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DATE: 15 November 2023

To: Members of the  
**PLANS SUB-COMMITTEE NO. 1**

Councillor Alexa Michael (Chairman)  
Councillor Christine Harris (Vice-Chairman)  
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert, Colin Hitchins,  
Jonathan Laidlaw, Ruth McGregor, Tony Owen and Mark Smith

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre,  
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 23 NOVEMBER 2023 AT 7.00  
PM**

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 7588**

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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 SEPTEMBER 2023**  
(Pages 1 - 4)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Penge & Cator	5 - 24	(21/05656/FULL1) 62 Kings Hall Road, BR3 1LS
4.2	Penge & Cator	25 - 82	(21/05715/FULL1) - Cyphers Indoor Bowling Club, Kings Hall Road, Beckenham, BR3 1LP
4.3	Beckenham Town & Copers Cope	83 - 98	(22/04039/FULL2) - School House, Overbury Avenue, Beckenham BR3 6PZ
4.4	Petts Wood & Knoll	99 - 112	(23/03040/FULL6) - 13 Birchwood Road, Petts Wood, Orpington, BR5 1NX
4.5	Chislehurst	113 - 128	(23/03109/FULL6) - Barton, Kemnal Road, Chislehurst, BR7 6LY

### 5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

### 6 **TREE PRESERVATION ORDERS**

NO REPORTS

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

## PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 28 September 2023

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Christine Harris (Vice-Chairman)  
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert,  
Colin Hitchins, Ruth McGregor, Tony Owen and Alison Stammers

### Also Present:

Councillor Kevin Kennedy-Brooks

### 30 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Smith and Councillor Stammers attended as substitute. Apologies also received from Councillor Laidlaw.

### 31 DECLARATIONS OF INTEREST

Regarding Agenda Item 3, Councillor Stammers stated she is an acquaintance of Mr Walker and Mr Langford (Applicants for Agenda Item S29 of 03/08/23 meeting).

### 32 CONFIRMATION OF MINUTES OF MEETING HELD ON 3RD AUGUST 2023

Following a lengthy discussion and after noting that the Minutes only record what was decided and said, Members agreed the Minutes of the meeting held on 3<sup>rd</sup> August 2023, with the addition of the following,

Agenda Item 24.3

'Members heard a representation from the Applicant, together with views from Ward Councillor and Committee Member, Councillor Andrews before further discussing the application.'

Agenda Item S29 (penultimate paragraph)

'This is subject to notification to the Mayor of London, an acceptable planning obligation as set out in recommendation 3 with 3 shared ownership units and 3 London affordable rent units *out of the 16 units permitted* and the imposition of such conditions that the Assistant Director of Planning considers necessary.'

### 33 PLANNING APPLICATIONS

#### 33.1 PENGE AND CATOR

**(22/04784/FULL1) 20 Southey Street, Penge,  
London, SE20 7JD.**

Partial demolition, internal and external alterations and conversion of building to 2 no. self-contained studio flats.

In a presentation given by the Planning Officer, members heard that the proposal would provide two residential dwellings, making an addition to housing supply within the Borough. Additionally the plans are not considered to result in an overdevelopment of the site or to have a detrimental impact on the character and appearance of the surrounding area.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report.

#### 33.2 HAYES AND CONEY HALL

**(23/00988/ADV) - 34 West Common Road, Hayes,  
Bromley, BR2 7BX**

Retrospective advertisement consent application for the installation of 11x non illuminated hoarding signs.

The Planning Officer confirmed an update to information provided on page 35 of the Report. The application site is in fact adjacent to the Bromley, Hayes and Keston Conservation Area.

It was also brought to Members' attention that the unauthorised hoarding advertisements had been removed since the application had been made. The applicants clarified that they would like to re-display the adverts if consent is granted.

Ward Member and Committee Chairman, Councillor Michael, expressed her view to Members that the signage was excessive for the location, with the risk of setting a precedent if the application was permitted.

A question was raised by a Committee Member regarding the completion date for the construction of the residential care home and the subsequent date to which the advertisement hoardings are required. In

response the Planning Officer confirmed that there was an initial completion date given by the applicants, but this would now need to be adjusted given the time taken for the application to come before the Plans Sub-Committee.

Further discussions took place regarding adding a time-limiting condition if consent was given whereby the hoardings had to be removed by a certain date or when the building work was completed, whichever was sooner.

Members having considered the report, objections and representations **RESOLVED that ADVERTISEMENT CONSENT BE GRANTED** as recommended, subject to the conditions set out in the report **but with Condition 1 amended to require removal by 30 April 2024 or completion of construction of the development, whichever was sooner.**

**33.3  
PETTS WOOD AND KNOLL**

**(23/03077/FULL6) - The Conifers, 2 The Covert,  
Petts Wood, Orpington, BR6 0BU**

First floor side extension with 1x front and 2x rear gable dormers.

An oral representation from the Applicant in support of the application was received at the meeting. The Applicant highlighted to Members that the application has been made with the intention of maintaining the residential character of the area, including maintaining space between properties. It was also confirmed that no objections had been received from neighbours.

In response to a question from a Member regarding the architects for the proposal, the Applicant confirmed to Members that advice had been followed from Crofton Design Services to keep the plans in line with similar properties in the area and sympathetic to the character and appearance of the area.

Discussions were then held by Members, and it was mentioned that the proposal was a sympathetic plan which matches the current design and gives balance

to the appearance of the property.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report.

34

#### **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

#### **35 TREE PRESERVATION ORDERS**

##### **35.1 PENGE AND CATOR**

##### **Confirmation of TPO 2888 (Land rear of 175-205 Kings Hall Road, Beckenham)**

A presentation was given by a Council Tree Officer in which Members were informed that the application was to consider an objection to the existing Tree Preservation Order (TPO) and recommended to confirm the TPO without modification.

An oral presentation from Visiting Ward Member, Councillor Kennedy-Brooks in support of confirmation was received at the meeting. He stated that members should trust Tree Officers' judgment in that the TPO was lawfully issued, and all the appropriate legislation and procedures had been followed correctly. He added that any future plans/works that the landowner intends to carry out should be submitted in the correct way to enable the Committee to make a decision.

Members having considered the report, objections and representations **RESOLVED that the TREE PRESERVATION ORDER BE CONFIRMED WITHOUT MODIFICATION** as recommended in the report.

The Meeting ended at 8.07 pm

Chairman

# Agenda Item 4.1

<b>Committee Date</b>	23 <sup>rd</sup> November, 2023		<b>Agenda Item:</b>
<b>Address</b>	62 Kings Hall Road Beckenham BR3 1LS		
<b>Application number</b>	21/05656/FULL1	<b>Officer:</b> Jessica Lai	
<b>Ward</b>	Penge and Cator		
<b>Proposal (Summary)</b>	Alternations and conversion of the existing day nursery into 4 self-contained flats.		
<b>Applicant</b>		<b>Agent</b>	
Fennies Day Nursery Ltd 62 Kings Hall Road Beckenham BR7 6LY		Mark Batchelor 4TY Planning Ltd	
<b>Reason for referral to committee</b>	Linked application over 20 units	<b>Councillor call in</b> No	

<b>RECOMMENDATION</b>	<b>Planning permission be refused</b>
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<b>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 25</b>
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<b>Existing and proposed use and floor area</b>			
<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference (+ or -)</b>
Residential	N/A	345.9sq.m	(+) 345.9sq.m
Nursery	356.9sqm	N/A	(-) -356.9sqm

<b>Electric Vehicle charging point</b>	0
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<b>Vehicle parking</b>	<b>Existing number of spaces</b>	<b>Total proposed including spaces retained</b>	<b>Difference in spaces (+ or -)</b>
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	N/A	9	+9

<b>Representation summary</b>	Neighbour letters were sent on 21 <sup>st</sup> December 2021. Site notice was placed by the applicant.		
Total number of responses (objection, comment or object)	0		

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

- This is a full planning application for the conversion of the nursery building to provide 4 private residential flats. A separate and linked planning application for the provision of a new nursery and new housing is submitted under planning application reference 21/02715/FULL1 and should be considered and determined at the same time.
- The proposal would represent over-intensive development and fail to provide adequate living spaces, outlook, privacy and good layout for the prospective occupiers. In the absence of a replacement nursery being secured, it is also considered that the proposal would result in a loss of a community facility. The planning assessments and merits of the proposed development at No.62 Kings Hall Road is set out in this report.

## **1. LOCATION**

- 1.1 No.62 Kings Hall Road is occupied as a day nursery and is located on the southern side of Kings Hall Road. The building is a two-storey detached building with varying roof levels. The ground floor was first converted into a nursery in 1988. There was further conversion of the



upper floors and subsequent various extensions, including a flat roof ancillary detached playroom/outbuilding in the rear garden.

- 1.2 The site is mainly surrounded by traditional Victorian houses and residential accommodation. To the west of the site is a two-storey residential building (No 1 to No.10 Densole Close). The site adjoins to the railway line to the rear.
- 1.3 The application building is not listed and there is no listed building in the vicinity. Aldersmead Road Conservation Area is located approximately 64 metres West from the application site.
- 1.4 The site has a PTAL rating of 4, on a scale between 0 to 6b where 0 is worst and 6b is best. Kent House Railway Station is located approximately 214 metres west from the site. Kings Hall Road is a 20 mile per hour road. There are double yellow lines outside the application site, on both side of Kings Hall Road.
- 1.5 The site is located within Flood Zone 1. The site is subject to very low risk of surface water flooding. Kings Hall Road is subjected to low risk of surface water flooding.

## **2. PROPOSAL**

- 2.1 Full planning permission is sought for the conversion of the existing day nursery into 4 self-contained flats.
- 2.2 The footprint of the proposed single storey rear extension has been amended. The proposed ground floor 3 bed 6 person unit (Flat 2) is changed to a 3 bd 5 person unit. The proposed housing units and size would comprise of the following:
  - Flat 1: 1 x 2 bed / 3 person unit;
  - Flat 2: 1 x 3 bed / 5 person unit;
  - Flat 3: 1 x 2 bed / 3 person unit; and,
  - Flat 4: 1 x studio/ 1 person unit.
- 2.3 As part of this application, external alternation of the existing single storey building is also proposed. The rear addition would measure approximately 6.3 metres wide and 10 metres deep, projects approximately 0.5m further than the existing rear extension and detached from its side boundaries. The external finishes of the proposed single storey rear extension would be made of timber slats.
- 2.4 Existing single storey outbuilding in the rear garden would be converted into a shared workspace/gym, bike store and a toilet.

- 2.5 Two off-street parking spaces and bin storage area would be provided in the forecourt.

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

- 3.1 Ref: 88/04253/FUL – granted on 23.08.1988  
Single storey side extension and change of use of ground floor room residential to day nursery.
- 3.2 Ref: 89/01922/OTH – granted on 07.08.1989  
Revision to planning permission reference 88/04253 granted for single storey side extension and change of use of ground floor room to day nursery to increase the dimension and revised elevation of extension.
- 3.3 Ref: 90/03162/FUL – granted on 18.02.1991  
Continued use of ground floor as day nursery. Renewal of permission 88/04253.
- 3.4 Ref: 97/00086/FUL -refused on 13.03.1997.  
Change of use of first floor from residential to day nursery
- 3.5 Ref: 97/02462/FUL – refused 03.11.1997.  
Change of use of first floor from residential to day nursery
- 3.6 Ref: 02/01998/FULL2 – granted on the 20.12.2022  
Change of use of first floor from residential to day nursery for 8 babies
- 3.7. Ref: 08/01528/FULL1 – refused and planning appeal dismissed on the 12.05.2009  
Part one/two storey side/rear extension
- 3.8 Ref: 09/03023/FULL1 – granted on the 08.04.2010  
Single storey side and part one/two storey rear extensions to children's nursery to increase number of children from 36 to 58
- 3.9 Ref: 11/01600/FULL1 – granted on the 19.07.2011  
Detached single storey building rear for use as ancillary playroom
- 3.10 Ref: 12/03488/ADV – granted on the 19.12.2012  
Non-illuminated sign to side elevation
- 3.11 Ref: 14/01672/VAR – refused on the 26.11.2014  
Variation of Condition 4 (a) of permission ref: 09/03023/FULL1 to allow up to 86 children and 25 staff to be accommodated at any one time.
- 3.12 Ref:16/04331/RECON – refused and planning appeal was allowed on the 07.06.2017

Variation of Condition 4 of planning permission Ref: 09/03023/FULL1 to (a) allow up to 72 children and 20 staff to be accommodated at any one

time and (b) allow the use of the premises as a children's nursery between 7.00am and 7.30pm Monday to Fridays inclusive at 62 Kings Hall Road, Beckenham.

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

##### **a) Statutory**

- None

##### **b) Non-statutory**

#### **4.1 Drainage (Lead Local Flood Authority) – Comment**

Should planning permission is recommended, the mitigation measures as outlined in the "Flood Risk Assessment" Report, prepared by LUSTRE Consulting; Project No. 3968-211019-SS Rev A dated November 2021 shall be implemented and in line with the submitted document.

#### **4.2 Bromley Early Years - Comment**

The proposal would result in a loss of nursery. However, no objection is raised if a new nursery can be provided in the area

#### **4.3 Heritage – No objection**

Subject to there being no major external alterations, no objection to this proposal.

#### **4.4 Environmental Health – No objection**

The application site is located within an Air Quality Management Area declared for Nitrogen oxide (Nox). In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh. Should planning permission is recommended, the following informative should be attached.

1. Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.
2. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

#### **4.5 Highway - No objection**

The site has a PTAL rating of 4, on a scale between 0 and 6b where 6b is most accessible by public transport. The existing vehicle crossover would be utilised to access the two parking spaces. Two off-street parking spaces would be provided. Transport statement states that spaces would be on a lease basis. A 2 year car club membership should be secured. An electric charging point should be provided.

London Plan requires a minimum of 7 long stay cycle storage spaces and 1 short stay cycle storage should be provided. The proposed level of cycle storage is acceptable. For every 6 residential units, 1 x 1100 litre eurobin, 1x 240 litre bin for paper and 1 x 240 litre bin for bottle and 1 240 litres bin for food waste should be provided. The Council's waste manager team should be consulted. Should planning permission is recommend, the following planning conditions should be attached:

- car parking;
- refused storage;
- cycle;
- construction management plan; and,
- Electric vehicle charging point.

**N.B.** The proposed level of parking would comply with the maximum level of parking and there is no policy requirements to support car club provision.

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

- 4.6 Twenty-four neighbouring consultation letters were sent. No comment, objection or support have been received.

### **5. POLICIES AND GUIDANCE**

- 5.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations strongly indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).
- 5.2 National Planning Policy Guidance (NPPG)
- 5.3 National Design Guidance 2019
- 5.4 National Planning Policy Framework (NPPF) 2023
- 5.5 The London Plan (March 2021)

The relevant policies are:

Policy D1	London's form, character and capacity for growth
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D11	Safety, security and resilience to emergency
Policy D14	Noise
Policy H1	Increasing housing supply
Policy H2	Small sites
Policy H10	Housing size mix
Policy S3	Education and childcare facilities
Policy G6	Biodiversity and access to nature
Policy SI-1	Improving air quality
Policy SI-8	Waste capacity and net waste self-sufficiency
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6.1	Residential parking
Policy T7	Deliveries, servicing and construction

## 5.6 London Plan Guidance and Supplementary Planning Guidance

- Housing planning guidance (2016)
- Housing design standards (2023)
- Accessible London: Achieving an Inclusive Environment (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Character and Context SPG (2014)
- Air quality positive guidance (2023)
- Air quality neutral guidance (2023)
- Be Seen energy monitoring guidance (2021)
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Shaping Neighbourhoods: Character and Context (2014)
- Practice Note on contaminated land

## 5.7 Bromley Local Plan 2019

The relevant policies are:

Policy 1	Housing supply
Policy 2	Provision of Affordable Housing
Policy 4	Housing Design
Policy 9	Residential conversions
Policy 10	Conversion of non-residential buildings to residential use
Policy 20	Community facilities
Policy 27	Education
Policy 28	Educational Facilities
Policy 30	Parking

Policy 32	Road safety
Policy 33	Access for all
Policy 37	General design of development
Policy 79	Biodiversity and access to nature
Policy 99	Residential accommodation
Policy 113	Waste management in new development
Policy 116	Sustainable urban drainage system
Policy 119	Noise pollution
Policy 120	Air quality
Policy 122	Light pollution
Policy 123	Sustainable design and construction

## **Bromley Supplementary Guidance**

5.8 The relevant SPGs is:

- Urban Design Guide SPD (2023)

## **6. ASSESSMENT**

### **6.1 Land use / Principle of development (Unacceptable)**

- 6.1.1 BLP Policy 20 states planning permission will not be granted for proposal that would lead to the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves. London Plan Policy S3.C states development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need.
- 6.1.2 The application property is a two-storey detached building with loft spaces. It was originally constructed as a residential house. The planning application record and the latest Ofsted report indicate that the applicant (Fennies day nursery) occupied this site since September 2008, after the previous operator Kings Hall Nursery had vacated the site. The latest Ofsted report indicates that the nursery has a total of 77 spaces and there was 71 number of children on roll. The age range of children at this nursery is between age 0 to 4 years old. The nursery is open each week day from 7:45am to 6 pm for 51 weeks of the year excluding bank holiday. The existing nursery employs 22 members of staff.
- 6.1.3 Whilst the principle of the proposal to revert the building back to its former use can be supported as the proposal would not be incompatible with its predominant use in its surrounding area, the acceptability of this proposal is subject to a linked planning application under planning application reference 21/05715/FULL1 for the provision of housing and a new day nursery at the former Cyphers Indoor Bowling Club. It is also dependent on the quality and standard of the proposed residential

accommodation as well as the relevant planning issues outlined in the following sections of this report.

6.1.4 The applicant has agreed both applications should be considered and determined at the same time. Should planning permission for the proposed development at the former Cyphers Indoor Bowls Club were to be successful, this proposal would not be contrary to BLP Policy 20 and London plan Policy S3.C as the existing nursery would be relocated in the local area. However, should planning permission were to be unsuccessful, this proposal would result in a loss of an existing day nursery and would be contrary to BLP Policy 20 and London plan Policy S3.C.

## **6.2 Housing (Unacceptable)**

- Five years housing land supply (FYHLS)

6.2.1 The Council's published 5 years housing land supply (FYHLS) position covering the period 2021/22 to 2025/26 was 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

6.2.2 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

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

6.2.4 According to paragraph 11(d) of the NPPF in the absence of a FYHLS 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.

6.2.5 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.

6.2.6 This proposal at No. 62 Kings Hall Road would provide 4 private residential unit at this site. As a standalone application, the proposal would attract minor merits to housing supply.

- Affordable housing provision

6.2.7 The proposal would provide 4 additional private units at No. 62 Kings Hall Road. Due to the proposed number of residential units, there is no requirement to provide affordable housing at this site.

- Housing mix

6.2.8 London Plan Policy H10 (Hosing size mix) states that scheme should generally consist of a range of unit sizes.2.1.17 of the BLP states “*The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for 1 bedroom unit (53%) followed by 2 bedroom (21%) and 3 bedroom (20%)*”. Whilst a mixture of housing size is proposed, the acceptability of this proposed housing mix including a studio unit will depend on whether the proposal would comply with the requirements of LP Policy H10, standard of the proposed accommodation and relevant policy requirements.

6.2.9 The proposal would provide a mixture of housing size and would not be contrary to this policy.

- Internal living spaces, outlook and private outdoor spaces

6.2.10 BLP Policy 10 states the Council will permit the conversion of non-residential buildings to residential use, subject to compliance with Policy 83 Non-designated Employment land, Policy 97 change of use of upper floor and Policy 99 Residential Accommodation achieving good quality living accommodation, residential amenity and compliance with relevant standards.



