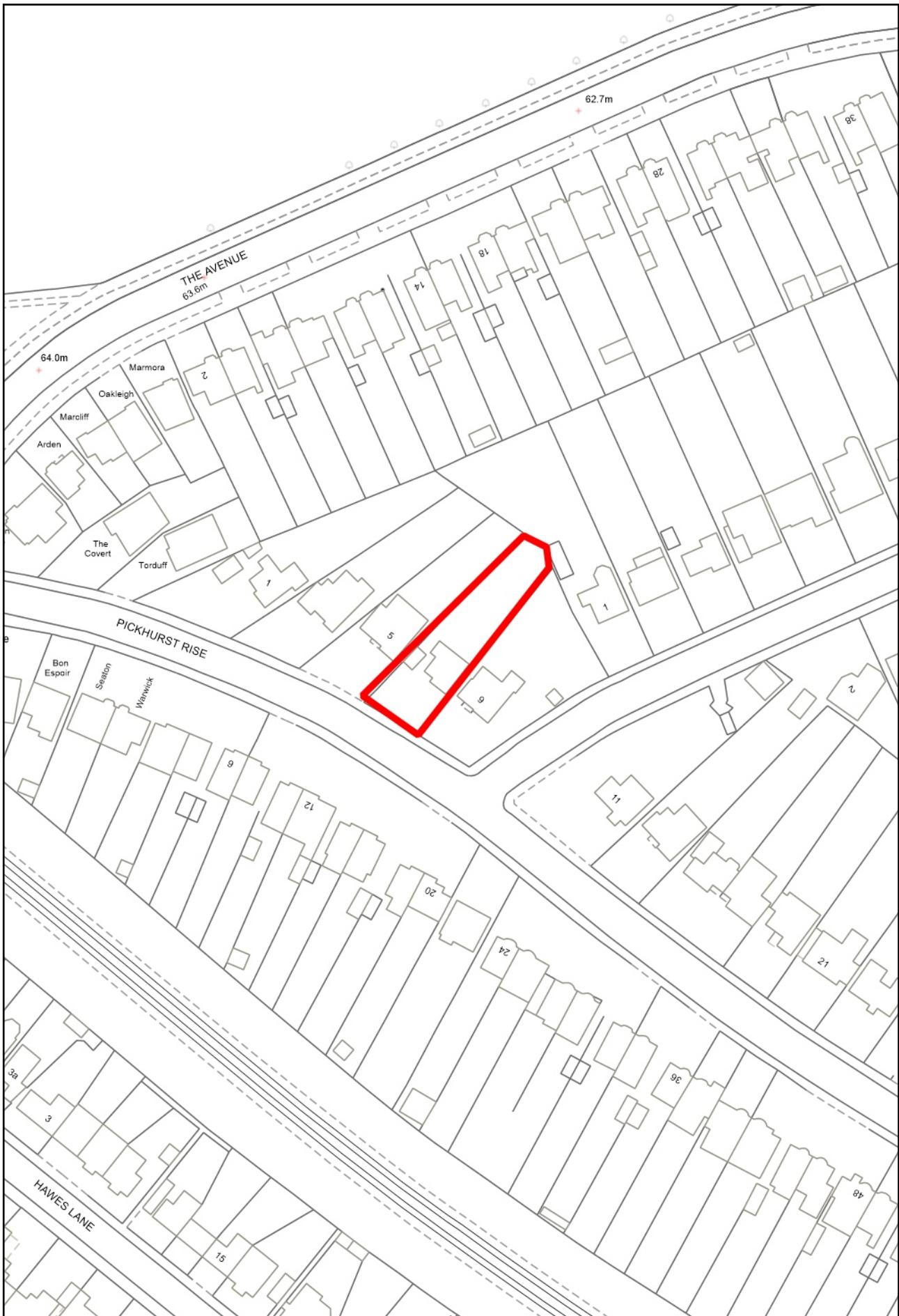
- 8.1 Having regard to the above, it is considered that the proposed development is acceptable.
- 8.2 The scale and design of the proposed extension respects the scale and form of the host dwelling and that of surrounding development and would be detrimental to the character and appearance of the area within which it lies.
- 8.3 The proposed development would not give rise to a significant loss of residential amenity to neighbouring occupiers.
- 8.4 The proposed development would therefore comply with Policies 6, 8 and 37 of the Bromley Local Plan.
- 8.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: Permission**

### **Subject to the following conditions:**

- 1. Time limit of 3 years**
- 2. Materials as per the submitted plans**
- 3. In accordance with approved plans**
- 4. Dormer windows to side elevation to be opaque and non-opening**
- 5. No additional flank windows**

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



21/04868/FULL6



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# Agenda Item 4.9

<b>Committee Date</b>	09/12/2021	
<b>Address</b>	Land rear of 165 and 167 White Horse Hill Chislehurst	
<b>Application Number</b>	21/02616/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Mottingham And Chislehurst North	
<b>Proposal</b>	Erection of two storey, three bedroom, detached dwellinghouse with associated access, parking and amenity space.	
<b>Applicant</b>	<p>Guy Osborne</p> <p>Deal House 3 Willow Grove Chislehurst BR7 5AF</p>	<b>Agent</b>
		James Sharp
	<p>2 Pickering Lane Orpington BR5 1FA</p> <p>Call-In</p>	<b>Councillor call in</b>  Yes
<b>Reason for referral to committee</b>		

<b>RECOMMENDATION</b>	Application Permitted
-----------------------	-----------------------

<b>KEY DESIGNATIONS</b>
Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 51

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	n/a	n/a
Proposed	C3 dwellinghouse	138sqm

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

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	n/a	1	+1
Disabled car spaces	n/a	0	0
Cycle	n/a	2	+2

<b>Electric car charging points</b>	Percentage or number out of total spaces 100%
-------------------------------------	--

<b>Representation summary</b>	Neighbour letters sent 30.6.21 Newspaper advert published 14.7.21 Site notice displayed 2.9.21
Total number of responses	15
Number in support	12
Number of objections	3

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact detrimentally on the character of the area,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents
- The development would not have harmful highway impacts.