6.2.11 The London Housing Design Standard LPG is adopted in June 2023 and this guidance applies to the creation of new housing that falls within Use Class Order Class C3. Paragraph 4.11 of the Housing Design Standards LPG states that: *“All homes are required by the London Plan to meet the nationally described space standard (NDSS). However, this is an absolute minimum, not a target”*....“Deep, narrow, single aspect studios will not provide a suitable quality of accommodation; homes are therefore expected to be dual aspect unless there are compelling reasons why that cannot be achieved”.

6.2.12 A minimum of 5sq.m. of private, step-free, outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This should not be counted towards the minimum Gross Internal Area space standards in the London Plan.

6.2.12 Table A1.1 in the Appendix 1 of the Housing Design Standards LPG outlines both the minimum required by the nationally described space standard and best practice space standards recommended by the London Planning Guidance. The standard of the proposed accommodation, minimum internal floor space required, best practice standard for internal floor spaces and the identified deficiency / area of concerns are tabled as follow:

<b>Unit size</b>	1 bed 2 person (Ground floor Flat 1)
<b>Proposed</b>	51.8sq.m
<b>National minimum space standard</b>	50sq.m
<b>Housing Design Standards (Best Practice)</b>	55sq.m
<b>Identified deficiency/ area of concern</b>	<p>Whilst a communal garden would be provided, private outdoor space is absent.</p> <p>Single aspect.</p> <p>Head height of corridor at main door is limited due to the new internal stairs to upper floors.</p> <p>Existing side/secondary door to the nursery would be used as main communal residential door.</p> <p>Existing/original main door covered by the original porch would be retained and can be used as a private access to Flat 1.</p>
<b>Unit size</b>	3 bed 5 person (Ground floor Flat 2)

<b>Proposed</b>	99sq.m
<b>National minimum space standard</b>	86sq.m
<b>Housing Design Standards (Best Practice)</b>	97sq.m
<b>Identified deficiency/ area of concern</b>	Lack of outlook as living room, kitchen and dining room windows positioned close to its side boundaries, measures approximately 1.5 to 2m to its opposite side walls.

<b>Unit size</b>	2 bed 3 person (1 <sup>st</sup> & 2 <sup>nd</sup> floor – Flat 3)
<b>Proposed</b>	75.8sq.m
<b>National minimum space standard</b>	79sq.m
<b>Housing Design Standards (Best Practice)</b>	86sq.m
<b>Identified deficiency/ area of concern</b>	Absence of private outdoor space whilst a communal garden would be provided.

<b>Unit size</b>	Studio 1 person unit (1 <sup>st</sup> floor – Flat 4)
<b>Proposed</b>	37.95sq.m
<b>National minimum space standard</b>	37sq.m
<b>Housing Design Standards</b>	43sq.m
<b>Identified deficiency/ area of concern</b>	Shower room is designed with no window, likely rely on ventilation. Access to the shower room is via an area counted as utility. No private outdoor space provided

6.2.13 The internal floor space for the proposed 2 bed/3 person unit (Flat 3) would be below the national minimum space standard and neither flats 1, 3 or 4 would benefit from any private outside space. As such, it is considered that the design and layout of the proposal would fail to provide a good internal and external living environment for all units.

6.2.14 It is noted that the living room, kitchen and dining room of the ground floor 3 bed unit (Flat 2) is designed with 3 side windows. However, the siting of these windows would be located in a close proximity to its opposite side wall, communal path towards the proposed communal garden and bike storage area. Due to its siting and close proximity to its opposite walls, it is considered that the design and layout of the proposal would fail to provide an acceptable level of outlook for this proposed family unit. In view of the identified deficiency and/or area of concerns above for each of the proposed unit, it is considered that the proposed would represent an over intensive development, beyond optimising development potential of the site, contrary to London Plan Policy H10.

- Outdoor space, child play space and landscaping

6.2.15 London Plan Policy S4 states that development proposals that are likely to be used by children and young people should: 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile; 2) for residential development, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child.

6.2.16 The child yield associated to this development is 1.4 children and a play area of 14.sqm would be required. A shared communal garden is proposed and is of a size accommodate the required child play area. Should planning permission be recommended, details of play space, equipment and acceptable landscaping details could be secured by a planning condition and would not warrant a reason of refusal.

6.2.17 Paragraph 3.6.9 of the London plan states that all dwellings should have level access to one or more forms of private outside spaces, a garden, terrace, courtyard garden or balcony. It is noted that a communal garden would be provided and Flat 2 would be provided with a private rear garden. However, this would only be accessible via the stepped access at the front of the main building. The remaining units would not have access to a private outdoor space or step free outdoor space. As such, it is considered that the proposal would fail to provide an inclusive living environment with accessible outdoor space for all future occupiers, contrary to London Plan Policy D6

### **6.3 Design - Unacceptable**

- Alteration to the rear extension

- 6.3.1. The application site is mainly surrounding by residential buildings. A number of properties along the road have been extended with modest and proportionate extensions to its side and/rear.
- 6.3.2 BLP Policy 37 requires all development proposals, including extension to existing building's, will be expected to be of a high standard of design and layout. Development should complement the scale proportion, form, layout and materials of adjacent buildings and area.
- 6.3.3 The existing single storey rear extension would be altered with its new side walls set in from its side boundaries. The rear addition would measure approximately 10m deep, 6.2 metres wide and 3.2 metres high. It is note that the proposed alterations would be of a similar scale when compared with the existing rear extension, including the proposed set in from its side boundaries. However, it should be note that the rear wall of the proposal would project 0.5 metres further into the garden. The external finishes of the proposed extension would be made of timber vertical timber slats/ boarding. Whilst this external material is not typical of the host dwelling or that of buildings in the locality, it is considered that the rear addition (by reason of its scale, form and appearance) would not appear unduly harmful to the character or appearance of the area and would not warrant a refusal on this basis.
- Layout and access
- 6.3.4 The proposed side elevation plans indicate that the living/kitchen/dining room windows would be inserted on the flank walls of the building. It is noted that theses windows are located on the ground floor and will be screened by the existing and proposed boundary treatment, ensuring the privacy of the adjoining properties. However, due to its proposed layout, siting and close proximity of these windows to its side boundary, the occupiers of Flat 2 would have a restricted outlook and it is considered that the proposal would appear to be over-intensive. The priority to deliver the quantum of the proposal appears to be higher than residential amenity.
- 6.3.5 Bromley is not of uniform character but is made up of areas with distinct identities and developments should reflect this. Porches are an effective way to highlight the entrance to a building and provide extra lobby spaces. This element is shared with the other housing along the road.
- 6.3.6 It is note that the existing front porch would be retain and this element is considered be positive. However, the proposed communal entrance to the building would be via a door, located adjacent to the existing front porch. This proposed arrangement and layout would appear at odd with a porch entrance to a single ground floor unit. Furthermore, the access to the communal front door would be via a set of steps with a bike channel attached on the step. As such, it is considered that design and layout of the proposal appear to be an afterthought. The proposal would fail to provide an inclusivity living environments for all users.

6.3.7 The proposed site plan indicates that an area of existing soft landscaping would be removed to accommodate this proposal. In order to accommodate the required bicycle, waste storage and the proposed access arrangement to the building, the proposal would result in a reduction and removal of soft landscaping in the front garden. The design and layout of the proposed front garden appears to be an afterthought, aiming to accommodate a communal residential entrance located adjacent to the existing front porch. Overall, it is considered that the layout of the proposal would appear to be at odds, in particular when compared with the existing access arrangement and existing layout of the forecourt.

#### **6.4 Impact on neighbouring amenities – Acceptable**

6.4.1 BLP Policy 37 (General Design and Development) criteria (e) states that the Council will expect all development to respect the amenity of occupiers of neighbouring buildings and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing.

6.4.2 The proposed conversion would be mainly located within the building. Should planning permission is forthcoming the construction hours would be limited to the statutory construction hours. As such, it is considered that the proposal would not have an adverse impact upon the residential amenities during construction.

6.4.3 The rear wall of the existing rear extension would project 0.5m further into the garden. Whilst the projection is considered to be somewhat excessive, the side walls of the extension would set in from its side boundaries. On balance and due to its set in from its side boundaries, it is considered that the projection of the rear extension would not have an adverse impact on the residential amenities in terms of outlook. The proposed side windows are located on the ground floor and would be screened by boundary treatment. As such, it is considered that the proposal would not have an adverse impact in terms of loss of privacy.

#### **6.5 Highway - Acceptable**

- Access and parking

6.5.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected. The forecourt area is currently used as a car park with 2 off-street parking spaces. There are no proposed changes in terms of vehicular access and use of the forecourt area as a car park.

6.5.2 Table 10.3 of the London Plan sets a maximum residential parking standard. For outer London site with a PTAL rating of 4, a maximum of 2 parking spaces should be provided based on the ratio of 0.5 to 0.75

spaces per 1 or 2 bed units. The proposal would provide two off street parking spaces. Subject to the details of a car park management plan including its allocation, it is considered that the proposal would not be contrary to the London Plan.

- Cycle storage

6.5.3 Table 10.2 of the London Plan which required a minimum of 1 long stay space for 1 person unit, 1.5 spaces be provide for 2 persons unit and 2 spaces for all other dwelling. For short stay space, a minimum of 1 storage space would be required.

6.5.4 The proposed site plan indicates that a bike storage area for up to 8 long stay cycle spaces would be provided within the existing outbuilding, located with the rear garden. A further visitor cycle parking space would be provided in the front garden. As such, the proposal would comply with London Plan Policy T5 in terms of the minimum requirements.

6.5.5 However, the proposed cycle storage would be located over 50 metres from the road and is not ideal to carry bicycle through a bicycle channel and the communal internal corridor. Due to location of the proposed bicycle storage and distance from the road, it is considered that this proposed arrangement is an afterthought and would fail to provide a good quality of living environment for the future occupiers. Furthermore, it should be noted an existing soft landscaping area would be removed in the front garden to accommodate the short stay cycle parking and appears to be an afterthought.

- Waste storage

6.5.6 The proposed site plan indicates that a communal waste storage area would be provided in the front garden. In terms of waste collection, the proposed waste storage location would be step free and located within 18 metres from the road. Subject to the details confirming the size of waste storage, the proposed location is considered to be acceptable in terms of waste storage size and waste collection.

## **6.11 Planning obligations and CIL**

6.11.1 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Mayor of London's CIL is also a material consideration. The application is liable to both Mayoral and Local CIL.

6.11.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. There is no planning obligation identified.

## **7. CONCLUSION AND PLANNING BALANCE**

- 7.1 This application is link to another planning application at the former Cyphers Indoor Bowling Club, Kings Hall Road (planning application reference number 21/05715/FULL1). Should planning permission for the link application is forthcoming, this proposal would not result in a loss of day nursery. Should planning permission for the link application were to be unsuccessful, this proposal would result in a loss of day nursery, contrary to BLP Policy 20.
- 7.2 The proposal would provide 4 additional private units. This would attract minor benefit towards the Council's 5 years housing land supply, which the council's current position is 3.38 years.
- 7.3 The proposed layout indicates there is deficiency in providing internal living space, private outside space, outlook, cycle storage due to its access and storage location. The proposed layout indicates that the proposal would fail to provide an inclusive living environment without step free access to outdoor space and would result in loss of soft landscaping at the front of the site and loss of a day nursery. Overall, it is considered that the design and layout of the proposal would represent an over-intensive development.
- 7.7 Having regards to the provision of the development plan and provision of the Public Sector Equality Duty, it is considered the proposal would be conflict with the relevant planning policies outlined above and aim of PSED. Consequently, planning permission should be refused.

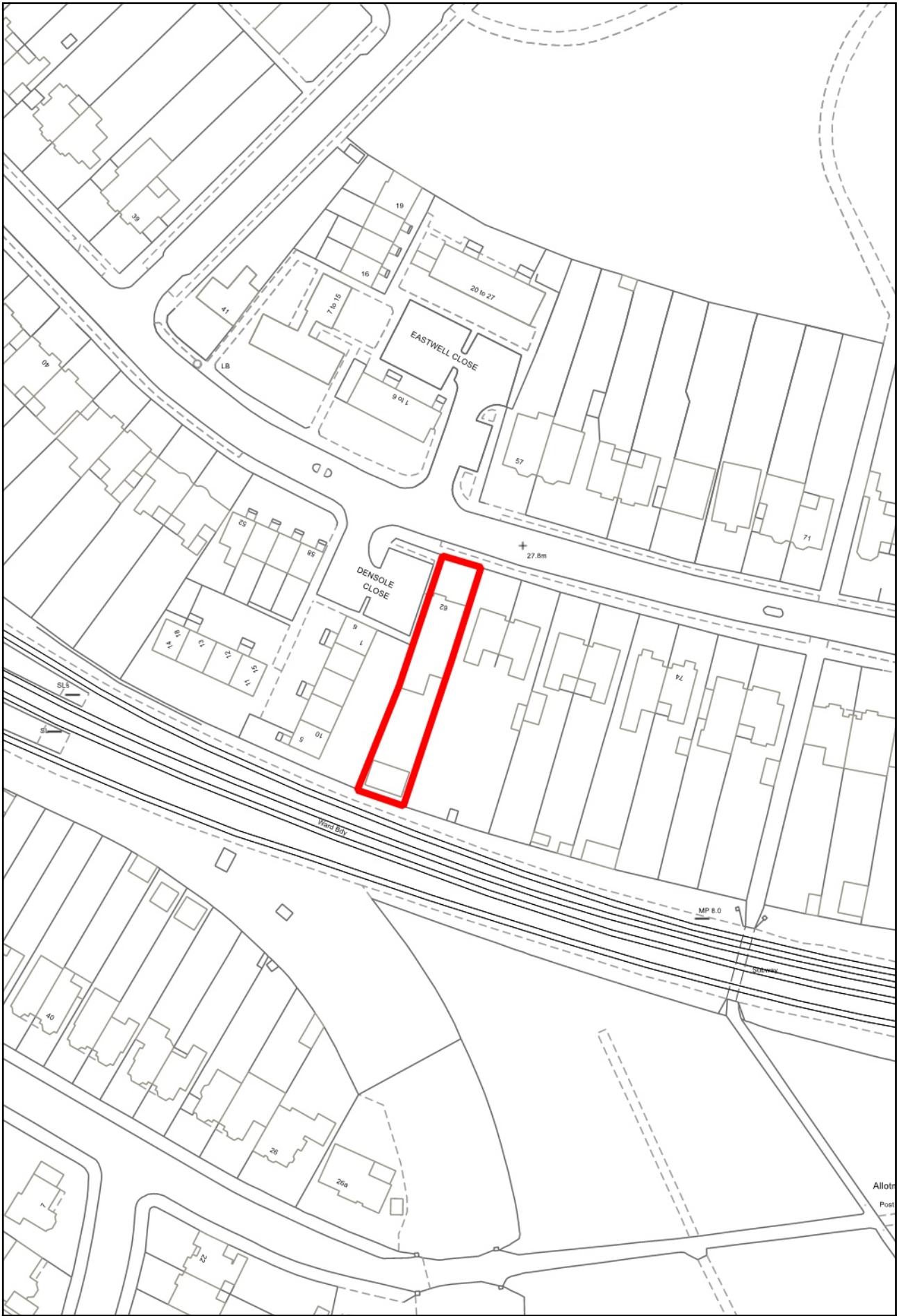
**RECOMMENDATION      Planning permission to be refused.**

### **Reason of refusal**


1. In the absence of a replacement nursery being secured, the proposal would result in loss of a day nursery, contrary to Bromley Local Plan Policy 20 and London Plan policy S3(d).
2. The proposal development by reason of its design, layout and access arrangement would represent an over-intensive development, failing to provide adequate internal living spaces, outlook and private outdoor space for the prospective occupiers and would fail to provide high quality accessible and inclusive design, contrary to Bromley Local Plan Policy 37, the London Borough of Bromley Urban Design Guide SPD (2023), National Described Space Standard and London Plan Policies D5 and D6 and the Housing Design Standards LPG (2023).


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 Ordnance Survey 100017661.


21/05656/FULL1 - 62 Kings Hall Road, Beckenham



15 November 2023

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Page 23

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# Agenda Item 4.2

<b>Committee Date</b>	23 <sup>rd</sup> November 2023		<b>Agenda Item:</b>
<b>Address</b>	Cyphers Indoor Bowling Club Kings Hall Road Beckenham BR3 1LP		
<b>Application number</b>	<b>21/05715/FULL1</b>	<b>Officer: Jessica Lai</b>	
<b>Ward</b>	<b>Penge and Cator</b>		
<b>Proposal (Summary)</b>	Demolition of existing buildings, erection of a part one, part two storey building to provide a day nursery, erection of a 3 storey building to provide 18 residential units with associated play space, hard and soft landscaping, car parking and ancillary works (Revised scheme).		
<b>Applicant</b>		<b>Agent</b>	
Fennies Day Nursery Ltd (FAO Agent)		Mark Batchelor 4TY Planning Ltd Gainsborough House, 59-60 Thames Street Windsor SL4 1TX	
<b>Reason for referral to committee</b>	Link applications over 20 residential units	<b>Councillor call in</b> No	

<b>RECOMMENDATION</b>	<b>Planning permission be refused</b>
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<b>Metropolitan Open Land</b> <b>Green Chain</b> <b>Smoke Control SCA 25</b> <b>Biggin Hill Safeguarding Area</b> <b>London City Airport Safeguarding</b>
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<b>Existing and proposed use and floor area</b>			
<b>Use</b>	<b>Existing</b>	<b>Proposed (approximately by square metres)</b>	<b>Difference (+ or -)</b>
Residential	N/A	1,299sq.m	(+)1,299sq.m
Indoor bowls	978sq.m	N/A	(-) 978sq.m
Nursery	N/A	883.4 sq.m (This excludes the 1 <sup>st</sup> floor staff garden 102. 5sq.m and all other nursery play areas)	(+) 883.4 sq.m
<b>TOTAL</b>	978m <sup>2</sup>	2182.4m <sup>2</sup>	+ 1204.4m <sup>2</sup>

<b>Electric Vehicle charging point</b>	2 Active spaces 9 Passive spaces
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<b>Vehicle parking</b>	<b>Existing number of spaces</b>	<b>Total proposed including spaces retained</b>	<b>Difference in spaces (+ or -)</b>
Standard car spaces	10 and a garage	2 for nursery 9 for residential	0
Disabled car spaces	0	2 residential 0 for nursery	+2
Cycle	N/A	35 for residential 30 for nursery	+65

<b>Representation summary</b>	Neighbour letters were sent on 03.05. 2023; Neighbour consultation letters were sent on 24.02.2023; Site notice was placed by the applicant. The application was also advertised in the press in the News Shopper on the 11 <sup>th</sup> May 2022.		
Total number of responses	118		
Number in objection	88		
Number in support	27		
Number of comment	3		

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This is a full planning permission for the redevelopment of a vacant and former indoor and outdoor bowls site which is located on Metropolitan Open Land and land and subject to flood risk. A link application at No. 62 Kings Hall Road for the conversion of a nursery to 4 flats should be considered and determined simultaneously.
- The Development plan which Bromley Local Plan forms part of, sets out the planning requirements to ensure that development of a right scale happens in the right place. Whilst the proposal would provide additional nursery spaces and housing which would contribute to the Council's current 3.38 years housing supply and aim to meet the needs of the Borough, the proposed development does not fall within any exceptions as defined under paragraph 149 of the National Planning Policy Framework and in the Bromley Local Plan. The proposal including the introduction of substantial buildings on Metropolitan Open Land (MOL) is considered to be inappropriate development and harmful to the visual and openness of the MOL. The benefit of the proposal is limited and does not contribute to very special circumstances (VSC) or outweigh its harm.
- The site is subjected to flood risk (Flood Zone 2) and the proposed uses are both categorised as "More Vulnerable" uses by the Environment Agency and NPPF. Irrespective of the result of any flood risk assessment, inappropriate development in areas at risk of flooding should be avoided by directing development to lower risk areas. The proposal has failed to demonstrate there are no reasonably available alternative sites at lower risk of flooding (sequential test) to accommodate the proposal. In line with the National Planning Policy Framework and Planning Practice Guidance, the absence of a 5YHLS is not relevant in sequential test. Footnote 7 of the NPPF defines this flood risk site as "protected area", the presumption of sustainable development does not trigger in this case under paragraph limb (i) of the NPPF and permission should be refused in line with the Development Plan.
- The proposal represents an over-intensive development as the proposed nursery building would be sited behind the proposed residential building with a nursery entrance door located over 60 metres from the road with no nursery disabled parking spaces to achieve an inclusive environment for the future users/staff. The proposed residential building would also fail to provide adequate outlook and/ or privacy to the prospective occupiers and the neighbouring properties, due to the siting of the residential building and relationship with its adjoining land/building. The existing trees within the site would all be removed and would be harmful to the openness and visual function of the MOL. Inadequate and inconsistent information is proposed to conform the recommended urban greening factor and biodiversity net gain proposed. Due to the number of car trips, type and scale of the proposal and

location of the site with a PTAL rating of 3, the proposal fails to demonstrate the traffic emission would achieve air quality neutral and the traffic noise associated to the access road and noise from the nursery would have an adverse impact on the neighbouring properties.

- The priority to achieve the scale of the proposed development appears to be highest. The provision of housing to fund this proposal is irrelevant in sequential test and there are no adequate reasons to demonstrate housing cannot be developed/delivered outside this heavily constrained site. The Council's planning application records indicate that new nursery, additional nursery spaces and/or new housing can be met and/or delivered outside MOL and/or within areas with lower flood risk.
- Given the fundamental site constraints associated to this site, the impacts of the proposal and the fact that the benefits arising from this development can be delivered elsewhere within the Borough, it is considered that the proposal should not be supported for the reasons outlined in this report.

## **1. LOCATION**

- 1.1 The site is designated as Metropolitan Open Land and measures approximately 4,342sq.m in area. The site is located on the northern side of Kings Hall Road. It comprises of a former single storey bowls club building, a former outdoor bowling green, a garage and shed, an observer hut and a car park located to the east of the indoor bowls building. The access is located at the southwestern corner of the site, off Kings Hall Road.
- 1.2 Knights Court is a three-storey residential building, containing 16 residential units and is adjoining to the west of the site.
- 1.3 To the east of the site is an area of publicly accessible open space, also designated as Metropolitan Open Land. No. 1 to No.9 Bailes Place is a group of semi-detached and detached houses. There is a green chain route located to the rear of these houses.
- 1.4 To the rear/ north of the site is Cator Park. There are no listed buildings in the vicinity. There are no trees subject to any Tree Preservation Orders within or adjacent to the site. Aldersmend Road Conservation Area is adjoining to the west of the site.
- 1.5 The site has a PTAL rating of 3, on a scale between 0 to 6b where 0 is worst and 6b is best. Kent House Railway Station and New Beckenham Railway Station are located approximately 445m and 751m from the site respectively. Beckenham tram stop is located approximately 950m from the nursery. The closest section of Strategic Road Network (SRN) is Beckenham Road, approximately 920m from the site. There are no bus

stops on Kings Hall Road and the nearest are located on Bridge Road or the A243.

- 1.6 Chaffinch Brook river is located to the rear of the site. The site is located within Flood Zone 2 and is subject to low risk of surface water flooding.
- 1.7 The site and building are vacant. The outdoor bowling green is covered with dense vegetation with mature trees along the boundaries.



**Fig 1. Aerial image of the site (source: Design and Access Statement)**

## **2. PROPOSAL**

- 2.1 Full planning application for the redevelopment of a former and vacant indoor and outdoor bowls club site (Use Class Order Class Sui-Generis) to provide a 150 spaces day nursery with 40 staff and 18 residential units including 10 intermediate units. A separate and linked planning application for the conversion of a day nursery to 4 private flats at 62 Kings Hall Road should be considered and determined simultaneously.



**Fig 2. Proposed site layout**

2.2 The proposed nursery building would be two storey in height, comprise of 26 rooms measuring approximately 883.1sq.m with a further staff garden measures approximate 102.5sq,mn and three further outdoor play spaces. The babies, toddler and pre-school rooms would be located on the ground floor. A staff room (78.6sq.m), manager office (30.4sq.m) parent consultation room (41.2sq,m), staff garden (102.5sq,m),and a kitchen (27.7sq.m) would be provided on the first floor. Solar panels and a green roof would be installed at roof level.





**Fig 3. Proposed nursery – East elevation (top image) and West elevation (bottom image)**

2.3 A three storey residential building proposing 18 residential units, including 10 intermediate units with 11 residential parking spaces is also proposed. The residential building would be facing Kings Hall Road. The residential car park would be located to the rear of the proposed residential building, in between the residential building and nursery building. The proposed housing unit, size and tenure are as follows:

<b>Tenure and size by unit (by habitable room)</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
Private	2 / (4)	5 / (15)	1 / (4)	8 / (23)
Intermediate	4 / (8)	3 / (9)	3 / (9)	10 / (26)
Total by Units (total by habitable room)	6 / (12)	8 / (24)	4 / (12)	18 / (48)



Fig 4. Proposed residential building – south elevation.

### 3. RELEVANT PLANNING HISTORY

3.1 Ref: 15/05530/FULL1 – refused on the 3<sup>rd</sup> March 2016

Construction of two detached and a pair of semi-detached four bedroom plus roof accommodation dwellinghouses with car parking, refuse store and associated landscaping. The application was refused for the following reasons:

- 1. The proposal is considered to constitute inappropriate development which would have a substantially detrimental impact upon the openness of the Metropolitan Open Land (MOL) and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the MOL contrary to Policy G2 of the Unitary Development Plan, Policy 7.17 of the London Plan and the National Planning Policy Framework (2012).*
- 2. The proposal would, by reason of its scale, mass, height, bulk and detailed design, represent an unacceptable level of development which would be detrimental to the open character and setting of the site within the locality and its contribution to the openness and*

*character of the MOL contrary to Policies BE1, G2 and H7 of the Unitary Development Plan, Policies 7.1, 7.4, 7.5 and 7.17 of the London Plan and the National Planning Policy Framework (2012).*

3. *The proposed development by reason of its prominent siting, sub-standard spatial relationship to existing dwellings in the locality and between proposed dwellings within the site in this prominent location represents a cramped overdevelopment of the site which would appear detrimental to and out of character with surrounding development and harmful to the visual amenities of the area contrary to Policies BE1, H7 and H9 of the Unitary Development Plan, Policies 7.1 and 7.4 of the London Plan and the National Planning Policy Framework (2012).*

- 3.2 Ref: 01/00196/OUT – refused on 25<sup>th</sup> November 2001  
Outline planning permission was refused for a single storey front extension to the bowling club plus 55 additional parking spaces and cycle parking area.
- 3.3 Ref: 98/01851/FUL – granted in 1998  
Single storey rear extension
- 3.4 Ref: 96/00604/FUL – granted 17<sup>th</sup> June 1996  
Change of use from Council parks maintenance depot to car parking for bowling club with layout out of additional hardstanding
- 3.5 Ref: 89/01155/FUL – granted on 28<sup>th</sup> July 1989  
Single storey club house extension
- 3.6 Ref: 89/00578/FUL – granted on 3<sup>rd</sup> April 1989  
Single storey detached store.

- **Joint application site at No. 62 Kings Hall Road**

- 3.7 The following are relevant to the existing operator/applicant at No. 62 Kings Hall Road. A fuller list is set out in the linked report:
- 3.8 Ref: 16/04331/RECON – refused and planning appeal allowed on the 7<sup>th</sup> June 2017

Variation of Condition 4 of planning permission Ref: 09/03023/FULL1 to (a) allow up to 72 children and 20 staff to be accommodated at any one time and (b) allow the use of the premises as a children's nursery between 7.00am and 7.30pm Monday to Fridays inclusive at 62 Kings Hall Road, Beckenham.

- N.B.** Condition 1 and 2 limit the age group between 0 to 6 years old, no more than 72 children and 20 staff at any one time. Operating hours between 7am to 7:30pm Mondays to Fridays. Condition 3 to 5 requires details of acoustic fence, hard and soft play and a travel plan detail submitted and approved within 3 months. There are no formal records of approval.

- 3.9 Ref: 14/01672/VAR - refused and planning appeal dismissed on the 26<sup>th</sup> June 2015

Variation of Condition 4 (a) of permission ref: 09/03023/FULL1 to allow up to 86 children and 25 staff to be accommodated at any one time.

- 3.10 Ref: 11/01600/FULL1 – granted on 19<sup>th</sup> July 2011

Detached single storey building rear for use as ancillary playroom

- 3.11 Ref: 09/03023/FULL1 – granted on the 8<sup>th</sup> April 2010

Single storey side and part one/two storey rear extensions to children's nursery to increase number of children from 36 to 58.

**N.B.** Condition 3 requires a travel plan be submitted prior to the commencement. There is no formal approval of this condition recorded in relation to condition 3. Condition 4 set the age group of the nursery between 0 to 6 years old, and no more than 58 children and 17 staff at any one time.

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

##### **a) Statutory**

#### **4.1 Environment Agency – No objection**

4.1.1 All relevant revised documents have been reviewed and no objection is raised. Planning conditions requiring the finishes floor levels of both nursery and residential be set at 26.95m and 27.22m above the Ordnance Datum, compliance with mitigation measures in the Flood Risk Assessment should be attached should planning permission be granted.

4.1.2 The site is located more than 8 metres from the main river. However, the newest submitted plans includes fencing and cycle storage within 8m of Chaffinch Brook River. Therefore, a Flood Risk Activities Permit is required and an informative should be attached.

#### **4.2 Drainage (Lead Local Flood Authority) – No objection**

Should planning permission be recommended, a condition requiring the development to be implemented in full accordance with the submitted "Flood Risk Assessment" prepared by Lustre consultation (Ref NO. 3969-211-019SS dated Nov 2021) should be secured by planning condition.

#### **4.3 Sport England – No objection**

Sport England does not wish to raise an objection to this application. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

The proposal would result in the loss of an indoor bowls facilities and as such Sport England has consulted the English Indoor Bowling Association to assess whether this facility is surplus to requirements, The English Indoor Bowling Association accept the loss of this facilities and confirmed that the Club closed in 2019 as there were no longer able to operate.

#### **4.4 Greater London Authority**

*Strategic Issues summary (Appendix 1 for full report)*

##### **1. Land Use principle:**

The proposal would be inappropriate development and therefore harmful by definition as well as causing harm to the openness of the MOL. The development does not meet any of the NPPF exceptions tests and very special circumstances have not been demonstrated. The proposal therefore does not currently comply with the requirements of Policy G3 and the NPPF. The Council's assessment in relation to the loss of the bowling club will also be reported to the Mayor at Stage II.

##### **2. Housing**

22 units are proposed including 9 intermediate affordable units (First Homes). The application must follow the viability test route and GLA officers do not currently accept the proposed tenures mix or affordable offer proposed. The application should clarify the affordable housing offer by habitable room and robust evidence should be provided to demonstrate that a housing provider would not take on affordable units within the scheme. The Council should confirm whether there is an identified need for First Homes in the LPA area and whether the proposed units are genuinely affordable in its assessment. Additional details on play space should be provided and the Council's review of the unit mix will also be reported at Stage 2 Mayoral consultation.

##### **3. Urban design and heritage**

The development would reduce the openness of MOL and is inappropriate in principle. Notwithstanding this, the applicant should address comments in relation to housing quality and fire safety. At this stage, it is not anticipated that harm would result to nearby heritage assets, however the Council's assessment will also be reviewed prior to Stage II.

#### 4. Transport

The applicant should seek to address comments in relation to healthy streets, vehicle access and movement, trip generation, parking, delivery and servicing and construction. Key details should be secured and contributions sought in relation to parking controls and the delivery of Cycleway 18.

#### 5. Sustainable development and the environment

The applicant must address comments in relation to energy strategy; WLC; circular economy; green infrastructure and urban greening; biodiversity; trees; sustainable drainage and flood risk; and air quality prior to Stage II.

#### **Recommendation:**

The development constitutes inappropriate development on MOL and VSC have not been demonstrated. The applicant does not comply with the London Plan for the reasons set out in paragraph 98. The Mayor does not need to be consulted again if the Council decides to refuse the application.

#### **b) Non-statutory**

#### **4.5 Thames Water – No objection**

- Waste water comment

Based on the information provide, Thames Water would have no objection to the Waste water network and sewage treatment works infrastructure capacity. There are public sewers crossing or close to the development. The applicant is advised to read the guidance published by Thames Water which relates to working near or diverting Thames water pipe. The proposal is located within 15 metres of a strategic sewer. No development shall take place until a piling method statement is submitted and approved in writing the LPA and a condition should be attached.

The developer is expected to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. It is deeded illegal to discharge water without a groundwater risk management permit from Thames Water. An informative advised this should be attached.

- o Surface water drainage comments

No objection if the developer follows the sequential approach to disposal of surface water. A prior approval from Thames Water Developer

services will be required should there be any discharge of surface water to a public sewer.

- Water comments

Based on the information provided, no objection is raised with regard to water network and water treatment infrastructure capacity, Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development and an informative should be attached.

Prior approval is required for any use of main water for construction purpose. There are water mains crossing or close to the site, any significant works near to Thames Water Main (within 3m) will require confirmation that the proposal would not reduce capacity, limit repair or maintenance activities during and after construction, or inhibited the serves provided by Thames Water in any way.

The proposal is located within 15m of Thames Water assets. Informative advised this should be attached.

#### **4.2 Bromley Early Years - support**

In general, Bromley Early years supports the expansion of our own childcare providers within Bromley. The existing nursery at 62 Kings Hall Road can take up to 77 children from 0 to 5 years of age, Bromley are currently funding Early Education for 22 children to attend this nursery, which has been graded Good by Ofsted on the 22/11/22.

The proposal would provide up to 150 children. It is unclear whether there will be sufficient spaces for the number of children. The proposed space is as follows:

- Babies 152.1sq.m: Babies are required to have 3.5 m2 of space per child, so the maximum number of children without much equipment in the room would be 43 children with 15 staff.
- Toddlers 128sq.m: Toddlers are required to have 2.5 m2 of space per child, so the maximum number of children without much equipment in the room would be 51 children and up to 13 staff, depending on if they operate a 1 to 4 ratio or a 1 to 5 ratio for two-year-olds.
- Pre-School 116.2sq.m: Pre-School children aged three and over are required to have 2.3sq.m of space per child, so the maximum number of children without much equipment in the room would be 50 children with 7 staff members.

Based on the above calculation, this would be a maximum number of 144 children at any one time, not 150. However, the provider may use the space differently, to that detailed in the plans.

A nursery of this size would generate a lot more traffic in the area, with busy times during drop offs and pickups, some parents do stagger their times of arrival and departure, however it looks to be a long and narrow drive to the nursery, this may cause some congestion, I also have a concern that the nursery works are planned for phase one, with the housing development planned for phase two, this would mean that there would be parents dropping off and collecting while significant building works were going on in front of the nursery.

Revised ward level sufficiency data published June 23 shows that Penge and Cator Ward have an estimated number of children aged 0-4 years in this Ward of 1,178. At present, the current childcare places is 803. There are 8 day nurseries, 11 pre-schools, and 15 childminders in this ward. Currently the Penge and Cator Ward is not seen as a priority area to develop more childcare places. However, with the expansion of Education funding over the next two years, that position may change.

#### **4.3 Heritage –objection**

The proposal would cause harm to the setting of the Designated heritage asset and the scale of the proposal should be re-considered. NPPF defines two categories of harm, and the proposal would result in less than substantial harm. Para 3.2 of the Aldersmead Road Conservation SPG is relevant: “3.2 The special character of Aldersmead Road is derived from the visual unity and common form of the Whiffen houses, within the high quality landscaped and planted setting of Cator Park. There are fine views outwards from the houses over the parkland. Equivalently, the houses provide a harmonious backdrop to the park; a visual asset not just to residents, but to the many people that use the park on a daily basis.”.

#### **4.4 Environmental Health – objection**

The submitted noise assessment does not included sufficient information regarding the proposed access and playground noise.

With regards to air quality, the London Planning Guidance Air Quality Neutral guidance advises that the applicant should identify measures that are demonstrably effective and show how they will reduce local emissions or concentrations. Further consideration is therefore required in regards transport emissions.

With regards to land contamination, no development including demolition of the building shall be commenced until a remediation strategy is submitted by the approved by the Council. The development shall not be occupied until a verification report including samples, monitoring and verification report shall be submitted and approved by the council.

#### **4.5 Highway - No objection**

The site is located in an area with a PTAL rating of 3 on a scale between 0 to 6b where 6b is the most accessible. The proposed access via the existing access road is acceptable. The submitted Road safety audit highlight the parking space on the north side of Kings Hall Road should be removed, the southern side of the parking bay should be removed to accommodate the proposed access. The cost of any highway works and amendment of traffic order shall be met by the applicant and secured by legal agreement.

11 residential parking spaces is proposed and would not be unacceptable. A 2 years car club free membership and 20 hours free driving should be secured by planning legal agreement. A nursery pick-up and drop off area with 2 parking spaces is proposed which is acceptable.

The proposal will result in 374 two way person trips in the AM peak hour and 364 two way person trips in the PM Peak hours. In terms of vehicle trips, the proposal is likely to result in 153 two way trips in the AM hour and 151 two-way vehicle trips in the PM peak hour. The majority of the trips to site are attributed to the development of the nursery at the site, the majority of these trips will involve drop-off and pick-up trips with trips to the site making up part of a multi-purpose trip. The applicant is stating that the nursery school currently operates a safe, drop-off and pick-up system for pupils to and from the nursery school. A similar scheme will be implemented at the new nursery school site at the former Cyphers Club.

The Council's waste services should be consulted regarding to waste collection. The proposed cycle storage should comply with the London Plan Standards. It is stated that the servicing to the nursery would be infrequent. The servicing for residential to the rear of the residential building. NO objection in principle. The following should be secured by planning conditions and any highway cost incurred shall be met by the applicant/developer. Conditions: (1) Stage 2 and 3 Road Safety Audit; (2) provision of parking (3) waste storage; (4) cycle storage; (5) lighting scheme (6) travel Plan (7) car club); (8) new car club space, 2 years free car club membership and 20 hours free driving hours (9) highway drainage (10) visibility splays (11) service and delivery plan (12) construction management plan.

#### **4.6 Secured by Design - No objection**

Prior to occupation of development, details requiring the development to achieve Secured by Design accreditation shall be secured by a planning condition.

#### **4.7 London Fire Brigade – comment**

The development is required to demonstrate Fire Brigade access, facilities and the provision/location of hydrants that demonstrate compliance with the functional requirements of the Building Regulations,



particularly in regard to B5: Access and facilities for the fire service. If there are any deviations from the guidance in ADB Volume 1 and 2: B5 Access and facilities for the fire service in relation to water provisions, then this information needs to be provided to the Water Office (water@london-fire.gov.uk) to discuss the proposed provision. If there are any deviations to Brigade access and facilities then this information needs to be provided to Fire Safety Regulation (FSR-AdminSupport@london-fire.gov.uk) to review the proposed provision. Once we have received this information then the LFB can provide a response on the consultation. advice in regard to hydrants upon receipt of an appropriate site plan showing premises layout, access to it, and water supply infrastructure if available.

### **c) Adjoining Occupiers**

#### **(i) Letter of support**

4.8 Twenty-seven (27) neighbouring support letters have been received, of which 11 of these letters did not provide any reasons. The grounds of support are summarised as follow:

- The proposal would provide affordable housing for first time buyers on brownfield site and additional housing. The site is derelict at present.
- The proposal would provide enough parking spaces.
- There is a lack of much needed good quality nursery in Bromley with a 18 month waiting time for nursery. Fennies is a very professional group. The existing nursery facilities has great facilities and no doubt the proposal would provide the same. The proposal is great and would support local economy and provides job.