## 2. LOCATION

- 2.1 The application site is a parcel of land located on the southern side of Cranmore Road measuring approximately 0.033ha, formerly the rear gardens of Nos. 165 and 167 White Horse Hill, Chislehurst. The land slopes downwards to the north and west

with the contour of the hillside. The land is in an unkempt condition. The area is residential in nature characterised mostly by semidetached and terraced two storey post-war dwellings set in consistently sized and shaped plots, albeit relatively compact in size and with numerical densities ranging from approximately 20-26u/ha in the immediate vicinity of the application site. the application site is not listed and does not lie within a Conservation Area or an Area of Special Residential Character.

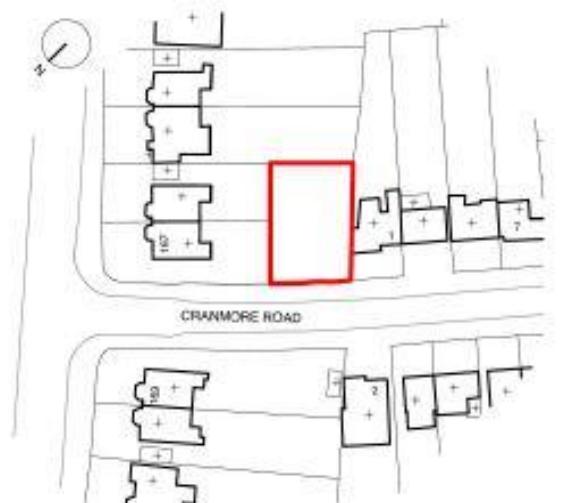


Fig 1. Site location plan.

### 3. PROPOSAL

- 3.1 Planning permission is sought for erection of two storey, three bedroom, detached dwellinghouse with associated access, parking and amenity space.
- 3.2 The application is supported by the following documents:
  - Application form,
  - Application drawings,
  - Design and Access Statement,
  - Planning Statement,

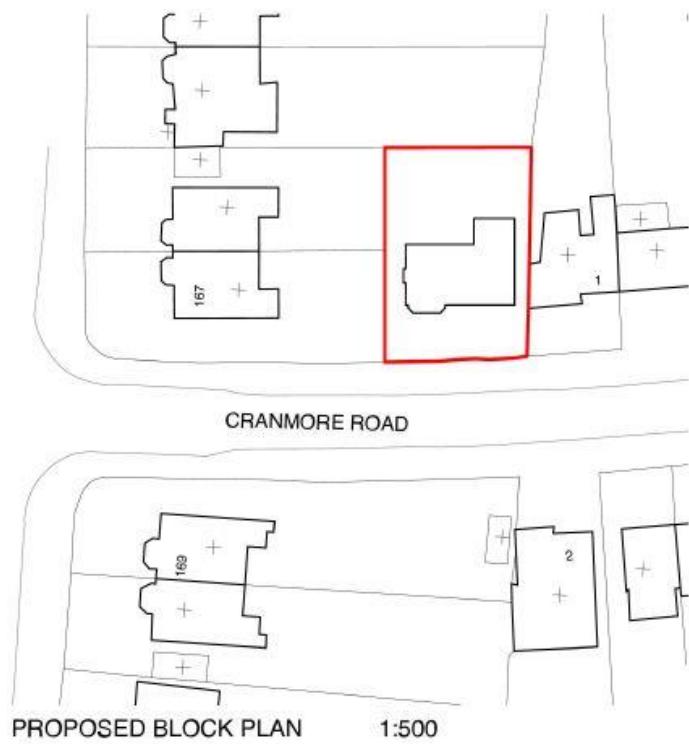


Fig 2 Proposed block plan.

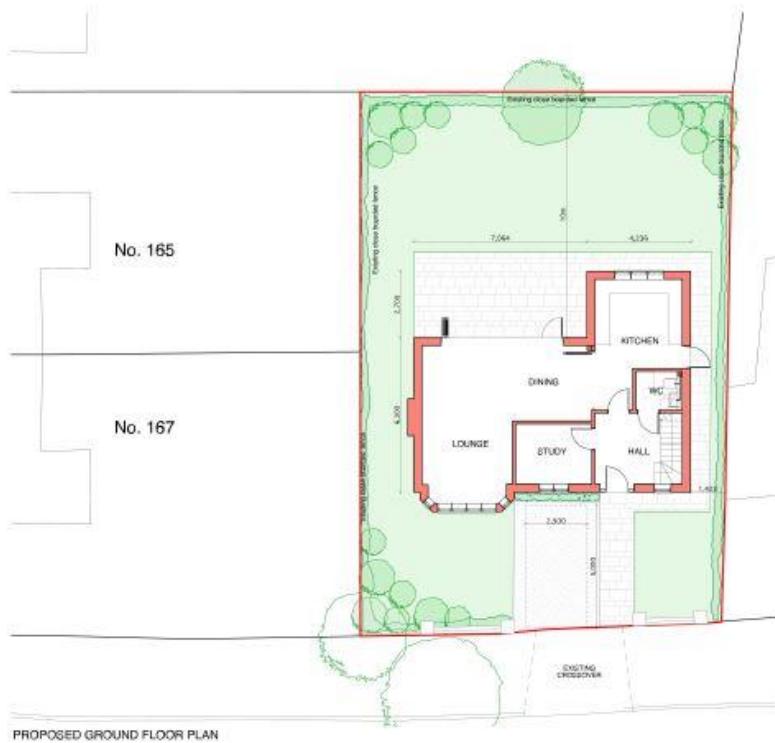


Fig 3 Proposed site layout and ground floor plan.