#### **(ii) Letter of comment**

4.9 Three (3) letter of comments have been received and summarised as below:

- The site including the park keepers shed was leased by the Council some years ago to Cyphers as an overflow car park. It is unclear whether the land will revert back to Cator Park.

**N.B** The application site is under the freehold of the applicant and does not include the site outside the red boundary.

#### **(iii) Letter of objection**

**4.10 Eighty-eight (88) letter of objections haven been received and the grounds of objections are summarised as below**

### **1. Housing**

- There is no very special circumstance demonstrated in this submission to bring substantial buildings including new housing at

this MOL site. The Council have approved a number of new housing developments outside of MOL land.

- Affordable rent is much needed in this borough, not unaffordable shared ownership units proposed.

## **2. Marketing**

- Limited marketing evidence to confirm the marketed price and time period were robust enough to identify a suitable new owner. The guide price of 1 million would have ruled out any sports clubs or facilities that may have wanted to take on the site. No evidence that any local sports clubs were approached, or that any contact was made with the Council or Sport England to ensure the sports facilities can be continued.

## **3. Air quality**

- No assessment to demonstrate the traffic emission would achieve air quality neutral.
- The Air Quality Assessment report states that "*The proposed development is considered to be air quality neutral with respect to building emissions, but the transport emissions are likely to exceed the benchmark*" (paragraph 5.22)". Mitigations for this statement are not addressed in the conclusions. Paragraph 6.5 suggests the burden of mitigations be put upon future occupants rather than being applied in the development proposals. This seems speculative at best, and unenforceable in practice.

## **4. Scale of the proposed development, out of keeping and character**

- The addendum does not address the justification for placing a large commercial building in the middle of a residential area.
- Design of the buildings is industrial in character.
- Overdevelopment with mixed uses. Housing should be excluded to provide parking spaces for parents and staff.
- The revised scheme does not address the scale of the development. More residents should be informed regarding to the revised submission.

## **5. MOL and Flood Zone**

- The proposal represents substantial harm to MOL and is not considered to be negligible as suggest in the submitted statement.
- Loss of MOL and not appropriate development on flood zone 2
- Overdevelopment in MOL
- Loss of natural habitat for the local widdle life and sense of green space in the locality. There is no very special circumstances that can be demonstrated.
- An earlier application to provide 2 houses was refused on MOL. There is no special circumstances for this excessive development.

## 6. Nursery

- Nursery is not a community asset, but a profit-seeking enterprise. A 150 nursery space is excessive.
- The provision of nursery and housing is noted. However, there are 2 nurseries within 100m from the site and several more within a mile radius and where is the need for this scale of nursery.
- Private cars are often used to drop off and pick up children, particularly in the winter.
- No evidence to show there are 150 pre-school children within walking distance of the site.
- A letter from the Council sent to the developer dated May 2021 indicates that there were no 'Bromley Childcare Sufficiency Reports to indicate that there is no capacity issue for 30 hours nursery provision of the Penge & Cator ward'.
- A site visit between 4 to 7pm by Officers with Councillors of committee should take place to see the true traffic conditions associated to the nursery.

## 7. Highway

- The existing nursery has 2 parking spaces in the front garden. No parking is provided for the required 40 staff at the site. It is hard to believe all staff will be using public transport at this location.
- The earlier application at No. 62 Kings Hall Road suggested that 46% of parents drove their children to and from the nursery. There is nothing to suggest there is a travel behaviour change in the submitted assessment and it is not unreasonable to expect parents will drive their children to the nursery.
- The proposal would significantly increase the traffic volume. The existing nursery traffic has caused a number of incidents of road rage, bad driving and long tailbacks.
- Existing trees near the entrance would reduce the visibility.
- Inadequate parking provision will put the children and parents at risk.
- The proposal would increase parking congestion. The nursery drop off/collection loop / access road will become clogged and overspilled onto highway.
- There is already a car club in the area, the provision of a car club does not provide benefit to the existing community.
- The access road is 5.4m, the minimum width for 2 way cars and light vehicles is 5.5m. The existing entrance is 3.4m and is not indicated on the submitted plans. Location of kerbs are not indicated.
- There are 2 on-street parking spaces opposite the site and these spaces should be removed in order to allow right turn into the site.
- This road has masses of traffic hurtling down it throughout the day and especially between 08.00-09.00 and 17.00-19.00. Cars park haphazardly to avoid paying and to use both local stations.
- There is no changes to the parking allocation for staff and residents

- Traffic to the current Alexander infants and Cator secondary schools already causes huge disruption without another large nursery adding yet further.
- Inaccurate traffic data as the data was gathered during a period of unusual road activities during the height of Covid pandemic.
- The unmet demand for parking associated to the development will overflow onto the highway and compete with the commuter parking.
- The parking stress study was carried out in September 2021 and including residential car parks. This will have underestimated the amount of highway parking because train commuters had not returned to normal due to Covid 19 restrictions.
- Transport assessment is misleading. Figure 4, the labelling and suggestion the walking time between the site and Bromley is 30 mins, it should be noted that it is actually showing Kelsey Park and Beckenham Place Park. It includes the residents parking at Densole Close and Eastwell Close within the on street parking quota. In Table 13, it suggests there will be a net increase of 770 two way journeys daily, including 275 by car to and from the site this is significant and very concerning that the proposed access runs within metres of my property which I work from daily, including car queues of up to 32 cars. – impact on air quality due to car trips
- The reports submitted in support of this application contain many errors which undermine the credibility of the reports:
  - o 3.2.22: Bus stop at Kent House station not true. The nearest bus stop is in Beckenham Road.
  - o 3.2.26: Clock House Station is a 2 minute cycle ride away. This is not true. The route Evoke use is down an alleyway between Kings Hall Road and Thayers Farm Road. No cycling is permitted down this alleyway.
  - o 3.2.28: Beckenham Road Tram Stop is a 2 minute cycle ride - not true. Cycling is prohibited down the alleyway.
  - o 3.2.40: 13 Parking spaces in Densole Close and 25 in Eastwell Close. Not true. Eastwell Close is Residents Parking only. Densole Close has only 4 non-residents parking spaces which are anyway mostly used by residents of the Close.
  - o 3.3.9: Assessment of weekly deliveries. The 11 deliveries is based on information 3 years old and is a gross underestimate.
  - o 3.6.11: Low car ownership ratio for the proposed flats - claims that ownership rates have gone down since the 2011 Census. No evidence to support this claim.
  - o 3.6.16: The developers have offered to contribute financially to a consultation for a controlled parking zone near the site. Why do this if they are 100% confident that there will be no increase in traffic or parking requirements if given the go-ahead.
  - o 5.2.4: Bowls Club trip generation - claims there were 98 trips per day. This is wrong. Cyphers was only open twice a week and was used by a handful of people.

- Traffic survey: This was done in Sept. 2021 when most people were working from home due to covid. According to TFL the number of commuters has increased dramatically since then. The figures relied on by Evoke are out of date and inaccurate.

## **8. Impact on residential amenities**

- Loss of sunlight and day lights to the adjacent residential block
- Overlooking and loss of privacy. The Court decision Fearn and others (Appellants) v. Board of Trustees of the Tate Gallery (Respondent) [2023] UKSC 4, should be taken into account.

## **9. Noise**

- Noise generated from the nursery has not been included in the noise assessment.
- The Noise Assessment report states that the measured ambient noise levels are already higher than "normally deemed reasonable". Paragraph 3.2 recommends "a barrier fencing of sufficient mass could be considered" but no such fencing is shown on any of the proposal plans to the south serving as a barrier to the properties on the opposite side of Kings Hall Road. It is noted that the assessment is designed to indicate the impact on new residents within the proposed development, however the reciprocal should also be considered that the proposed development will have a noise impact on existing neighbours. The noise assessment does not consider the traffic increase numbers from the other reports.

## **10. Others:**

- Unclear why this proposal is allowed to be amended a few times.
- The submitted drawing are limited and of poor quality.
- Worsley bridge development was on previously industrial land and not compatible to this site. No. 89 Kings Hall Road was a burnt down cricket pavilion and ground. The site was rebuilt with a public accessible parking and tennis courts. These two examples are not comparable to this development.
- The existing Fennies nursery is not a neighbouring development. Residents have raised issues regarding to litter parking, noise traffic, alarms gone off during weekends , number of children and adults in one buildings. The responses were completely unsympathetic, and they have never tried to welcome any feedback or make changes to improve local relations.
- As a former councillor of Penge and Cator, the former club provided recreation for approximately 80 people. The creeping erosion of such facilities should be reduced. The proposal does not any replacement facilities. The neighbouring development provide a new public and open space and is not comparable to this proposed development. The proposal should only be considered if all other planning

considerations are considered acceptable. The loss of community benefit is relevant and should be considered.

- There was zero contact between Fennis and the local residents. No consultation on this project was carried out by the applicant.

## **5. POLICIES AND GUIDANCE**

- 5.1 In line with S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990), planning applications are required to be determined in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise”.
- 5.2 National Planning Policy Guidance (NPPG)
- 5.3 National Design Guidance 2019
- 5.4 National Planning Policy Framework (NPPF) 2023
- 5.5 The London Plan (March 2021)

The relevant policies are:

Policy D1	London’s form, character and capacity for growth
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D11	Safety, security and resilience to emergency
Policy D13	Agent of change
Policy D14	Noise
Policy H1	Increasing housing supply
Policy H4	Delivering affordable housing
Policy H6	Affordable housing tenure
Policy H10	Housing size mix
Policy S1	Developing London’s social infrastructure.
Policy S3	Education and childcare facilities
Policy S4	Play and informal recreation
Policy S5	Sports and recreation facilities
Policy G1	Green infrastructure
Policy G3	Metropolitan Open Land
Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands
Policy SI-1	Improving air quality
Policy SI-2	Minimising greenhouse gas emissions
Policy SI-3	Energy infrastructure
Policy SI-4	Managing heat risk
Policy SI-5	Water infrastructure

Policy SI-7	Reducing waste and supporting the circular economy
Policy SI-8	Waste capacity and net waste self-sufficiency
Policy SI-12	Flood risk management
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6.1	Residential parking
Policy T6.5	Non-residential disabled persons parking
Policy T7	Deliveries, servicing and construction
Policies DF1	Delivery of the plan and planning obligations

## 5.6 London Plan Guidance and Supplementary Planning Guidance

- Housing planning guidance (2016)
- Housing design standards (2023)
- Accessible London: Achieving an Inclusive Environment (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Character and Context SPG (2014)
- Air quality positive guidance (2023)
- Air quality neutral guidance (2023)
- Be Seen energy monitoring guidance (2021)
- Circular economy statement LPG
- Energy Planning Guidance
- Whole life carbon LPG
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Shaping Neighbourhoods: Character and Context (2014)
- Practice Note on contaminated land
- Fire Safety LPG (Draft)
- Affordable housing LPG (Draft)
- Development viability LPG (Draft)
- Affordable housing and Viability SPD
- Play and informal Recreation SPG
- Social Infrastructure SPG
- Urban Greening factor LGP
- Sustainable Transport walking and cycling LPG

## 5.7 Bromley Local Plan 2019

The relevant policies are:

Policy 1	Housing supply
Policy 2	Provision of Affordable Housing
Policy 4	Housing Design
Policy 5	Parking of Commercial Vehicles
Policy 10	Conversion of non-residential buildings to residential use
Policy 20	Community facilities
Policy 21	Opportunity for community facilities
Policy 22	Social Infrastructure in New Developments

Policy 27	Education
Policy 28	Educational Facilities
Policy 30	Parking
Policy 31	Relieving congestion
Policy 32	Road safety
Policy 33	Access for all
Policy 37	General design of development
Policy 42	Development adjacent to a conservation area
Policy 43	Trees in Conservation Areas
Policy 50	Metropolitan Open Land
Policy 54	South East London Green Chain
Policy 58	Outdoor Sport, Recreation and Play
Policy 72	Protected Species
Policy 73	Development and Trees
Policy 79	Biodiversity and access to nature
Policy 99	Residential accommodation
Policy 113	Waste management in new development
Policy 115	Reducing Flood risk
Policy 116	Sustainable urban drainage system
Policy 118	Contaminated land
Policy 119	Noise pollution
Policy 120	Air quality
Policy 122	Light pollution
Policy 123	Sustainable design and construction
Policy 124	Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy
Policy 125	Delivery and Implementation of Local Plan

## **Bromley Supplementary Guidance**

- 5.8 The relevant SPGs are:
- Urban Design Guide SPD
  - Affordable housing SPD
  - Planning obligations SPD

## **6. ASSESSMENT**

### **6.1 Land use / Principle of development (Unacceptable)**

- Metropolitan Open Land (MOL)

6.1.1 The application site is designated as MOL in the Bromley Local Plan. The mapping records and land registry record indicate that the site has a long history as a sports and athletic ground. The MOL designation covers the entire site. It also covers the adjoining land to the east of the site and Cator Park to the North. The southern part of the site is surrounded by fence and is covered by plants and trees. The existing layout is designed to reflect the status of the MOL and maintain the openness of the site which is clearly distinguishable from the built-up area. The site also adjoins to an area of open space to the east.



6.1.2 LP Policy G3.B outlines the criteria for extension of MOL designations. The site contributes to the physical structure of London by being clearly distinguishable from the built-up area. The site consists of a vacant single storey indoor bowls building and an outdoor bowling area. The main building and car park occupy the northern portion of the site near to Cator Park. The outdoor bowling area occupies the southern half of the site. It is mainly open in nature facing Kings Hall Road and echoes the adjacent open space to the east. There is a garage, an ancillary car park, an observer hut and a shed within the site. It is noted that this vacant land is under private ownership. The existing indoor and open-air facilities for recreation and sport facilities with maintenance, is capable to continue its established and historic use.

6.1.3 BLP Policy 50 states MOL will be given the same level of protection as Green Belt. The exceptions to inappropriate development are consistent with Green Belt policy and permission will not be given for inappropriate development except in very special circumstances. This is supported by London Plan Policy G3 which highlighted MOL land should be protected from inappropriate development, in line with the national planning policy test that applies to the Green Belt.

6.1.4 NPPF para 49 states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) building for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- g) limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting and identified

affordable housing need within the area of the local planning authority.

6.1.5 The proposal does not fall within any exceptions of the above. The proposal is regarded as inappropriate development in MOL. In line with the development plan, planning permission should be refused unless very special circumstances can be demonstrated that is clearly outweighed by other considerations.

6.1.6 The submitted planning statements set out the following suggested VSCs and it is stated that the key benefits of the following would outweigh the harm that arises from this proposal:-

- A 150 spaces nursery (73 additional spaces from current provision at No. 62 Kings Hall Road) to meet the need;
- Contributes to the 5 years housing land supply;
- Economic and job benefits;
- Positive townscape effect and improvement to biodiversity;
- Carbon off-set contributions;
- Highway works and car club; and,
- Enhanced surveillance of public open space to the east.

6.1.7 The Council's Early year division was consulted and have advised that Penge and Cator Ward is not considered as a priority area for additional nursery spaces/nursery uses. This is based on the latest published data in June 2023 It is noted that the proposal would provide additional nursery spaces and with the increase in population, the direction of travel is clear. However, it should be noted that the introduction of new buildings is considered to be inappropriate development and would result in significant harm to the openness of the MOL. Furthermore, there are concerns in relation to the proposed tandem design and layout, scale of the proposed new buildings, and their relationship within the site and its surroundings Further consideration of the above are set out in the following relevant sections of this report.

6.1.8 Furthermore, it should be noted that a number of planning applications have been granted for either a new nursery or additional spaces by the Council in the Borough. This demonstrates that new nursery provision can be achieved without causing major conflict with the Development Plan or without introduction of substantial new buildings in the MOL. The recent planning approval relating to nursery developments is listed as follows:

- Ref: 23/01381/FULL1 - St John's Coptic Orthodox Church, 11 Dunbar Avenue, Beckenham, BR3 3RG

Change of Use of existing church (Use Class F.1(f)) to children's nursery (Use Class E(f)) and associated minor external works. Change of Use of existing church (Use Class F.1(f)) to children's nursery (Use Class E(f)) and associated minor external works.

N.B. The nursery will cater for up to 108 children from the ages of 3 months to 5 years.

- Ref: 22/00496/FULL1 - 193 High Street, St Mary Cray, Orpington, BR5 4AX

Demolition of part of existing single storey nursery building and erection of single storey side/rear extension, canopy and access ramps, and regularisation of existing numbers of children attending the nursery on any one day to a maximum of 53

- Ref: 21/00814/FULL1 – Schoolkeepers House, Anerley Road, Penge, London

Proposed two storey extension to side of existing nursery building with single storey extension to front entrance and to increase the total provision of places from 64 to 90 children.

- Ref: 20/01960/SCHPA - 48 - 50 London Lane

Change of use from a care home (Use Class C2) to a children's day nursery (Use Class D1) (56 day application for prior approval in respect of transport and highways impacts, noise impacts and contamination risks, under Class T, Part 3 of the G

N.B. The nursery will cater 70 nursery spaces.

- Ref: 20/02322/FULL1 - Old Dunstonians Sports Club, St Dunstan's Lane, Beckenham, BR3 3SS

Redevelopment of 1960's squash courts within the Old Dunstonian RFC complex, providing the following - Change of use from Class D2 (Squash Courts) to Class D1 (Day nursery), additional changing/WC facilities to be used by the tennis courts, refurbishment of existing building and alterations to the external building fabric to meet building regulations.

N.B. The nursery will cater 65 nursery spaces.

- Ref: 20/02853/FULL1 – GlaxoSmithKline, Langley Court, South Eden Park Road, Beckenham

Change of Use of Existing Pavilion building and associated car park from D2 (Assembly and Leisure) to D1 (Non-residential institution) for children's nursery use and medical facility. Existing parking and access to be retained. MOL land to be retained.

N.B. The nursery will cater 120 nursery spaces up to age 5.

- Ref: 20/04101/FULL1 - 202 Venner Road, Sydenham, London, SE26 5HT

Increase the number of children attending the nursery from 30 to 43 between the ages of 0 months -5yrs.

- Ref: 20/02322/RECON - Old Dunstonians Sports Club, St Dunstan's Lane, Beckenham, BR3 3SS

Minor material amendment under Section 73 of the Town and Country Planning Act 1990 for the Variation of Condition 2a of planning permission 20/02322/FULL1 (granted for the Redevelopment of 1960's squash courts within the Old Dunstonian RFC complex, providing the following - Change of use from Class D2 (Squash Courts) to Class D1 (Day nursery), additional changing/WC facilities to be used by the tennis courts, refurbishment of existing building and alterations to the external building fabric to meet building regulations in order to vary the ages of the children able to attend the nursery from the ages of 2 and 5 years to 6 months to 5yrs.

- Ref: 20/00310/RECON – Chislehurst Sports and Country Club, Elmstead Lane, Chislehurst, BR7 5EL

Variation of condition 4 (limit on hours of operation and numbers and ages of children) of permission ref.20/00310/FULL1 granted for proposed additional use of clubhouse as a day nursery from Mondays to Fridays between 07.30 hours and 18.30 hours, in order to allow an increase in the number of children from 40 to 64.

- Ref: 23/03861/FULL3 - 185 Elmers End Road

Use of first floor as day nursery for under 5's (Class D1) with opening hours to be 7:30am to 6:30pm Monday-Friday (amendment to application permitted under ref: 11/00829 for Change of Use of first floor offices (Class B1) to play/learning space for under 5's (Class D1)

N.B. This application is pending at the time of writing this report. It should be noted that the ground floor is already used as a day nursery.

6.1.9 As such, it is considered that the provision of 150 nursery spaces is not considered to constitute very special circumstances.

6.1.10 New development is required to be assessed in line with the development plan, taking into account any material considerations. The other suggested benefits are not uncommon as new development is required to mitigate its impacts. The proposed and required mitigation measures such as carbon offset and biodiversity are required as part of any new development. Proposals to meet the policy requirements are not considered to be very special circumstances. It is noted that additional staff would be required to accommodate the additional nursery

spaces. The economic and job benefits that can be derived from this proposal is not uncommon and is considered to hold limited, if any, weight in terms of the planning balance and whether any special circumstances exist.

6.1.11 The proposed site layout plan indicates that the proposal would extensively cover the site with buildings and hard surfaces, with patches of planting and garden areas proposed along the front and east boundary of the site. In addition, all existing trees and vegetation on the site would be removed, including some category B trees. It is noted that a nursery does exist in this residential area as per the existing nursery address at No. 62 Kings Hall Road, however, 62 Kings Hall Road is outside of the MOL designation. The introduction of two substantial buildings including a residential car park, and access road with pick-up and drop-off area would significantly remove the openness of MOL to an extreme level.

6.1.12 With regards to the provision of housing and affordable housing, the Council does not currently have a 5 year housing land supply and 3.38 years can be demonstrated. As such, the housing policies in the Local Plan are deemed to be out-of-date. NPPF paragraph 11(d)(ii) states that permission should be granted unless 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.

6.1.13 The planning merits of additional housing elements should be assessed in line with the development plan taking into account the site constraints being located in MOL and other harm that arises from this proposal. The relevant planning considerations are outlined in the following sections of this report.

- Loss of community facilities

6.1.14 BLP Policy 58 seeks to retain and resist the loss of sports facilities unless it can be demonstrated that the facilities are surplus to the requirements. This approach is in line with LP Policy S5. BLP Policy 20 also resists the loss of community facilities which states *“planning permission should be refused unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. Where a proposal for alternative social infrastructure involves a change of use not permitted under the GPDO Use Classes Order, the lack of need for the specific use class must first be demonstrated. Additionally, in respect of facilities identified by local communities as having significant value, planning permission for alternative uses will only be considered where it can be demonstrated that no prospective purchasers exist that would be willing to pay both a suitable price and maintain the existing use”*.

6.1.15 The proposal would result in a net loss of indoor and outdoor bowls facilities at this site. A letter along with a leaflet prepared by an estate agent (SHW) have been received which states that *“The formal marketing campaign commenced on 14 September 2020 and the sales was completed on 31<sup>st</sup> March 2021”*. It also indicates that the site was placed on the market with a guide price of £1 million. Seven unconditional offers ranging between £775,000 and £980,000 were received. It is stated that *“With the 2 top offers essentially being at the same level, we were instructed to return to the top 2 bidders seeking their best and final offers in the days following, further to which Fennies Day Nurseries were selected on the basis of their revised offer of £1,000,000 (One Million Pounds) being the best offer received”*.

6.1.16 The current land registry record indicates that a unilateral notice in respect of a contract of sale of the site was dated 22<sup>nd</sup> December 2020 between the previous freeholder Cyphers Indoor Bowling Company Limited and the current freeholder Albrin Property Ltd. The land was exchanged on the 31<sup>st</sup> March 2021. This record does not contradict with the marketing materials submitted. However, the marketing period of the site is considered to be relatively limited. Nonetheless, a Bowling Facilities Need Assessment is submitted which indicates there are 6 other bowling facilities within 1 mile from the site. Given that Sports England does not wish to raise an objection to this application, it is considered that the loss of sports facilities cannot be resisted.

- Other

6.1.17 In March 2016, planning permission for the construction of 4 houses (two detached and a pair of semi-detached houses) was refused (ref: 15/05530/FULL1) for the following key reasons:

- Inappropriate development and substantial impact on MOL
- impact on its open character and setting of the site and locality, and;
- cramped development due to its spatial relationship with the existing surroundings

6.1.18 The site layout and elevation plan of the refused scheme are attached as follows:



Fig 5: Refused scheme ref 15/05530/FULL1 – Elevation plan facing Kings Hall Road.



Fig 6: Refused scheme ref 15/05530/FULL1 – site location plan (left) and layout plan (right).

6.1.19 It is noted that the internal floor space of the proposed nursery floor space would be less than the total floorspace of existing indoor bowl building. However, the existing single storey indoor bowls club building would be replaced with a two storey nursery building and a three storey residential block facing Kings Hall Road. The impact of this proposal would be more significant when compared with the earlier refused scheme.

6.1.20 Paragraph 27 of the GLA Stage 1 consultation letter states *“The proposal would result in a considerable increase in built form across the site which would impact on the spatial and visual openness of the MOL”*. *“The visual assessment does not include views of the proposed residential building in relation to the tree canopy to the east. However, given the massing and height proposed and the proximity of the building to the site boundary, it appears that the massing of the building could also result in some additional intrusion of the built form and further enclosure to the adjacent MOL land to the east. The Council should also carefully consider whether peripheral vegetation will retain adequate canopy to minimise the visual impact of the proposal”*.

6.1.21 The above views are shared by officers. The existing trees within the site would all be removed, including the trees along the site boundaries currently providing a good degree of screening between the site and the adjoining land. Whilst replacement trees would be provided within the site to achieve meeting the requirement of other policies such as the urban green factor and biodiversity net gain, the introduction of new and substantial buildings at this site would have a negative visual impact on and negatively impact on the openness of the MOL and substantial weight should be given to this factor when considering any planning merits derived from this proposal.

6.1.22 Whilst any housing development would contribute to the Council’s 3.38 housing land supply with more nursery spaces proposed, these benefits are limited when considering its impacts of this protected MOL. The impacts and considerations on sequential test and flood risk, residential and neighbouring amenities in terms of outlook, privacy, noise and air

quality are set out in this report. Furthermore, the provision of planning mitigation measures as part of the applications is required to comply with the requirements of the Development Plan. This does not in itself represent a very special circumstance or justify a precedent being set to introduce inappropriate development on MOL.

## 6.2 Flood Risk

- Sequential approach and test

- 6.2.1 PPG paragraph 023 (revision date 25.08.2022) states *“The purpose of sequential approach is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including area of risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied”*. This approach is consistent with the Council strategic flood risk assessment and Bromley Local Plan Policy 115 which states “the Council will apply the sequential test to avoid apocopted development in relation to flood risk.”
- 6.2.2 NPPF para 162 states *“The aim of the sequential test is to steer new development to areas with the lowers risk of flooding from any sources. Development should not be allocated or permitted if there are reasonable availability sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”*.
- 6.2.3 Table 1 of the NPPG set out the flood zone categories and Table 2 of NPPG and Annex 3 of the NPPF sets out the vulnerability of different uses to flood risk. The application site is located within Flood Zone 2. The proposed nursery and residential uses are both categorised as “More Vulnerable” uses and in line with the development plan, a sequential test is required to demonstrate there are no reasonable alternative sites to accommodate the proposal.
- 6.2.4 PPG Paragraph 028 (Revision date 25<sup>th</sup> August 2022) defines **reasonable available sites** *are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be*



considered “reasonable and available”. The absence of a 5 year land supply is not a relevant consideration for the sequential test for individual applications”.

6.2.5 The applicant has been advised that “the Council’s starting point in considering the area of the search are lower risk sites in the whole of the borough (for the residential element). Depending on the type of use(s), the search area may be extended beyond the administrative area of Bromley. However, in this case, officers have reviewed the submitted documents and considered that the nursery uses can be limited to relevant wards in line with the submitted planning statement. The sequential test requires the applicant/developer to compare the site that is proposed to be developed with other alternative sites to ascertain which carries the lowest flood risk. The onus is on the developer/applicant to demonstrate the acceptability of the proposed development to introduce the proposed uses”.

6.2.6 A Sequential Test (prepared by prepared by 4TY Planning: dated July 2023) is submitted which suggested that there are no other sequentially preferable alternative sites within the agreed search area to accommodate a new nursery and new housing. It also indicated that the proposed housing is essential to fund the proposal at this site.

6.2.7 The suggested alternative sites put forward by the applicant, including officers’ considerations are tabled as follows.

<b>Alternative sites</b>	<b>Address / officers comment</b>
<b>1</b>	Bromley Local Plan Site 7: Orchard Lodge, William Booth Road, Penge
<b>2.</b>	Bromley Local Plan Site 28: Kentwood Site, High Street Penge
<b>Officers’ comment</b>	The Council’s planning application records indicates that planning permission was granted for 252 residential units in 2016 on Site 7 and subsequent conditions have been discharged. Site 28 is listed in the BLP to facilitate up to 4FE of secondary education. It is unclear why these sites are included or considered to be relevant in the sequential test.
<b>3.</b>	Ref: 20/01749/RESPA: Kelsey House: 77 High Street, Beckenham
<b>4</b>	Ref: 21/00854/RESPA Midas House: 2 Knoll Rise, Orpington
<b>5.</b>	Ref: 21/03220/FULL1: 32-36 Homefield Rise, Orpington
<b>Officers’ comment</b>	Site 3 to site 5 are both development sites under implementation /construction for hotel and residential uses. It is unclear why these sites are included or considered to be relevant in the sequential test.
<b>6</b>	No.76a and 76b The Avenue (under planning reference 20/05047/FULL1)

<b>Officers comment</b>	Residential development was allowed at 76a and 76b The Avenue. The associated planning statement under ref: 20/05047/FULL1 states “ <i>The applicant hopes in due course to acquire 76C, which can then be promoted for redevelopment alongside 76D, which is already in their ownership (this being “phase 2”)</i> ”.
	Officers consider that the proposed housing element on Kings Hall Road has the potential to be provided at this site, as this site is located at a lower risk and there is no formal application submitted to the Council to redevelop 76c and 76d The Avenue. It may therefore be considered ‘reasonably available’.
<b>7</b>	20/04101/FULL1: 202 Venner Road (Penge East Day Nursery)
<b>Officers comment</b>	This is a converted building currently occupied by an existing/different nursery operator since 1986. It is unclear why this site is included or considered to be relevant in the sequential test.
<b>8</b>	15/04610/FULL1: North Orpington Pumping Station, East Drive
<b>9</b>	18/03990/RESPA: Insurance House, Insurance House, 38 Croydon Road
<b>10</b>	22/00856/FULL1: 46 High Street, Orpington
<b>Officers comment</b>	Site 8 to Site 10 are sites already granted with permissions/prior approved either occupied or conditions submitted or discharged. It is unclear why these sites are included or considered to be relevant in the sequential test.
<b>11</b>	Beckenham Public Hall, 4 Bromley Road
<b>Officers comment</b>	This Grade 2 listed building is being sold subjected to the occupational leases with MyTime Active and ‘The Club’. The applicant has discounted this site as there is no outdoor space.
<b>12</b>	Land at Churchfields Road, Beckenham
<b>Officers comment</b>	The site is located in flood zone 3. It is unclear why this higher flood risk site is included or considered to be relevant in the sequential test.

6.2.8 The majority of the considered sites above are either recent developments already lived-in or under implementation for the consented uses such as hotel or residential. Sites located at a lower risk area are provided but a higher flood risk area is also included. Based on the information above, it is considered that inadequate information is submitted to demonstrate there are no other sequentially preferable sites to accommodate a new nursery and additional 18 units at this site.

6.2.9 Planning policy both at a National, London and Local level set out policy requirements in assessing new development subject to flooding. PPG

Paragraph 028 states that the absence of 5 year housing land supply is not relevant in considering sequential test. The provision of housing at the same site to fund this proposal is also irrelevant in considering the availability of alternative sites. Footnote 7 of the NPPF defines this flood risk site as “protected area”, the presumption of sustainable development does not trigger in this case under paragraph 11d limb (i) of the NPPF and permission should be refused in line with the Development Plan.

6.2.10 Based on the information submitted above, it is considered that inadequate and insufficient information is provided to demonstrate there are no alternative locations in the Borough. The introduction of “more vulnerable” development in Flood Zone 2 is therefore not acceptable and is contrary to policy 115 of the Bromley Local Plan and NPPF

- Possible alternative sites

6.2.11 The Use Classes Order has been updated in 2021 which enables a much greater flexibility for change of use of development falling within the same Use Class Order at a national level. Furthermore, the existing day nursery was originally converted from a single dwellinghouse to the current use. There are a number of domestic houses in the local area, similar to the current nursery site at 62 Kings Hall Road that could be converted into a nursery, subject to planning permission. There is no evidence to suggest there are no alternative sites with lower risk that cannot be located to support the additional nursery spaces proposed.

6.2.12 For non-residential sites, No 113 Anerley Road, Penge and 8 Oakwood Avenue are both vacant and located within a lower flood risk (Flood Zone 1). No. 113 Anerley Road is a former medical centre and an advertisement consent was granted in 2019 as a place of worship. No.8 Oakwood Avenue is a former care home.

6.2.13 With regards to additional housing and affordable housing provision, a number of sites are allocated for housing development in the Bromley Local plan, including Site 1 Bromley Civic Centre, Site 2 Land adjacent to Bromley North Station, Site 3 The Hill Car Park and adjacent lands, Site 4 Gas holder site on Holmesdale Road,; Site 5 Land adjacent to Bickley Station, Site 6 Bromley Valley Gym and adjacent land, Chipperfield Road and adjoining land, Site 9 Former Depot Bruce Grove, Site 10 West of Bromley High Street and land at Bromley South. The applicant has failed to address these alternative sites as part of the sequential test. There is no evidence to suggest additional 18 residential flats cannot be provided elsewhere within the borough.

6.2.14 Officers note that the Council's properties are advertised on the Council website. Land at Goddard Road, Elmers End, Beckenham could be a potential site with lower flood risk. With regards to housing, Site 6 (76a, 76b, 76c, and 76d The Avenue) as listed in the above table, this site could be a potential site to provide additional housing.

6.2.15 The Environment Agency (EA) was reconsulted and did not make comment on the sequential test as this is an assessment for the Council to reach a conclusion on its acceptability. The EA have required mitigation measures be secured by planning conditions, as outlined in the planning consultee section of this report.

- Flood risk assessment (FRA)

6.2.16 A updated Flood risk assessment is submitted which indicates the majority of the site remains flood free during a 1,000-year event, with the exception of the northern most area and the area immediately adjacent to the Chaffinch Brook are shown to be affected. A range of flood risk management measures is proposed which includes:

- Nursery finished floor level set at 26.95m AOD which would be 330mm above the peak 100year plus 20 percent fluvial flow scenario,.
- Residential finished floor level of the residential building would be raised 600mm above this design flood event and sets at 27.22 m AOD.
- Water butts and downpipe planters to be provided on all downpipes to encourage water re-use. There is additional commitment to provide further water reuse on the nursery building
- Biointention/raingarden below the proposed child play area adjacent to the car park and dry swales to be used throughout the site
- Attenuation tank system limiting runoff rates from the site to 2 l/s

6.2.17 The Council's drainage officer and the Environment Agency have reviewed the FRA and no objection has been raised, provided that the detailed design of the flood risk management measures, finished floor levels including landscaping management plan are secured by planning conditions.

6.2.18 The NPPF supports the presumption in favour of sustainable development and aims to steer development to lower flood risk areas. In line with the NPPF, Planning Policy Guidance and the development plan, the proposal fails to fully demonstrate there are no alternative sites in the borough to accommodate the proposed additional nursery space and housing, contrary to BLP Policy 115 and NPPF.

### **6.3 Design - Unacceptable**

- Site Layout

6.3.1 BLP Policy 37 expects all development proposals to be of a high standard of design and layout. Development should complement the scale, proportion, form, layout and materials of adjacent buildings and the area.

- 6.3.2 Kings Hall Road is mainly residential in character with open recreation and sports facilities. The residential buildings are mainly two to three storeys detached, semi-detached houses or purposely built residential buildings ranging between two to three storeys in height. The existing buildings are mainly designed with a principal building facing Kings Hall Road and supported by spacious gardens and parking spaces. Eastwell Close and Densole Close are modern pure residential development, which occupies a relatively larger area of land.
- 6.3.3 Kings Hall Road benefits from a rich street-based urban fabric which new development should seek to reinforce. The proposed residential and nursery building would be sited in tandem, with a three storey residential building facing Kings Hall Road and a large scale nursery building located to the rear of the residential building. The access to the nursery would be via an access road within the site. The front door of the nursery would be located approximately 61 metres from the road, obscured and disconnected to the road. The main entrances to buildings are usually located on the principal elevation of the building and directly connected to the road. It is noted that the existing indoor bowls club is located further into the site and is of a similar arrangement to the proposed nursery. It should be noted that the nursery is located behind a three-storey residential block and obscured from the road. Due to the siting of the proposed buildings, distance between the nursery entrance door and Kings Hall Road, the relationships between the proposed building and its surroundings, it is considered that the proposed layout would appear at odds with the surroundings and would represent an over-intensive development.
- 6.3.4 Furthermore, the proposed site layout plan indicates that the proposal would almost occupy the full site with built form, with a residential car park located in between the proposed buildings and an expanded access road. It is noted that a pick-up and drop off area and two off-street parking spaces would be provided within the site for a manager and visitor. Whilst there are no London Plan parking standards for nursery and the London Plan seeks to promote and implement sustainable transport modes, consideration should be given to the type of the development, scale of the proposal and accessibility of the site. The site is not located within any town centre or with an excellent level of public transport. The capacity of the proposed nursery spaces including the required staff would be twice that at 62 Kings Hall Road. there is no additional off-street car park provided to accommodate the travel demand arising from the increased number of staff (from 20 to 40 staff) and the proposed increase in the number of nursery spaces from 77 to 150 spaces when compared to the existing nursery at 62 Kings Hall Road. It is uncertain whether the needs arising from the scale of this proposal can be adequately met within the site with the number of proposed staff and parents attending or visiting the nursery. It is considered that the layout and scale of the proposal for both uses would be excessive, constitute overdevelopment.

6.3.5 The proposed residential floor plans indicate that a number of side bedroom windows would be located close to its side boundaries or access road. Due to its siting being located close to its side boundaries or path on the access road, it is considered that the proposal would give rise to amenities issues for the future occupiers in terms of outlook, privacy and availability of light. The side bedroom primary windows would also be facing the habitable room windows at Knights Court. The reliance of neighbouring land for outlook and privacy is not considered to be sustainable. The proximity between the bedroom windows and the habitable room windows on the flank wall of Knights Court is not considered sustainable. The proposed layout would represent a cramped form of development.

- Scale and Massing

6.3.6 The proposed residential building would measure approximately 34 metres wide, 23.5 metres deep and 11.9 metres high to the top of the pitched roof. The width of the proposed buildings would be approximately 5 metres wider than the adjacent Knights Court.

6.3.7 The footprint of the proposed nursery building would be broadly in a cross shape. The proposed building would measure 31.5 metres wide, 34 metres deep and 6.6 metres at its maximum. The proposed building is considered to be a significant sized building, particularly given the nature of the setting.

6.3.8 The proposed ground floor internal floor space of the nursery measures approximately 634.8sq.m. The external outdoor play areas measure approximately 357.8sq.m. The proposed first floor would comprise of a staff room, consultation room, manager office, kitchen and toilets with a floor space measuring approximately 248.3. A first floor staff garden measuring approximately 102.5sq.m would also be provided. At pre-application stage, a training hub for nursery staff from outside the area, in addition to its function as a local nursery was proposed. Irrespective whether the first floor would be used as a training hub, the proposed floor plans highlight the scale of the facilities being proposed, with the entire first floor allocated for staff ancillary accommodation.

6.3.9 The proposed landscaping plan indicates new planting would be introduced. Whilst new planting could provide a degree of seasonal dependent screening, this should not be used as a justification to support excessive and out of scale development. Overall, it is considered that the proposed development would appear visually prominent by virtue of its size and when compared with its current open setting, particularly when viewed from Kings Hall Road, Cator Park and the adjoining open space.