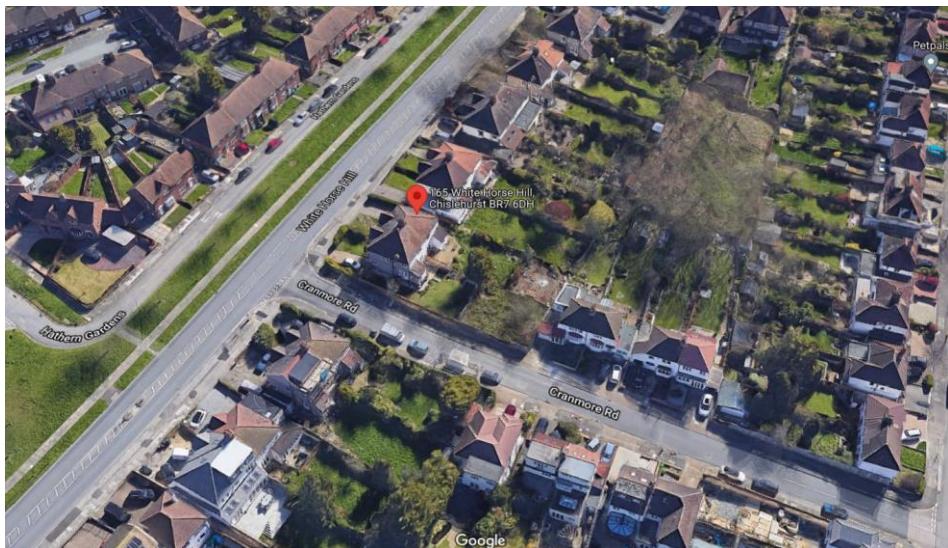
Fig 4 Proposed First floor plan.



Fig 5 Proposed front elevation and street scene.



Photograph 1 application site from Cranmore Road.



Aerial photograph 1

#### 4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.1.1 98/01864/FUL – Two storey four bedroom detached house with integral garage was refused on 19.08.1998 for the following reason:
1. The proposed severance of an area of existing rear gardens to form a new building plot would be contrary to Policies H.2 and E.1 of the Unitary Development Plan and would result in a cramped overdevelopment of the site, out of character in the locality.
- 4.1.2 12/00090/FULL1 – Erection of two storey detached 3 bedroom dwelling was refused on 02.03.2012 for the following reason:
1. The proposed severance of existing rear gardens to form a new building plot would result in a cramped overdevelopment of the site, out of character in the locality, and contrary to Policies BE1 and H7 of the Unitary Development Plan and Planning Policy Statement 3 – “Housing”.

#### 5. CONSULTATION SUMMARY

##### A) Statutory

- 5.1 Highway Department: The application site has a low PTAL 2 rating (on a scale where 0 has the least and 6b has the best access to public transport services) indicating that the site and the proposed development would more reliant upon private transport such as the car and bicycle than on public transport. The proposed dwelling would use an existing vehicle access onto the Cranmore Road and would be provided with 1 parking spaces in accordance with the London Plan. Nos. 165 and 167 White Horse Hill both have parking spaces on their frontages and as such the proposed dwelling would not deprive them of existing parking spaces on Cranmore Road. No objection subject to recommended conditions.

## **B) Local Groups**

n/a

## **C) Adjoining Occupiers**

### 5.2 Objection

#### 5.2.1 General

- similar/previous planning applications have been refused, indicating the development is unacceptable,
- development would set a precedent,
- plot was the garden of No. 167 White Horse Hill and was intended for a granny annexe,
- other permissions/granny annexes in the area increases number of residents in the area,
- only for profit with no benefit to the local area,

#### 5.2.2 Housing matters

- plot too small and lack of amenity space for future occupants,
- no significant benefit to the housing supply,

#### 5.2.3 Design and landscaping

- overdevelopment of plot,
- cramped appearance out of keeping with generally spacious area,
- inappropriate backland/garden land development,
- new design out of keeping with traditional character of its surroundings,
- proposal would remove existing trees,

#### 5.2.4 Neighbouring amenities

- overbearing to neighbouring outlook and views,
- overlooking to neighbouring privacy,
- building and landscaping overshadowing neighbouring properties and gardens,
- would prevent access to side of No. 1 Cranmore Road for future extensions or maintenance,
- larger houses and gardens should be encouraged due to need for amenity and working from home space in the pandemic,
- noise and disturbance to neighbours,
- additional vehicles and air pollution to neighbours,

#### 5.2.5 Highways and parking

- busy road used as a shortcut with speeding vehicles and highway accidents,
- insufficient on-site parking/garage space and visitor parking would increase on-street parking,
- development would exacerbate traffic and parking congestion, impede emergency vehicle access, and harm highway safety,
- construction process would cause traffic congestion,
- parking restriction signage is unclear causing parking fines,

#### 5.2.6 Other

- further impact on Thames Water services and pipe leaks,
- would exacerbate existing impact on ground conditions/stability of neighbouring properties and affect their property values,
- increased surface water run-off affecting the water table and flooding,
- impact/strain on resources,
- area is subject to fly-tipping and site has been left to decay in order to improve chances of planning permission.