**6.4 Housing (Unacceptable – layout, scale and relationship within the site and surroundings)**

- Housing Supply and Affordable Housing

- 6.4.1** 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.
- 6.4.2 The current FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 6.4.3 Paragraph 11 of the NPPF relates to presumption in favour of sustainable development and part (d) states that where there are no relevant policies or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- (i) "The application of policies in this Framework that protect areas or assets of particular importance provided a clear reason for refusing the development proposed" or
  - (ii) "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole".
- 6.4.4 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development would ordinarily apply. However, Footnote 7 of the NPPF defines "areas at risk of flooding" as protected areas within the framework. New development should be steered away from areas subjected to flood risk. In this instance, the application of policies in the NPPF that protect areas or assets of particular importance in areas at risk of flooding (in this case Flood Zone 2) provide a clear reason for refusing the development because the proposed development has failed to demonstrate there are no sequentially preferable alternative sites to accommodate the development. Consequently, the presumption in favour of sustainable development does not apply.

- 6.4.5 Bromley Local Plan 2 and London Plan Policy H6 sets out the requirements for affordable housing and tenure. A minimum of 30 percent social rent, a minimum of 30 percent of London living rent and the remaining 40 percent to be determined by the borough as rented or intermediate product.
- 6.4.6 This application includes the provision of 18 dwellings and 4 further dwellings at No. 62 Kings Hall Road and would represent a moderate contribution to the supply of housing within the Borough.
- 6.4.7 Revised and updated proposals along with updated viability assessments have been reviewed by the GLA and the agreed viability consultant. Based on the quantum of the proposal, the scheme would not be viable to provide 35% affordable units and comply with a tenure split between 60% rented units and 40% intermediate units.
- 6.4.8 Ten (10) intermediate units are proposed, achieving 45 percent affordable housing by unit, including the 4 private units at N0.62 Kings Hall Road. Whilst the intermediate unit is not the most needed tenure type and the proposal would remain unviable with a deficit of circa £24k, this is the maximum level of affordable housing that can be provided by the applicant.
- 6.4.9 The proposal would provide 18 units including 10 intermediate units. A further 4 private units would be provided at No. 62 Kings Hall Road. Overall, the proposal would attract a moderate contribution to the Council's housing stock. Should planning permission be forthcoming and in line with the London Affordable housing guidance, this provision along with the Council's nomination rights, early and late stage should be secured by a S106 legal agreement.
- Wheelchair unit
- 6.4.10 The proposed floor plans indicate that 3 wheelchair units (Flat 1, Flat 6 and Flat 12) would be provided. Should planning permission be forthcoming, detailed drawings confirming all internal fixtures, car park allocations and standard of disabled parking spaces complying with the South East London Housing Partnership standards should be secured by planning conditions. A car park management plan should also be secured by a planning condition.
- Housing mix
- 6.4.11 London Plan Policy H10 (Hosing size mix) promotes a range of unit sizes in new development, having regard to robust relevant evidence. Paragraph 2.1.17 of BLP states the 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for



one bed units (at 53%) followed by 2 bed units (at 21%) and 3 bed units (at 20%). The proposal would provide 35 x 1 bed, 28x 2 bed and 12 x 1 bed units. It is considered that the proposed housing mix and size are acceptable and would not be contrary to London Plan Policy H10.

- Living space standard

6.4.12 The London Housing Design Standard LPG sets out the recommended living spaces standards. London Plan Policy D6 sets the minimum internal/living space standards for new dwellings, across all tenures. The required gross internal area (GIA) of all new dwellings depends on the number of occupancies, number of floors and housing size. It also sets out size requirements for bedrooms, storage and floor-to-ceiling heights. The above targets are reflected at the local level by Policy 4 of the Local Plan which seeks to ensure that all new residential units meet the minimum standards prescribed within the London Plan. The proposed internal living space and private outdoor spaces would meet with the minimum requirements.

- Child Play

6.4.13 LP Policy S4 states a minimum of 10sq.m play space per child should be provided. A child play area located adjacent to the residential car park is proposed and would meet the policy requirements. Should planning permission be forthcoming, the details of play equipment should be secured by a planning condition.

- Outlook and privacy

6.4.14 The proposed floor plan indicates that a row of communal cycle stores would be located approximately 2.7 metres from all the main habitable room windows of Flat 3. Due to its distance and relationship with Flat 3, it is considered that the proposed layout would fail to provide adequate outlook and privacy for this unit.

6.4.15 Flat 2 is a ground floor three bed unit and all the bedroom windows would be facing the access road and path. It is noted that a defensible space approximately 1.6 to 1.7m would be provided between the bedroom windows and the path. Planting or a fence could be provided to mitigate the privacy. However, due to its limited distance, it is considered that the proposed layout would fail to provide adequate outlook and privacy for this unit.

6.4.17 Flat 8 is a first floor two bed unit and Flat 14 is a second floor 2 bed unit. The proposed layout indicates that all bedroom windows of these units would be facing the habitable room windows of Knights Court. Due to its proposed layout and relationship with its surroundings, it is considered that the proposal would represent over-development and fail to provide a good quality living environment for the future occupiers.

## 6.5 Highway

### A) Access

- 6.5.1 The existing access is located at the south-west corner of the site which leads to an existing car park located to the east of the indoor bowls building. The vehicular access to this existing car park is reliant upon the freeholder of neighbouring land at Bailes Place (Land Registry Record SGL 761416).
- 6.5.2 It is proposed to widen the existing access road to 5.4 metres, with a further footpath which measures 2 metres wide at the south east corner of the site to provide a communal access to the proposed residential and nursery buildings. The Transport Assessment states a proposed nursery pick up and drop off zone capable for 5 to 6 cars would be provided near to the north-west corner of the site. Two off-street parking spaces for the nursery manager and a visitor is located to the north of the nursery building.
- 6.5.3 A Stage 1 Road Safety Audit is submitted which outlines a range of highway issues and designer responses required. The submitted waste collection vehicle swept path analysis indicates that the southern side of the on-street parking spaces located opposite to the entrance of the site would be impeded and this parking bay along with the on-street parking spaces on the northern side of Kings Hall Road should also be removed. The Council's highway officers have advised that a Stage 2 and 3 Road Safety Audit, including the cost to amend the traffic order and the cost of any required highway works shall be met by the developer. These details shall be secured by planning condition and/or planning obligations.

### B) Parking

#### o Residential

- 6.5.4 Table 10.3 under LP Policy T6 sets a maximum parking standard for residential development. For outer London sites with a PTAL rating of 3, a maximum ratio of 1 space per 3 bed and 0.75 spaces per 1 to 2 bed should be provided. The submitted Transport Assessment provides a modelling which suggests the site has a PTAL rating of 4. TfL have advised that the site has a PTAL rating of 3. The suggestion of PTAL 4 is therefore not accepted.
- 6.5.5 The proposal would provide 11 residential parking spaces and this is within the maximum parking provision of 13 residential spaces including 2 residential disabled parking spaces are proposed meeting the maximum standards in the London Plan. Should planning permission be recommended, a car park management plan, and a minimum of 3 active electric charging spaces should also be secured by a condition and/or planning obligations.

- Nursery

- 6.5.6 There is no parking standard for a nursery. The Transport Statement and the proposed site plan indicate that a pick up and drop off point providing 5 to 6 car spaces would be provided near the north-west corner of the site. Two off-street parking spaces would be provided for the nursery manager including a visitor's parking space.
- 6.5.7 LP Policy T6 states car-free development should be the starting point for all development proposals in places that are well-connected by public transport. Paragraph 10.6.5 states where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity.
- 6.5.8 The application site has a PTAL rating of 3. Whilst there are railway and tram stations in the wider area, there is no bus stop on Kings Hall Road and the nearest bus stops are located on Bridge Road and Beckenham Road (A234).
- 6.5.9 The parking demand associated to the proposed nursery would be mainly derived from the number of staff attending the site, parents dropping and picking up their children, servicing, and delivery. The proposed number of nursery spaces would be increased from 72 to 150 spaces and the proposed number of staff would be increased from 20 to 40 staff.
- 6.5.10 The Transport Assessment states *"The nursery school currently operates a safe, drop-off and pick-up system for pupils to and from the nursery school with staff on hand to meet pupils from cars / parents which helps to minimise the dwell time of vehicles. Similarly, staff assist with the pick-up process to safeguard the children"*.
- 6.5.11 It is noted that young children are likely to be physically carried by parents via a pram and/or push chair when compared with primary or secondary school pupils, where older aged pupils have more ability to walk or are more independent. The public transport accessibility rating of the application site is rated at 3 which is lower than the current operating address at No.62 Kings Hall Road. The Council's Highway division have not raised concern of the above. Whilst the scale of the proposed 150 spaces nursery is of concern, it is on balance considered that the proposed arrangement would not be unacceptable.

- School Travel Plan

- 6.5.12 The 2016 allowed scheme at No. 62 Kings Hall Road sets a limit of no more than 72 children and 20 staff at the premises at anytime. A further condition required the car park in the forecourt of the building to be kept available for nursery parking. There is no application record that relates to the school travel plan. Should planning permission be forthcoming, a

planning condition requiring the full details of a school travel plan including monitoring should be secured by a planning condition.

- Non-residential disabled parking spaces

6.5.13 London Plan Policy T6.5 states disabled persons parking should be provided in accordance with the level set out in Table 10.6, ensuring that all non-residential elements should be provided access to at least one on or off-street disabled persons parking bay. The standard for designated disabled parking bays and enlarged bays is 5 percent of the total parking provision.

6.5.14 No designated disabled persons parking bays are indicated for the nursery use. The entrance door of the nursery is located over 60 metres from the road and is not considered acceptable for on-street provision which further reduces the availability of on-street parking on Kings Hall Road. A further parking space could be provided adjacent to the staff and visitor parking spaces. However, the spaces are located away from the entrance door. A dedicated disabled person bay and enlarged bays could be provided in the pick-up and drop-off area. However, this would reduce the designed pick-up and drop-off capacity for the proposed nursery. Due to the compact layout of the proposal, it appears the priority to meet the policy requirements is low and would fail to provide adequate disabled parking space and enlarged bays for the nursery, contrary to London Plan Policy T6.5. This could impact on the developments ability to accommodate people with a disability which is a protected characteristic.

- Trip generation

6.5.15 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected. The proposed development will result in 374 two-way person trips in the AM peak hour and 364 two-way person trips in the PM peak hour. In terms of vehicle trips, the proposed development is likely to result in 153 two-way trips in the AM peak hour and 151 two-way vehicle trips in the PM peak hour. The majority of the trips to site are attributed to the development of the nursery at the site, the majority of these trips will involve drop-off and pick-up trips with trips to the site making up part of a multi-purpose trip. No objection is raised by the Council's highways team regarding to the impact on the highway network.

- On-street parking stress survey

6.5.16 A parking stress survey was carried out on the 21<sup>st</sup> September 2021 (Tue) and 22<sup>nd</sup> September 2021 (Wed) between hours of 00:30am to 05:30am, 07:00am to 10:00 am and 15:00am to 18:00pm. The survey indicates that there are 93 car parking spaces on Kings Hall Road. The average occupation is 19 percent during the AM peak hour and 21

percent during the PM peak hour. Kings Hall Road is a residential road with a relatively large number of suburban houses. Objection from residents' states that the parking stress survey included residential car parks on Eastwell and Densole Close. Based on the survey on Kings Hall Road without taking into account the availability of residential parking spaces on Eastwell and Densole Close, it is considered that the impact upon on-street parking would not be unacceptable.

- Servicing and delivery

6.5.17 Servicing and delivery for the proposal would be located within the site. The Transport Assessment indicates that where feasible they will seek to use one supplier and will undertake bulk delivery once or twice a month to minimise the number of deliveries to the nursery. The residential services and delivery would be likely to take place in the car park. No objection is raised by the Council's highway team and the details along with a construction management plan should be secured by a planning condition.

- Cycle parking and storage standard

6.5.18 LP Policy T5 sets a minimum long and short stay cycle storage requirement for new development, based on the proposed use and scale of the proposal. The policy requirements and proposal are tabled as follows:

- Residential

6.5.19 A minimum of 33 long stay and 2 short stay is required based on the proposed housing unit, mix and policy requirements (1 space for each studio or 1 bed unit, 1.5 spaces per 2 person 1 bed unit; 2 spaces per all other dwellings). The proposal would provide 33 cycle storage spaces including 2 cargo bike storage spaces which would be located to the rear of the residential building. A Sheffield stand providing 2 short stay cycle storage spaces would be provided and would meet the minimum policy requirements.

- Nursery

6.5.20 Policy requires a minimum of 1 space per full time staff and 1 space per 8 students. A minimum of 24 long and short stay spaces is required for the proposed 150 pupils and 40 staff. A total of 15 Sheffield stands provides 30 cycle spaces. Two of the Sheffield stands would provide 20 spaces for scooters.

6.5.21 The London Cycle Design Standards set out the principles of well-designed cycle parking for staff which should be:

- Secure with access for staff only;
- Designed to allow the frame and at least one wheel to be securely covered;

- Conveniently located, with step-free access from outside and inside
- Fully accessible, for parking all types of cycle;
- Introduced with complementary facilities: showering and changing facilities with accessible features, storage (lockers) and equipment for basic maintenance, such as pumps;
- Consideration should be given to storage within buildings, cycle compounds, areas with controlled access and cycle lockers, in order to help serve the need for long-stay cycle parking.

6.5.22 The proposed number of residential and nursery cycle spaces would meet the minimum requirements. However, the proposed Sheffield cycle stands for the nursery element is not designed with secure cover and would be located outdoors with some of the stands not conveniently located near to the nursery entrance. There is no shower, changing room and storage facilities for staff attending the nursery by bicycle. The provision of bicycle parking should ideally be within buildings with controlled access to the cycle and storage facilities for staff.

6.5.23 With regards to the proposed 20 spaces for scooters and an indoor buggy and scooter storage provision, there is no policy requirement to provide scooter storage.

6.5.24 Overall, it is considered that the proposed nursery cycle storage provision would not all be fit for purpose, secure and well-located and would not comply with the London Cycling Design Standards and LP Policy T5. However, in the event planning permission was forthcoming, it is considered that planning conditions could be used to overcome these issues by requiring further details to be submitted and approved by the Council at a suitable stage in the construction. It should be noted that any further or new structure and/or building would have an impact on MOL.

- Waste storage

6.5.26 A residential waste storage area would be provided in the car park which indicates the size can accommodate 6 waste bins A swept path analysis confirm waste vehicles can leave the site in a forward gear. Subject to the enclosure details with a green roof and a minimum of 3 x 1100 litres bins for non-recyclable, 3 x 240 litres for paper and 3 x 240 for bottle, it is considered that the provision would be acceptable and should be secured by a planning condition. The commercial waste associated to the nursery would be privately collected and no objection is raised by the Council's Waste Services.

## 6.6 Neighbours residential amenities

- Sunlight and daylight

6.6.1 A sunlight and daylight report is submitted which indicates the proposal would provide a good quality living environment for the future occupants and an acceptable sunlight and daylight can be maintained to the neighbouring properties. The report indicates that the proposal would result in a marginal reduction of lights to the neighbouring windows on Kings Hall Road and would remain acceptable.

- Outlook and privacy

6.6.2 The proposed layout plans indicates that a number of the proposed primary bedroom windows on the west elevation would be facing the side habitable room windows of the neighbouring property at Knights Court. It is noted that the neighbouring side windows at Knights Court includes primary, secondary/non-habitable room windows. Due to the location of the proposed bedroom windows and their relationship with the neighbouring properties, it is considered that the proposal would appear to be unneighbourly development and result in loss of outlook and privacy.

- Noise

6.6.3. The existing nursery at 62 Kings Hall Road operates between 7am to 6pm. A noise assessment is submitted which indicates the proposal would be suitable for the proposed uses. However, information relates to the proposed access to the 150 spaces nursery and noise from the playground has not been included. As such, it is considered that the proposal fails to demonstrate that it would not have an adverse impact on the neighbouring residential amenities. It is therefore contrary to BLP Policy 37.

## **6.7 Environmental Issues - Unacceptable**

- Land contamination

6.7.1 A Phase 1 Desk Study has indicated that it is possible contamination is present on site in a circumstance. Based on historical mapping records, the northern part of the site likely suffered bomb damage in WWII, which could have led to significant ground disturbance and the generation of ashy made ground, with common contaminants such as asbestos, metals and polyaromatic hydrocarbons. The potential presence of thick ashy made ground may also represent a source of ground gas, particularly carbon dioxide. A Phase 2 site investigation is required to refine the risk assessment, including sampling of soils and groundwater.

6.7.2 The Council's Environmental Health Officers have reviewed the submitted document and considered that no development including demolition of the building shall be commenced prior to a remediation strategy and required verification is submitted and approved by the Council.

- Noise

6.7.3 A noise assessment including an on-site survey is submitted which indicates that the site would be suitable for the proposed uses. The site is surrounded by residential uses with green open park and spaces to the north and east of the site. As such, it is considered that proposal would not be unsuitable to accommodate the proposed uses, subject to the details of glazing and external plants/equipment details being secured by planning conditions.

6.7.4 However, there is insufficient information relating to traffic and outdoor playground noise associated to the proposed nursery, in particular during the week day early hours where ambient noise is expected to be lower. Due to its proximity of the access road, hours of operations and scale of the proposed nursery, it is considered that the impact on neighbouring residential amenities cannot be fully assessed, contrary to BLP Policy 37.

- Air quality

6.7.5 LP Policy SI-1. E states *“Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site”*. This approach is supported by the London Air Quality Neutral London Plan Guidance (Feb 2023).

6.7.6 An updated air quality assessment including air quality neutral assessment is submitted which indicates that the building emissions associated to this proposal would be air quality neutral as there is no gas fired plant installed. However, the transport emission associated to the proposal would be above the benchmark with an average daily car trip generation of 351 two-day movements, of which 288 car trips would be associated to the nursery.

6.7.7 Paragraph 5.1.2 of the Air quality Neutral London Plan Guidance states *“development fails to meet one or both benchmarks, details of the development should be amended to meet the benchmarks as a first step. This could include changes to the energy or transport strategies or changes to the overall design of the development.”*

6.7.8 As part of the air quality and transport assessment, on-site mitigation measures such as electric vehicle charging points, over-provision of cycle storage requirements and a school travel plan are proposed to encourage the use of alternative means of transport. However, the nursery car trip generation in the transport statement indicates that there is a higher dependency of car trips, and the number of cycle trips is as little as 8 two way for the nursery or 12 two way including the proposed residential element. It is uncertain whether the overprovision of cycle parking could reduce the number of car trips. Due to the nature of the



proposed use; being a nursery with young children, the PTAL rating of the site at 3 and the nursery building being located over 60 metres from Kings Hall Road and the nearest bus stops being located on the neighbouring road, it is uncertain how the suggested mitigation measures can achieve air quality neutral in terms of transport emissions. As such, it is considered that the proposal would fail to demonstrate the proposal would achieve air quality neutral, contrary to BLP Policy 120 and London Plan Policy SI1.

## 6.8 Trees, urban greening, biodiversity net gain and protected species

### - Trees

6.8.1 London plan policy G7 states development proposals should ensure that where possible, existing trees of values are retained. Footnote 140 states category A, B and lesser category trees where these are considered by LPA to be of importance to amenity and biodiversity, as defined by BS 5837:2012.

6.8.2 The site is currently well covered by trees and plants at present. There are 6 Ash trees (G24- Ash; Category B) located near to the north-east corner of the site. There is also an established tree line located along the existing access road, which comprises of Common Oak, Lime, Elder, Ash, Privet and Hazel (T4, T5, T6, T7 and G8 under category B, C or U). There is a further line of Ash trees located near the north-east corner of the site.

6.8.3 All the existing trees located within the site are proposed to be removed. The submitted arboricultural report indicates 11 individual trees and 3 tree groups would be removed (Group G8, G24 and G41). The condition of these trees and tree groups are as reported as follows:

	Species	Tree height in metres	Category / Condition
<b>Individually recorded tree</b>			
1	T4 – Elder	3	U
2	<b>T5 – Lime</b>	<b>12</b>	<b>B</b>
3	T6 – Oak	12	C
4	T7 – Oak	12	B
5	T14 – Ash	8	U
6	T15 - Ash	8	U
7	T16 - Ash	9	C
8	T17 – Ash	12	C
9	T18 – Ash	12	C
10	T26 - Ash	5	C
11	T27 – Locust	12	C
<b>Tree groups</b>			
1	<b>G24 – 6 Ash</b>	<b>9</b>	<b>B</b>

2	G8 – Privet, Ash, Elder, Hazel, Oak	3	C
3	G41 – Cheery, Laurel, Ash, Liime, Oak, Dog Rose, Goat Willow	4 to 6	C

6.8.4 BLP Policy 73 states proposal for new development will be required to take particular account of existing trees on site and on adjoining land which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

6.8.5 The existing trees are not protected under any tree preservation order. Whilst the proposal would incorporate replacement trees within the site, the level of screening between the site and its adjoining land is considered to be limited due to the proposed layout, location of replacement trees, indicative tree species and height. The layout and footprint of the proposal appears to maximise the built environment to accommodate the scale of the proposed commercial and residential uses. It is noted that there is a line of trees located outside the site on Balies Close, the proposal would result in the loss of a number of significant trees including 8 category B trees up to 12 metres in height and result in a loss of visual amenity when viewed from Kings Hall Road and its surroundings, contrary to the aim of BLP Policy 73.

- Urban Greening Factor (UGF)

6.8.6 LP Policy G5 state a recommended target score of 0.4 for developments that are predominantly residential and 0.3 for commercial. The submitted Urban Greening Factor Calculations Plan indicates that the UGF would be 0.48 and comply with policy requirements. It is stated that the permeable paving area would measure approximately 1, 533sq.m within the site. However, this is inconsistent with the submitted Flood Risk Assessment which indicates the proposed footway would be impermeable. The ground surface at the main entrance of the nursery building and cycle storage area to the north of the proposed nursery building are also inconsistent with the submitted site plan.

6.8.7 The outdoor play area of the proposed nursery is categorised under amenities grassland. Officers note the outdoor play space at 62 Kings Hall Road is covered by artificial materials. It is unclear whether the surfacing materials of the proposed nursery outdoor play areas would be covered by hard or soft play surface. The inclusion of all nursery outdoor play as amenity grassland is unlikely to be practical in such a setting and there is no information to confirm the play area would all be covered by lawn without any hard surface play area or safety surfacing. It would not be appropriate for officers to limit the surfacing materials of outdoor play as lawn/amenity grassland in order to achieve the target UGF score.

6.8.8 The submitted urban greening factor calculations plan indicates that a total of 37 trees will be planted and each of the new tree is expected to have a canopy area of 12.2sq.m. The number of proposed replacement trees is inconsistent with the submitted CAVAT assessment which indicates 36 new trees will be planted.

6.8.9 It is also indicated that a green wall would be provided along the front of boundary of the site and the eastern side wall of the proposed residential building would also be provided with green walls. In the absence of a calculation break down of this provision, the suggested 106sq.m green wall coverage cannot be confirmed.

6.8.10 Overall, it is considered that inadequate and inconsistent information has been submitted and this part of the proposal cannot be fully assessed.

- Biodiversity net gain (BNG)

6.8.11 LP Policy G6 states development should manage impacts on biodiversity and aim to secure net biodiversity gain.

6.8.12 Metric 3.0 is used to assess and calculated BNG. Version 4.0 was published in March 2022 and an update to date version should be used.

6.8.13 Drawing 14118/P14 in the submitted ecology assessment reflects the suggested baseline linear habitat the submitted assessment which states: -

- "Line of trees(0.08km) along the eastern site boundary and is being in poor condition.
- "Line of trees (0.06km) along the north western site boundary assessed as being in moderate condition".

6.8.14 It should be noted the line of existing trees within the application site does not run the full length along the eastern boundary of the site. The arboriculture survey indicates that the existing trees near to the north east corner of the site/part of the eastern boundary of the site is categorised under B category and is not considered to be a poor condition.

6.8.15 The submitted arboriculture report also indicated that there are trees located next to the existing access road and the former outdoor bowl area. This information is not included in the habitat feature plan (drawing 14118/P14 in the ecology assessment)

6.8.16 Furthermore, drawing 14118/P14 in the ecology assessment outlines the size and shape of the existing buildings (indoor bowls and garages). This does not fully correspond to the submitted Existing Overall Site Plan.

6.8.16 Based on the submitted information and in the absence of an up-to-date BNG metric calculations, it is considered inconsistent and inadequate information has been submitted and this element of the proposal cannot be fully assessed.

- Protected species

6.8.17 BLP Policy 72 seeks to ensure protected species are not adversely affected, An Ecological Impact Assessment indicates that the site does not have suitable habitat for breeding amphibians. There were two results of badgers within 1 km from the site. There was no evidence of any badgers recorded within the site and it concluded there was limited suitable habitat for sett excavation and limited feeding and foraging opportunities.

6.8.18 There were two European Protected Species licence applications for bats within 1km of the site which indicates roosting bats are present in the area.

6.8.19 A nocturnal dusk emergence survey was carried out and there were no bats observed emerging from the existing buildings.

6.8.20 Table 2.5 of the Preliminary Bat Roost Assessment for trees indicates that an Ash tree located near to the north -west corner of the site has a crack within the trunk of the tree which could lead into a cavity. If the crack leads into a cavity there could be roosting opportunities for multiple bats due to the spaces, shelter and conditions. A climbing inspection should be carried out from a qualified ecologist and a licence from Natural England would be required. Should planning permission be forthcoming, these details shall be secured by a planning condition.

## **6.9 Energy**

- Carbon reduction

6.9.1 LP Policy SI-2 requires major development to achieve zero-carbon in line with the GLA energy hierarchy. A minimum 35 percent on-site reduction is required and a minimum energy efficiency measure of 10 percent for non-residential and 15 percent for resident development are required. Any shortfall should be provided either through a cash in lieu contribution to the borough's carbon offset fund. A Whole Life-Cycle Carbon Assessment demonstrates action taken to reduce life-cycle carbons emissions is also required for Mayor referable scheme.

6.9.2 A Sustainability and Energy Strategy is submitted which indicates a range of design measures such as passive solar gains, natural daylighting, fabric of the building envelope, efficient lighting and controls, space heating and hot water would be used. The proposed nursery element and residential element would achieve a 18 percent and 11.98 percent reduction respectively and meet the policy requirement. No

carbon reduction can be awarded under the Be Clean category as there is no established heat network in the area.

6.9.3 Air source heat pump and solar PV panel are proposed for the nursery and residential buildings. Mechanical ventilation is also proposed for residential buildings. A total of 139 x 400W solar panel is proposed and would be installed at the roof level of the buildings.

6.9.4 The proposal would achieve 87.23% onsite carbon saving against Part L 2013 of the Building Regulations with a short fall of 12.77% (3.758 tonnes). In line with the GLA “Be Seen” energy monitoring guidance LPG, an automated monitoring system should be installed to allow for the monitoring of energy consumption and operations performed over a 5-year period post development. Should planning permission be forthcoming, a planning obligation of £10, 710 and “Be Seen” should be secured by a s106 legal agreement.

- Overheating

6.9.5 LP Policy SI4 states proposal should demonstrate through an energy strategy how they will reduce the potential of internal overheating and reliance on air conditioning system through design, elevational design, passive ventilation, mechanical ventilation (where essential) and other measures. Thermal Modelling (CIBSE TM52 for nursery and CIBSE TM 59 for residential) have been submitted and would comply with the policy requirements with the proposed mitigations. Should planning permission be forthcoming, details of the mechanical ventilation system and glazing details shall be secured by a planning condition.

- a) Ground floor residential windows with a G- Value of 0.2;
- b) All other windows with a G Value 0.5; and,
- c) Mechanical ventilation system achieving 4 Air changes per hour.

- Whole Life-Cycle Carbon Assessment (WLC)

6.9.6 Policy SI2.F states proposal referable to the Mayor should calculate whole life-cycle carbon emission through a nationally recognised Whole Life -Cycle Carbon Assessment and demonstrate actions taken to reduced life-cycle carbon emissions.

6.9.7 The GLA have reviewed the submitted details and advised that the WLC assessment should be prepared and fully followed the London Plan Guidance for Whole Life-cycle Carbon Assessment published in (March 2022). These details should be secured by planning condition, if permission is recommended.

- Circular economy

6.9.8 LP Policy SI-7B states referable applications should promote circular economy outcomes and aim tot be net-zero-waste. Whilst a Circular

Economy Statement (dated 30<sup>th</sup> Jan 2023) is submitted, this is neither with adequate reference to the Draft for Consultation (October 2020) or adopted guidance version (March 2022). The reporting tables have not been completed.

6.9.9 The GLA have advised that should the application is recommended for approval by the Council and prior to the Stage II, the applicant should provide a Circular Economy Statement with reference to the London Plan Guidance: Circular Economy Statements (March 2022). The applicants are expected to submit the completed CE template (as an Excel document) and an accompanying written report in line with the GLA guidance. Following review of the update statement, it may be the case that revised material or supporting information could then be conditioned, if agreed with the Council. Therefore, the submitted document does not demonstrate compliance with London Plan Policy S17.

## **6.10 Planning obligations and CIL**

6.10.1 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Mayor of London's CIL is also a material consideration. The application is liable to both Mayoral and Local CIL.

6.10.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. Should planning permission is forthcoming, the following planning obligations should be secured by a legal agreement and the identified Head of Terms as follow:

- 10 intermediate units and council nomination rights
- Carbon offset and Be Seen measures
- S278 Highway works (Removal of 2 on street parking spaces on Kings Hall Road and associated required highway works)

## **7. CONCLUSION AND PLANNING BALANCE**

7.1 The proposal would provide a 150 spaces nursery and 18 flats. The Council's planning application records indicates that these benefits are not uncommon and can be derived outside the designated Metropolitan Open Land and outside an area which is subject to flood risk.

7.2 The proposed uses including introduction of substantial buildings and required surfacing to provide a residential car park and access road would constitute inappropriate development in Metropolitan Open Land which falls outside the exceptions as defined by the Council's Local Plan and Development Plan and would cause substantial harm to the openness of the MOL.

- 7.3 The proposed uses are categorised as more vulnerable uses by the Environment Agency, and it is defined in the National Planning Policy Framework that these developments should be steered to areas with the lowest risk of flooding. PPG 028 states *“The absence of a 5 year land supply is not a relevant consideration for the sequential test and development could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development”*.
- 7.4 Given that there are alternative sites identified, the greater flexibility of Use Classes Order introduced by the Government in 2021 and the successful conversion of existing residential buildings to provide a nursery at No.62 Kings Hall Road, it is considered that the proposal would constitute inappropriate development in MOL land and no very special circumstances can be demonstrated at this site which is also subjected to flood risk.
- 7.5 The layout of the proposed buildings is designed in tandem with the main nursery door located over 60 metres from Kings Hall Road, behind the proposed residential car park. The proposal also fails to provide an inclusive environment for all groups of future users without disabled parking spaces for the nursery use and due to the nursery front door being located over 60 metres away from the road. The existing trees currently providing a good degree of screening between the site and neighbouring properties will all be removed, resulting in a loss of green infrastructure at the site. Supporting green infrastructure and enhancing the open environment is one of the key roles which the MOL plays within urban areas such as this. In contrast, the proposed nursery and residential buildings would introduce extensive built development into currently open parts of the MOL, appearing as visually prominent and eliminating the openness of the MOL land. As a result the site would no longer be clearly distinguishable from the built-up area.
- 7.6 The siting of the proposed main bedroom windows and its relationship with the neighbouring properties would result in loss of outlook and privacy. The location of the proposed ground floor windows would also be positioned close to its side boundaries or residential cycle storage resulting in lack of outlook and privacy. The compact layout of the proposal along with the scale of the commercial building indicates that the proposal would constitute over-intensive development.
- 7.7 The proposed nursery cycle storage would all be Sheffield stands, located outside the nursery building with no showering facilities provided for cyclist/staff. Whilst improvement of these details could be secured by planning conditions, it is unclear whether the layout and design of the proposal would encourage sustainable modes of transport given the nursery is located away from the road with a PTAL rating of 3 and given the nursery’s higher dependency on car trips (as indicated in the Transport Assessment). As it has not been demonstrated that the

development would be capable of achieving air quality neutral in terms of transport emissions through on-site mitigation measures the proposal would fail to comply with BLP Policy 120 and London Plan Policy S11.

- 7.6 The residential amenities to the neighbouring properties in terms of noise associated to the proposed nursery, the access road and nursery playground have not been included in the noise assessment. Given the proximity to the adjoining properties, it is considered that the proposal would have a negative impact on the residential amenities in terms of noise, air quality, privacy and outlook.
- 7.7 Insufficient, inconsistent and inadequate information has been submitted to demonstrate the proposal can achieved the urban greening factor and biodiversity net gain outlined within its submission.
- 7.8 Having regards to the provision of the development plan, it is considered that the planning merits of this proposal is limited and would not outweigh the harm that would arise. As such, there is no very special circumstances can be demonstrated and demonstrably outweigh the harm and planning permission should be refused.
- 7.9 The public sector equality duty requires the decision maker to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include age and disability. While the proposal would benefit children by providing additional nursery places, it has not been demonstrated that the proposed development could not be provided elsewhere where it would not be inappropriate and harmful to the openness of the MOL and would be in an area at lesser risk from flooding. Furthermore, the lack of disabled persons parking for the nursery use has the potential to disadvantage those with a disability.

**RECOMMENDATION      Planning permission to be refused.**

## **Reasons of refusal**

### **1. Metropolitan Open Land**

The proposed development including the introduction of new residential and nursery buildings would constitute inappropriate development in Metropolitan Open Land (MOL) and would significantly harm its openness and purposes of being included in the MOL. There are no very special circumstances which can be demonstrated or outweigh the harm, contrary to BLP Policy 50, London Plan Policy G3 and Chapter 13 of the National planning Policy Framework

### **2. Sequential approach and test**



The proposal fails to demonstrate there are no sequentially preferable alternative sites to accommodate the proposed housing and day nursery development in areas with the lower or lowest risk of flooding, contrary to Bromley Local Plan Policy 115, the London Borough of Bromley's Strategic Flood Risk Assessment (SFRA) (2017) and Chapter 14 of the National planning Policy Framework

### **3. Layout, design, scale and massing of buildings**

The proposal, by reason of the scale, siting, layout and tandem relationship between the proposed buildings, together with the proliferation of hard standing for parking and access, would amount to an overdevelopment of the site, at odds and harmful to the character and appearance of the area, contrary to Bromley Local Plan Policy 37 and London Plan Policy D3 and Policy S3 and the London Borough of Bromley's Urban Design Guide SPD

### **4. Residential amenities of future occupants and neighbouring properties– outlook and privacy**

The proposal, by reason of its layout, siting and relationship with its surrounding would fail to provide adequate outlook for the prospective occupiers and would have an adverse impact on the privacy and outlook of the neighbouring properties, contrary to Bromley Local Plan Policy 37 and London Plan policy D6.

### **5. Noise and air quality**

Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact on neighbouring amenities by way of noise and disturbance or that the development would be 'Air Quality Neutral' for development transport emissions. As such, the proposal would be contrary to BLP Policies 37, 119 and 120 and London Plan Policy SI 1.

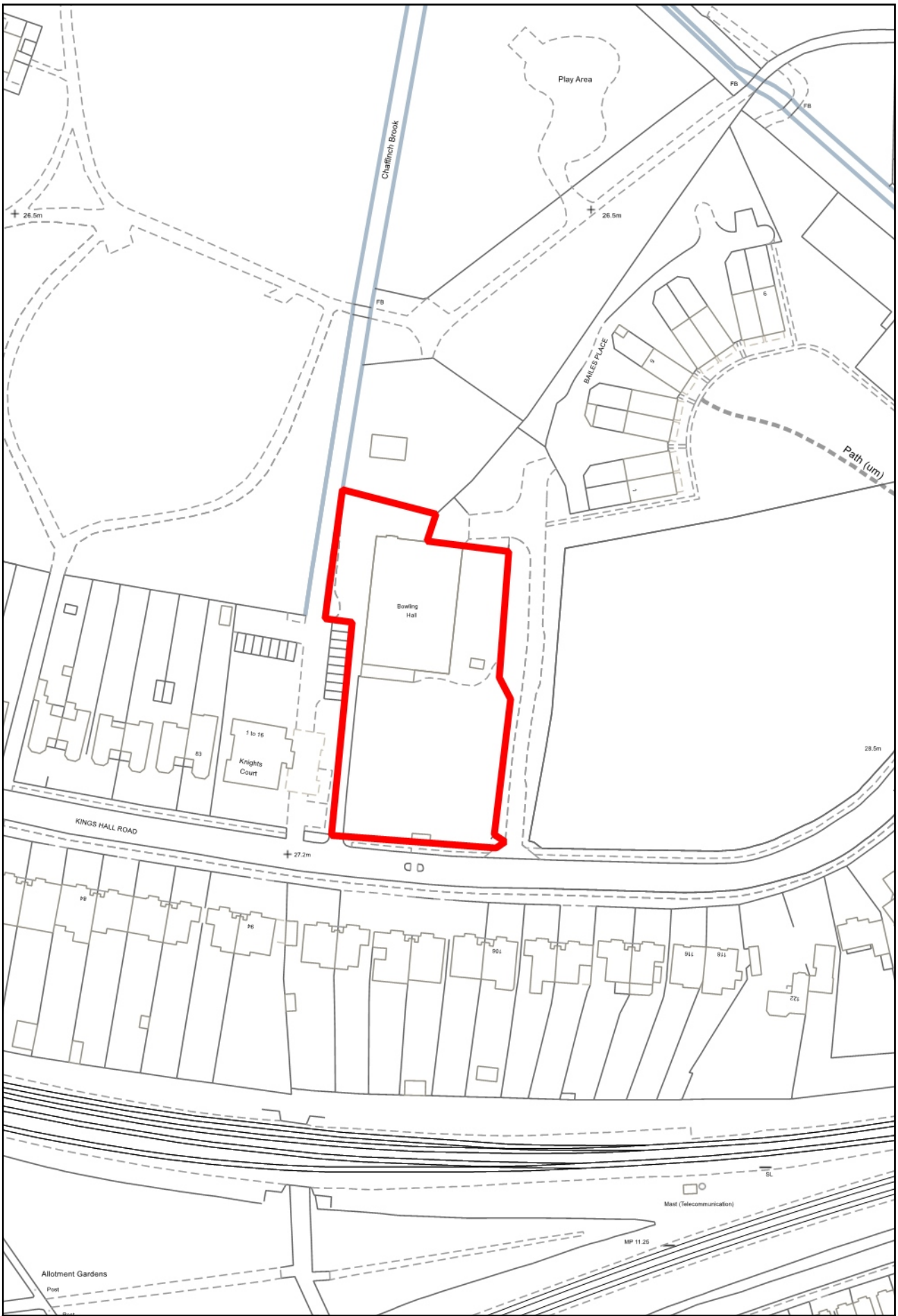
### **6. UGF and BNG**

Insufficient and inconsistent information have been submitted to demonstrate the proposal would achieve the required or stated urban greening factor and biodiversity net gain, contrary to BLP Policy 37, 79 and London Plan policy G5 and G6.

### **7. Planning obligations**

Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to London Plan Policies DF1 and M1, Bromley Local Plan Policies 125 and Planning Obligations SPD (2022) and subsequent addendums.

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Ordnance Survey 100017661.