### 5.3 Support

#### 5.3.1 General

- General support for the proposal,
- would utilise a disused/derelict under used site,
- the proposal would comprise sustainable development,
- an appeal could not be defended,

#### 5.3.2 Housing matters

- small windfall sites increase housing supply and contribute towards alleviating housing demand,

#### 5.3.3 Design and landscaping

- the site is not “backland”
- there would be adequate separation,
- design would be in keeping with the street scene,

## 6. POLICIES AND GUIDANCE

### 6.1 National Policy Framework 2019

### 6.2 NPPG

### 6.3 The London Plan 2021

GG2 Making the best use of land

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D7 Accessible housing

D11 Safety, security and resilience to emergency,

H1 Increasing housing supply

H2 Small sites,

G5 Urban Greening

G6 Biodiversity and access to nature

G7 Trees and woodlands

SI1 Improving air quality

SI12 Flood risk management

SI13 Sustainable drainage

T1 Strategic approach to transport

- T5 Cycling  
T6 Car parking  
T6.1 Residential parking
- 6.4 Bromley Local Plan 2019  
1 Housing Supply  
4 Housing Design  
8 Side Space  
30 Parking  
32 Road Safety  
37 General Design of Development  
113 Waste Management in New Development  
116 Sustainable Urban Drainage Systems  
120 Air Quality  
123 Sustainable Design and Construction  
124 Carbon reduction, decentralised energy networks and renewable energy  
125 Delivery and Implementation of the Local Plan

## **6.5 Supplementary Planning Guidance**

Providing for Children and Young People's Play and Informal Recreation (2012)  
Accessible London: Achieving an Inclusive Environment (2014)  
Sustainable Design and Construction (2014)  
Shaping Neighbourhoods: Character and Context (2014)  
Housing (March 2016)  
Control of Dust and Emissions During Construction and Demolition (2014)  
Housing (2016)  
Homes for Londoners – Affordable Housing and Viability (2017)  
Planning Obligations (2010) and subsequent addendums  
SPG1 General Design Principles  
SPG 2 Residential Design Guidance

## **7. ASSESSMENT**

### **7.1 Resubmission**

- 7.1.1 As mentioned, the current scheme follows on from the previous application and 12/00090/FULL1 and compares/differs in the following ways:
- Dwelling positioning/layout and design would be handed and positioned closer to the southern side flank boundary with No. 1 Cranmore Road,
- 7.1.2 The current proposal is therefore materially different from the previously proposed scheme and it will be assessed on its own merits. The current proposal is also assessed in relation to the current Development Plan including a new London Plan 2021 and Bromley Local Plan 2019, and a new NPPF 2021, compared with the previous scheme(s).

## **7.2 Principle and location of development – acceptable**

- 7.2.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 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.
- 7.2.2 NPPF paragraph 53 also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.2.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.2.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 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.
- 7.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.2.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.2.7 NPPF paragraph 11 sets out the 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.
- 7.2.8 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.

7.2.9 The application site lies within a residential urban/suburban area where new development including housing is encouraged to be located, although it is not necessarily an allocated or identified site and therefore comprises a windfall or site not necessarily expected to become available for development. This proposal would provide 1 new dwelling, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

### **7.3 Housing matters - acceptable**

#### **7.3.1 Optimising site Capacity through design (density)**

7.3.1.1 Before the subdivision of Nos. 165-167 White Horse Hill and the formation of the application site Nos. 165-167 White Horse Hill measured approximately 0.099ha, resulting in an estimated 20 u/ha and a plot size, shape and general form of development consistent with the established pattern of built form and urban grain in this location. As mentioned, the application site measures approximately 0.033ha, within a PTAL 2 rated area, and the subdivided plot providing one dwellinghouse would lead to an estimated 30u/ha density and this would not differ significantly from the prevailing numerical density. Although the proposal would reduce the size of the former plots and the proposed plot in particular would have a narrower plot depth this alteration in plot size/shape would not be highly visible, prominent or noticeable from outside the site and within the street scene. The resulting plots at Nos. 165-167 White Horse Hill would be somewhat smaller leading to an estimated greater dwelling density of approximately 23u/ha and also smaller sizes/shallower plot shapes compared with the prevailing plots in White Horse Hill however again this would not be overly visible or obvious within the street White Horse Hill or Cranmore Road scene. Furthermore, the "design led approach" is less focussed on numerical density and more on physical design based character. In this case the statistical analysis and the visual design of the size and scale of the building would not have a significantly greater numerical density or a significantly different effect on character and appearance of the site within the local area.

#### **7.3.2 Standard of residential accommodation**

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

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

- 7.3.2.2 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.3.2.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.3.2.4 The proposal would provide a two storey 3-bedroom 5-person (3b5p) dwelling with a relatively spacious layout, rooms sizes, and appropriately sized laid out private amenity space, and the submitted details respond to accessible/adaptable homes requirements.

#### **7.4 Design and landscaping – 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 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 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 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.
- 7.4.5 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.
- 7.4.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.4.7 Although the application site formerly related to Nos. 165-167 White Horse Hill, the site and the proposed design would front on to and therefore also relate to Cranmore Road.
- 7.4.8 As mentioned, the currently proposed dwelling would be handed and its mass and architectural features would be repositioned towards the south western boundary with No. 1 Cranmore Road and away from 165-167 White Horse Hill where it would provide some additional spacing from White Horse Hill and would provide sufficient spacing from No. 1 Cranmore Road, in keeping with the existing spatial standards in this part of the highway and local area. As mentioned above, notwithstanding the reduction in the size of the application site plot and Nos. 165-167 White Horse Hill, the effect would not be unduly prominent within either street scene and would not have a significantly more harmful impact on the wider character and appearance of the area.
- 7.4.9 The design of the dwelling itself and external materials would not appear to conflict with those in the local area, and this could be managed by planning condition in the event that planning permission is granted. The proposal would not directly impact trees or vegetation significantly important to the character of the area and would offer the opportunity for additional planting.

## 7.5 Neighbouring amenity – acceptable

- 7.5.1 Policies 6 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

- 7.5.2 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.
- 7.5.3 Although the proposed dwelling would be visible from some of the nearest neighbouring properties, including No. 6 Cranmore Road and Nos. 165 and 167 White Horse Hill, it would be sufficiently well separated that it would not have a significantly more harmful impact on outlook or direct sun or daylight, than the existing situation. The main outlook would be to the front and rear (north east and south west respectively) i.e. in the same direction as existing dwellings in Cranmore Road where any additional overlooking would not appear to be significantly more harmful, although the design of any upper floor side flank windows should be avoided or carefully managed in order to avoid harmful sideward overlooking. Furthermore, there was no objection in this regard in the previous planning decisions and the current proposal does not significantly alter this position.

## **7.6. Highways and parking – acceptable**

- 7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.6.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.6.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.6.4 The application site lies in an area with a low PTAL 2 rating (on a scale where 0 has the least and 6b has the best access to public transport services) indicating that the site and the proposed development would be more reliant upon private transport such as the car and bicycle than on public transport. The proposed dwelling would use an existing vehicle access onto the Cranmore Road and would be provided with 1 parking space in accordance with the London Plan. Nos. 165 and 167 White Horse Hill both have parking spaces on their frontages and as such the proposed dwelling would not deprive them of any existing parking spaces on Cranmore Road. There is no objection from the Council's Highway Department on highway grounds, subject to recommended conditions in the event that planning permission is granted. Furthermore, there was no objection in this regard in the previous planning

decisions and the current proposal does not significantly alter this position. Cycle parking details could be managed by planning condition in the event that planning permission is granted. Refuse storage details could be managed by planning condition in the event that planning permission is granted.

## **7.7 Sustainability – acceptable**

- 7.7.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.7.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI 2 Minimising greenhouse gas 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, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 7.7.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.7.4 As the proposal is for a new dwelling it would offer the opportunity to include energy efficient and sustainable construction methods improving its environmental performance. Furthermore, as the proposal would comprehensively redevelop the site it would also offer the opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby also contributing towards carbon dioxide emissions savings and this would be encouraged.

## **7.8 Other matters**

- 7.8.1 There is no objection from the Council's Drainage Engineer subject to a suitable drainage system being provided and this could be managed by planning condition.
- 7.8.2 Given the currently open and vacant use of the site and its potential to contain contaminants the Council's Environmental Health Department recommends the submission of a contaminated land assessment and this could be managed by planning condition along with a Construction Environmental Management Plan and measures for installing suitable gas boilers within an Air Quality Management Area.

## **8. CIL**

- 8.1 The Mayor of London's and Borough 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 would not impact detrimentally on the character of the area including the Petts Wood ASRC, it would not have a significantly harmful impact on the amenities of neighbouring residents and would not have harmful highway impacts. For these reasons and subject to recommended conditions it is recommended that planning permission is granted.
- 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: PERMISSION BE GRANTED**

Subject to the recommended conditions:

### **Standard**

Standard Time Limit

Standard Compliance with Plans

### **Pre-commencement**

Slab levels to be submitted

Scheme for surface water drainage

Construction Environmental Management Plan

### **Above Ground**

Highway surface water drainage

Cycle parking details

Refuse/recycling storage details

Landscaping

### **Pre-occupation**

Parking in accordance with plans

### **Compliance**

External materials

Side Space

No new windows (apart from those approved)

Obscure glazed/restricted opening windows

Permitted Development rights removed A, B, C, D, E

Accessible and adaptable dwellings

Construction vehicle wash-down

Gas Boilers (Air Quality Management)

### **Informatics**

Party Wall Act

Side Space

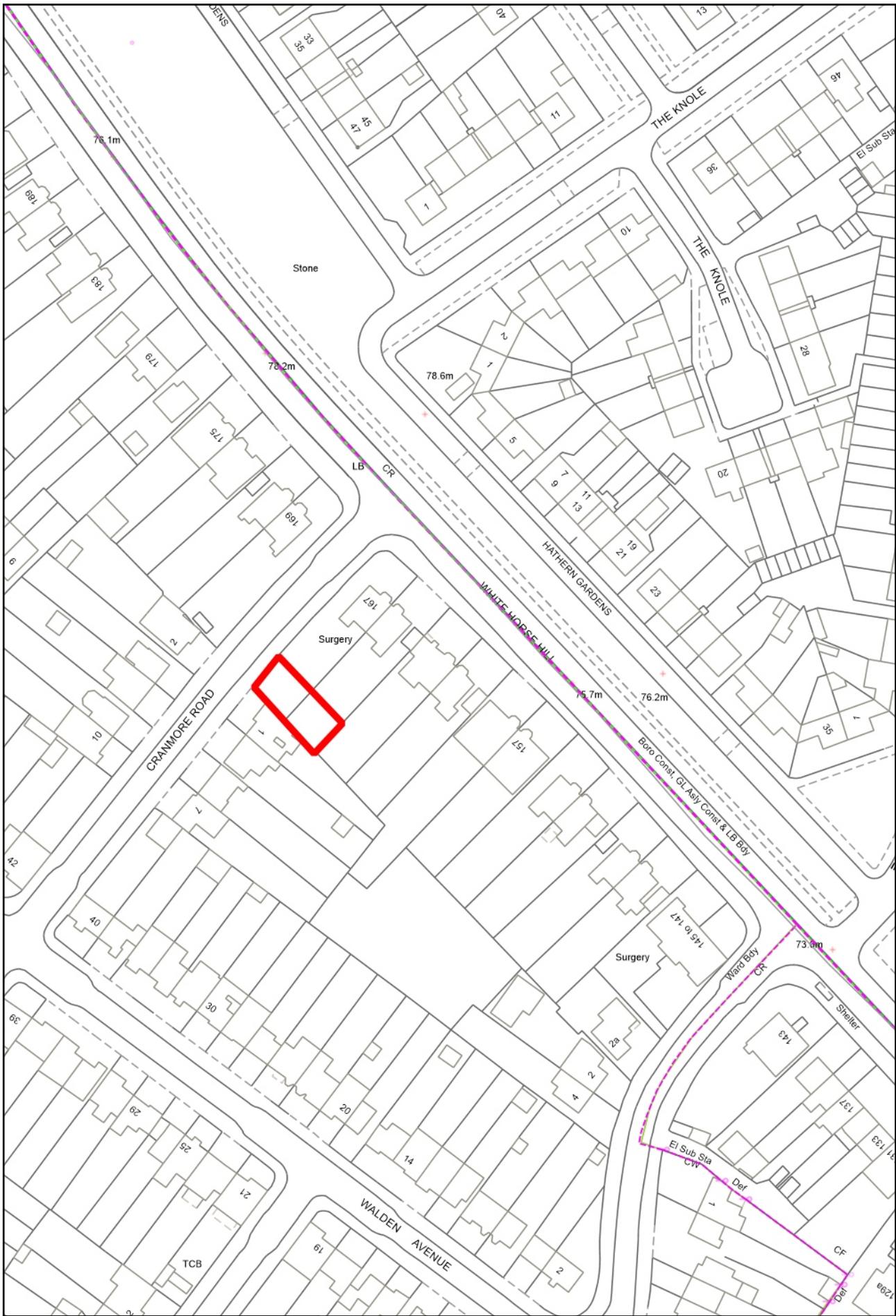
New vehicular accesses

Street furniture

New driveway materials  
Control of Pollution/Construction sites  
Thames Water infrastructure

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

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21/02616/FULL1



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# Agenda Item 4.10

<b>Committee Date</b>	6 <sup>th</sup> January 2022	
<b>Address</b>	48 Durham Avenue, Shortlands, Bromley, BR2 0QB	
<b>Application Number</b>	21/05307/TREE	<b>Officer</b> Chris Ryder
<b>Ward</b>	Shortlands	
<b>Proposal</b>	2 x Conifers in front garden- Fell to ground level.	
<b>Applicant</b> Mr Oliver Macey 11 Broom Close Bromley BR2 8	<b>Agent</b>	
<b>Reason for referral to committee</b>	<b>Councillor call in</b> Cllr Cooke	
<b>RECOMMENDATION</b>	No Objections	

## KEY DESIGNATIONS

Durham Avenue Conservation Area

<b>Representation summary</b>	
Total number of responses	0
Number in support	0
Number of objections	0

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

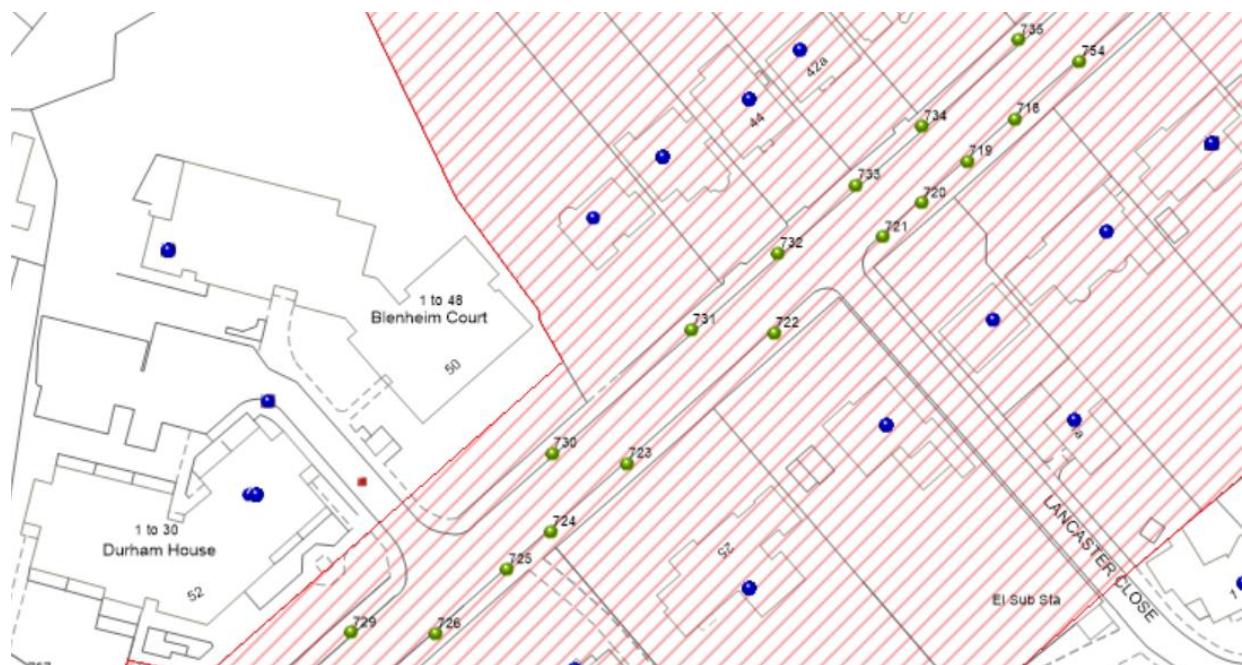
- Members must decide whether to issue a decision of no objections or authorise the making of a new Tree Preservation Order (TPO) to prevent the proposed works from taking place.

## PROPOSAL

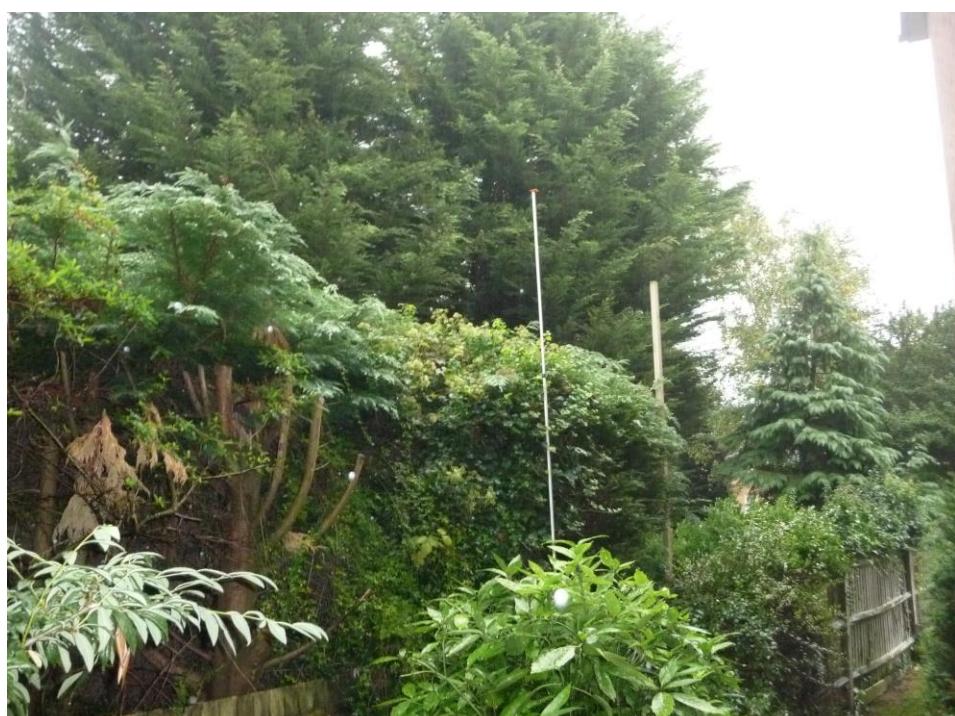
1. This conservation area notice has been made in respect of 2 cypress trees situated in the front garden of the application site. The felling of the tree is proposed due to them outgrowing their position and to allow more space adjacent to the drive.

## LOCATION

2. The application site is comprised of a detached dwelling located on the north side of the road. The property is located within the local conservation area applying broad tree protection.



*Figure 1 - Site Location*



*Figure 2 – Cypress (conifer) trees*

### **3 RELEVANT PLANNING HISTORY**

- 3.1 Extensions to the dwelling are proposed under application 21/04672/FULL6. At the time of writing this report, the application is pending determination.
- 3.2 Application 18/00151/OUT resulted in a refusal for a new dwelling.
- 3.3 Intention to re-shape and reduce height by 20% 11 conifers in front garden and 1 conifer in back garden. (Trees in Conservation Area.)  
Ref. No: 05/00374/TREE | Status: Decision No objection
- 3.4 Intention to reduce height of 9 cypresses in back garden by 6 metres TREES IN CONSERVATION AREAS  
Ref. No: 07/01141/TREE | Status: Pending Consideration
- 3.5 Demolition of existing dwelling and erection of detached part three/four storey block comprising 6 two bedroom flats and 3 three bedroom flats with associated vehicular access, bin store and car parking  
Ref. No: 08/03342/FULL1 | Status: Application Refused
- 3.6 Demolition of existing dwelling CONSERVATION AREA CONSENT  
Ref. No: 08/03344/CAC | Status: Conservation Area Consent Refused
- 3.7 Reduce height of group of 6 x large mature Leylandii on left rear boundary by 8m and remove 2 x declining Birch trees.  
Ref. No: 16/05123/TREE | Status: Decision No objection
- 3.8 G9 Group of Leylandii - Reduce height by 3m. T4 Birch - Fell. G8 Malus Birch Ash - Fell.  
Ref. No: 17/05310/TREE | Status: Decision No objection
- 3.9 High Hedge Remedial Notice HH/00019 took effect on 28<sup>th</sup> September 2008 and requires regular height reduction on the hedge situated adjacent to the rear left hand boundary.

### **4 CONSULTATION SUMMARY**

- 4.1 A site notice was sent to be displayed and no representations were received.

### **5 POLICIES AND GUIDANCE**

#### **5.1 National Policy Framework 2019**

15. Conserving and enhancing the natural environment

#### **5.2 The London Plan**

G1 Green Infrastructure and Natural Environment  
G7 Trees and Woodlands

#### **5.3 Bromley Local Plan 2019**

42 Conservation Areas  
73 Development and Trees

#### **5.4 The London Borough of Bromley Tree Management Strategy 2016-2020**

##### **Section 18**

#### **5.5 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 Council received notice of the intention to fell the trees. The justification supplied indicates the trees have outgrown the position in the front garden.

6.2 Officers must evaluate the merits of making a new TPO to prevent works from taking place. The following criteria is key in the evaluation:

- Public visibility
- Retention span/lifespan
- Potential future nuisances
- Special character considerations
- Threat level

6.3 The trees do not merit the preservation, mainly due to the species character, boundary position and lack of relevance to the conservation area. A high hedge matter has been resolved by way of remedial notice in the rear garden, however, high hedge legislation and the associated guidance is relevant in this evaluation.

6.4 The Council have 6 weeks to consider the works. Upon expiry of the notice period, applicants may proceed. The Council may still wish to serve a TPO, should the tree still be in situ.

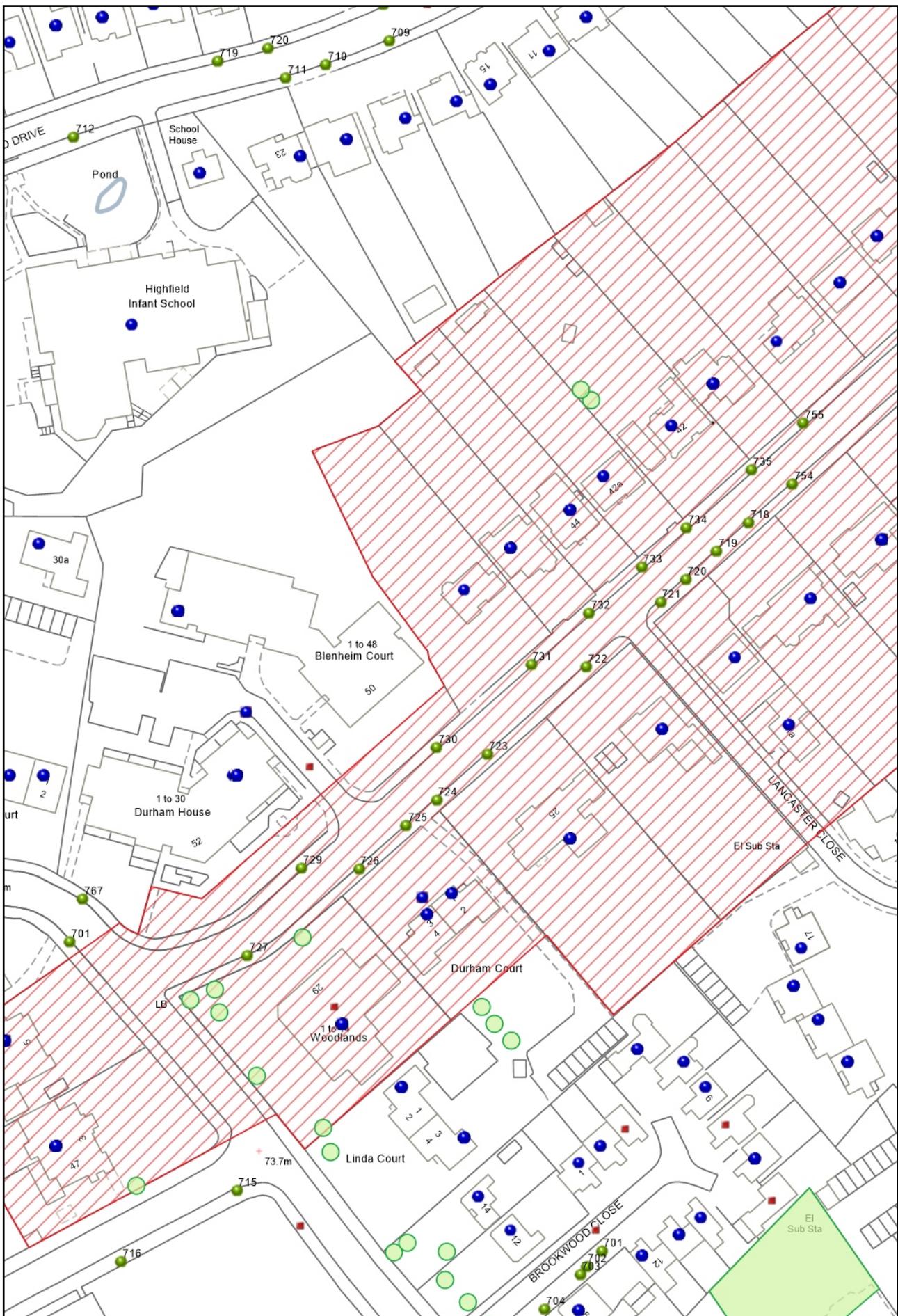
### **7 CONCLUSION**

7.1 Due to the tree not meeting the evaluation criteria sufficiently, no objections are recommended as a formal decision.

7.2 Members are recommended to issue a decision of no objections to enable the applicant to proceed as proposed.

#### **RECOMMENDATION: No objections**

2 x Conifers in front garden- Fell to ground level.



## Planning



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Ordnance Survey 100017661.

(21/05307/TREE) - 48 Durham Avenue, Shortlands, Bromley, BR2 0QB



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