**21/05715/FULL1 - Cyphers Indoor Bowling Club, Kings Hall Road, Beckenham**


15 November 2023

1:1500



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# Agenda Item 4.3

<b>Committee Date</b>	23.11.2023	
<b>Address</b>	School House Overbury Avenue Beckenham	
<b>Application Number</b>	22/04039/FULL2	<b>Officer</b> - Gill Lambert
<b>Ward</b>	Beckenham Town And Copers Cope	
<b>Proposal</b>	Change of use of School House from educational (school) use falling within Class F1 to a pre-school (Class E(f)). RETROSPECTIVE	
<b>Applicant</b>	<b>Agent</b>	
Mr Michael Fall	Miss Tara Johnston	
Langley Park School for Girls Hawsbrook Lane South Eden Park Road Kent BR3 3BE	The Minster Building 21 Mincing Lane London EC3R 7AG	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Call-In	Yes – Called in by Cllr Tickner re: loss of residential unit, unacceptable noise and disturbance to adjoining residents, lack of parking and traffic management

<b>RECOMMENDATION</b>	Application Permitted
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<p><b>KEY DESIGNATIONS</b></p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 9 Urban Open Space</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	F1 - Education	50
Proposed	E(f) – Pre-school	50

<b>Representation summary</b>	Neighbour letters were sent 25.10.2022 and 26.10.2022 (Amended description) A non-statutory site notice was displayed at the site on 01.11.22	
Total number of responses	17	
Number in support	0	
Number of objections	17	

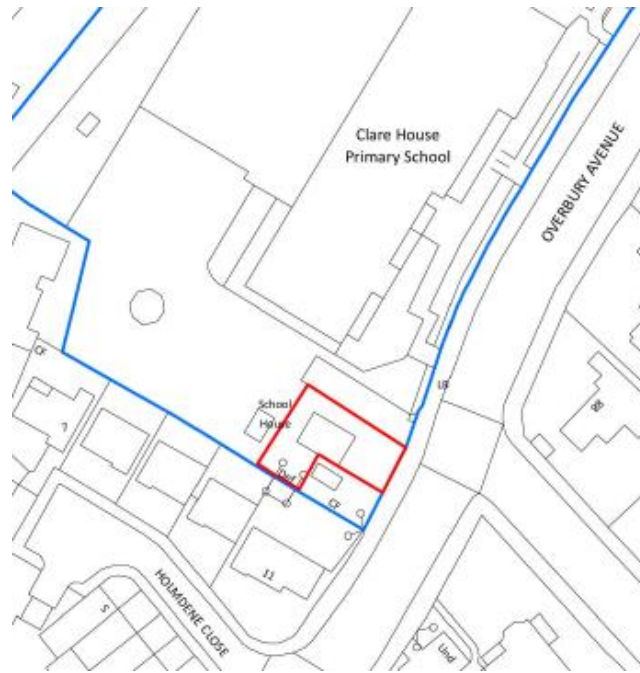
## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposals do not result in the loss of a residential dwelling
- The development would not adversely affect the amenities of neighbouring residential properties, subject to safeguarding conditions
- The proposals would not have adverse impacts on parking or highway safety.

## **2 LOCATION**

2.1 This two storey school house building lies at the southern end of Clare House Primary School's grounds, and fronts onto Overbury Avenue where it meets Stanley Avenue. It was formerly the school caretaker's house, but it has not been used for residential purposes since 2002. Permission was granted for educational use in 2005 ancillary to Clare House Primary School, and until recently, the school house building was being used by the primary school for a variety of educational purposes and associated storage.

2.2 The school house building is bounded to the west and north by the primary school's grounds and to the south by residential dwellings at Nos.10 and 11 Holmdene Close.



**Figure 1 – Site location plan**



**Figure 2 – Aerial view**

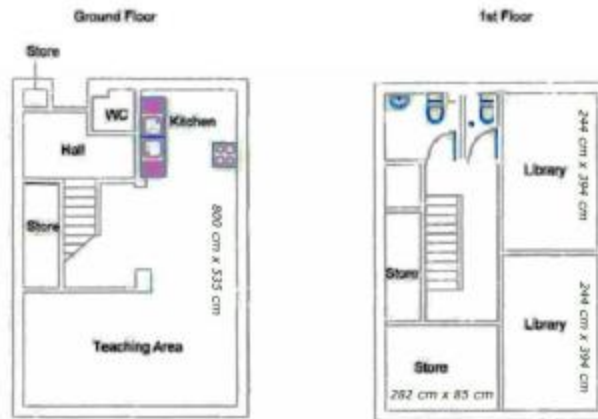


**Figure 3 – Front elevation of School House**

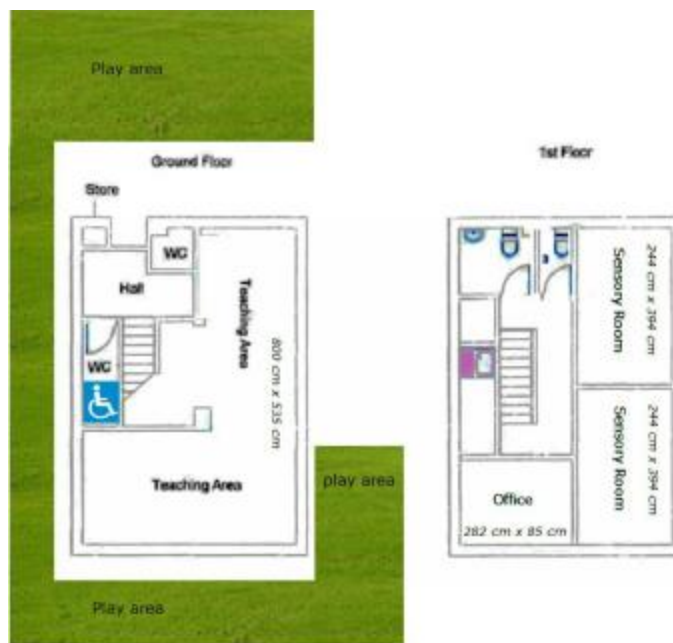
### **3 PROPOSAL**

- 3.1 Retrospective planning permission is sought for the change of use of the School House building located within the grounds of Clare House Primary School from educational use (Class F1) to a pre-school use (Class E(f)). The use began on 5th September 2022, following the closure of the pre-school's former premises at the United Reformed Church Beckenham. No external changes have been carried out to the building.
- 3.2 The application states that the pre-school operates independently from Clare House Primary School and accommodates 10 pre-school aged children and 4 staff at any one time (a total of 6 staff work part-time). The pre-school is open from 8.30am until 2.30pm and most of the children stay for this length of time. The age range of the children is from 2 years old until school age.
- 3.3 The application was supported by the following documents:
- Planning Statement
  - Noise Impact Assessment submitted 12<sup>th</sup> July 2023





**Figure 4 – Previous floor layouts of School House**



**Figure 5 – Existing floor layouts of School House**

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

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was refused in November 2004 (ref.04/03337/FULL2) for the change of use of the school house to a children's day care nursery for up to 33 children between the ages of 7 months and 5 years along with two storey side and single storey side and rear extensions and the provision of 7 surface car parking spaces on the following grounds:

- 1 The proposed day nursery would be detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to be able to continue to enjoy by reason of additional noise and disturbance which would be likely to be generated by the use, thereby contrary to Policies C1 and C8 of the second deposit draft Unitary Development Plan (September 2002).
- 2 The proposed single storey rear extension by reason of its excessive rearward projection would be out of proportion and harmful to the appearance of the original dwelling and would also result in a loss of outlook for occupants of Nos. 9-11 Holmdene Close thereby contrary to Policies E.1 and H.3 of the adopted Unitary Development Plan and Policies BE1 and H8 of the second deposit draft Unitary Development Plan (September 2002).

4.3 Permission was granted in December 2005 (ref.05/03776/FULL2) for the change of use of the school house to educational use.

## **4 CONSULTATION SUMMARY**

### **A) Statutory/Non-Statutory**

#### Highways – No objections

The site is in an area with a PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible.

The proposed change of use would permit the pre-school to open weekdays only from Monday to Friday, between 8:30am- 2:30pm. 10 children and 4 staff occupy the property at any one time.

There is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

As the number of children and staff members are modest, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.

#### Environmental Health Pollution – No objections

With regard to the Noise Impact Assessment (NIA) by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023, the assessment of the measured noise levels has satisfactorily considered the character, duration, frequency and context of the noise, and has properly evaluated the impact on neighbouring premises. The report has concluded that the impact of the development should be relatively low. This conclusion has been reached considering the absolute levels but also considering the change in the noise environment relative to the use of the playgrounds from the Primary School. The assessment has shown that the nature of sound from both sources is similar when considering the frequency.

The playground, which is the focus of the assessment, is only used by the Pre-School for 30 minutes on any day, whereas the Primary School playground areas are in use for 2 hours or more. The levels from the Primary School playground area at the nearest location to the Pre-School have similar noise levels to the Pre-School play area which is closer to the worst affected premises.

It has been noted and accepted that the noise assessment was taken over a 3-day period and so levels may vary with potential for noise impact to increase, particularly if the nature of the sound includes more in the way of high-pitched screaming and/or screeching. However, given the short time period and the existing similar characteristic noise environment in the area from the Primary School use, no environmental health objections are raised to the proposal subject to the imposition of safeguarding conditions, including some which are taken from the recommendations given in the NIA report.

## **B) Adjoining Occupiers**

### Parking and traffic (addressed in paras 7.2.4 & 7.2.5)

- The pre-school use would result in more staff parking and visitor activity with no provision for additional traffic and parking
- Hazardous parking which blocks dropped kerbs and creates blind spots
- The expansion of Clare House Primary School has already exacerbated parking problems in the area.

### Residential amenity (addressed in paras 7.3.3, 7.3.4 & 7.3.5)

- Significant increase in noise disturbance to neighbours since the pre-school opened
- Noise from children playing outside has a detrimental impact on the use of neighbouring gardens
- Overlooking of neighbouring properties from first floor windows in the pre-school building
- Lack of privacy for neighbours when using their rear gardens
- Inadequate screening to neighbouring properties
- Conditions should be imposed to control the noise.

### General (addressed in paras 7.1.2, 7.1.3, & 7.3.3)

- There are already Montessori nursery schools operating in the local area, therefore, refusing the current application would have a minimal impact on nursery provision
- The school house should only be used to enhance the curriculum of Clare House Primary School as previously permitted
- Query the accuracy of the Noise Impact Assessment submitted.

## **C) Local Groups**

### West Beckenham Residents' Association (addressed in paras 7.1.2, 7.1.3, 7.2.4, 7.2.5, 7.3.3, 7.3.4 & 7.3.5)

- Excessive noise disturbance to neighbouring properties

- It is understood that the school's policy is to teach outside whenever possible, causing continuous noise disturbance not just during breaks
- There is little screening between the play areas and neighbouring gardens
- Overlooking of neighbouring properties from upper windows
- Increased parking in the area
- Conditions should be imposed to limit the number of children and the operating hours, and require noise shielding barriers to neighbouring properties.

## 5 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 updated on 5<sup>th</sup> September 2023, and is a material consideration.

6.4 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.

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
- T6 Car parking

### Bromley Local Plan 2019

- 20 Community Facilities
- 27 Education
- 28 Education Facilities
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 119 Noise

### Supplementary Planning Guidance

Bromley Urban Design Guide SPD (2023)

## **7 ASSESSMENT**

### **7.1 Principle - Acceptable**

- 7.1.1 Permission was granted in 2005 for the use of the school house for educational purposes ancillary to Clare House Primary School, and the current use as a pre-school has not therefore resulted in the loss of education/community facilities which is a main aim of Policy 20 of the BLP.
- 7.1.2 The re-use of this school building for use as a pre-school also accords with Policy 27 of the BLP which aims to ensure the provision of an appropriate range of educational facilities to cater for lifelong learning across the spectrum from early years to higher education.
- 7.1.3 Policy 28 of the BLP confirms the Council's support for proposals for educational facilities which meet a local need. In this regard, the applicant confirms that there is a continuing need for Beckenham Montessori Pre-school to remain within the local area as it previously served the Beckenham area for around 45 years at its former site at the United Reformed Church, Beckenham.

### **7.2 Highways – Acceptable**

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.2.4 The pre-school opens between the hours of 8.30am and 2:30pm on Mondays to Fridays during term times only, and as only 10 children and 4 staff occupy the property at any one time, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.

7.2.5 Residents have raised concerns about increased staff parking and visitor activity with no provision for additional traffic and parking. However, there is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

### 7.3 Neighbouring amenity - Acceptable

7.3.1 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.

7.3.2 Policy 119 of the BLP seeks to minimise adverse impacts on noise sensitive receptors by requiring a full noise/vibration assessment to be submitted for developments likely to generate noise and/or vibration in order to identify issues and appropriate mitigation measures. It goes on to say that “External amenity areas should incorporate acoustic mitigation measures such as barriers and sound absorption where this is necessary and will assist in achieving a reasonable external noise environment.”

7.3.3 Nearby residents in Holmdene Close have raised concerns about noise disturbance from children playing outside and loss of privacy in their rear gardens. A Noise Impact Assessment was submitted by the applicant which concludes that the noise impact of the development should be relatively low. The Council’s Environmental Protection Officer (Pollution Control) is satisfied that the assessment of the measured noise levels has properly considered the character, duration, frequency, and context of the noise and evaluated the impact on neighbouring premises, and confirms that no environmental health objections are raised to the proposals subject to the imposition of the following safeguarding conditions regarding screening to neighbours’ gardens and restrictions on the use of the external play area:

- Within 1 month of the permission hereby permitted a suitable fence/screen in front of the existing adjacent neighbours’ fence, shall be erected in such a position as shall be agreed and approved in writing by the Local Planning Authority, for such a purpose to avoid students directly hitting the neighbours’ fence (either themselves, or with play equipment/balls), and the fence/screen shall be permanently retained thereafter.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

- (a) The children using the designated external play area for the Pre-School as described in the Noise Impact Assessment by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023 shall be limited to not more than 10 children at any one time, with the area only used for a maximum of 30 minutes on any one day.

(b) The use of the external play area as defined in (a) shall be limited to Mondays to Fridays inclusive and the hours shall coincide with the existing Primary School break time routines where possible.

(c) Staff shall be made aware of the requirement to effectively manage noise during play times, to minimise the impact on their neighbours.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

7.3.4 Nearby residents in Holmdene Close have also raised concerns about overlooking from first floor windows in the pre-school building. There is a first floor flank window serving a sensory room which faces the rear of properties in Holmdene Close (see **Figure 6**), but it has an obscure film over the main part of the glazing which prevents undue overlooking of neighbouring properties (see **Figure 7**).



**Figure 6 - First floor flank window facing Holmdene Close**



**Figure 7 – Internal view from first floor flank window of pre-school**

A condition can be imposed to ensure that it remains obscure glazed.

- 7.3.5 A rear-facing window to the same room is clear glazed, and overlooks mainly the grounds of the primary school (see **Figure 8**), and does not therefore result in significant overlooking of neighbouring properties.





**Figure 7 – Internal view from first floor rear window of pre-school**

## **8 CONCLUSION**

- 8.1 Having had regard to the above, it was considered that the proposal would not result in a significant loss of amenity to local residents, subject to safeguarding conditions, and does not impact detrimentally on parking or road safety in the area.
- 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: PERMISSION BE GRANTED**

**(As amended by documents received on 12.07.2023)**

**Subject to the following conditions:**

**Standard condition:**

**1. Retain in accordance with approved plans**

**Time limited condition:**

**2. Screening to neighbours' gardens**

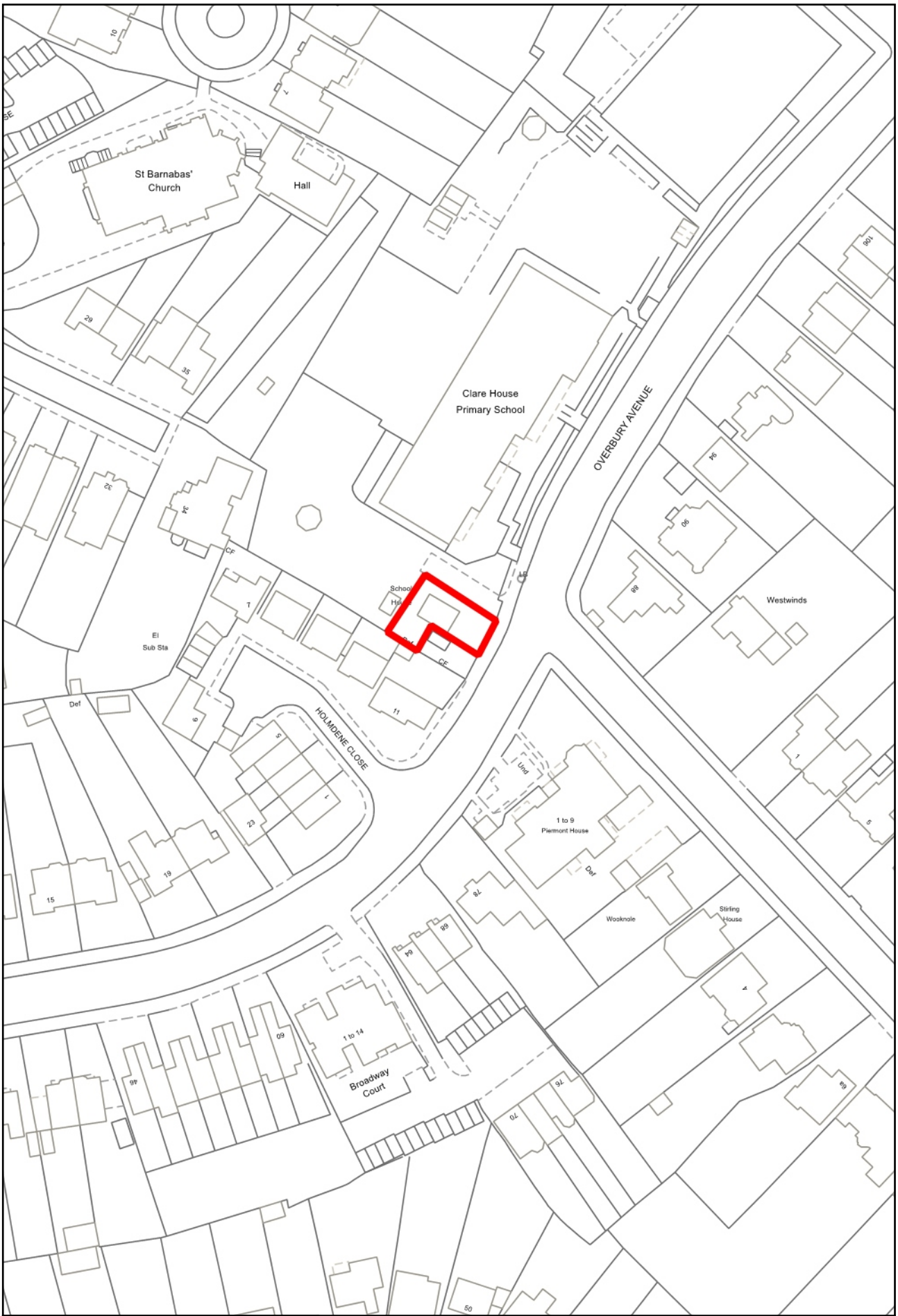
**Compliance conditions:**

**3. Limit hours and numbers of children**


**4. Restrictions on use of external play area**


**5. Obscure glazed flank window**

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




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Ordnance Survey 100017661.

 22/04039/FULL2 - School House,  
Overbury Avenue, Beckenham



15 November 2023

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Page 97

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# Agenda Item 4.4

<b>Committee Date</b>	23 <sup>rd</sup> November 2023	
<b>Address</b>	13 Birchwood Road Petts Wood Orpington BR5 1NX	
<b>Application Number</b>	23/03040/FULL6	<b>Officer</b> - Zoe Douglas
<b>Ward</b>	Petts Wood And Knoll	
<b>Proposal</b>	Addition of electric gates to front of property	
<b>Applicant</b>	<b>Agent</b>	
Mr Mitchell Green		
13 Birchwood road Petts wood Orpington Br5 1nx United Kingdom		
<b>Reason for referral to committee</b>	<b>Call-In</b>	<b>Councillor call in</b>
	Call-In	Yes - Councillor Onslow  Reason: General concerns regarding security; application fills in an existing gap rather than expanding high walls; and there are other similar gates nearby.

<b>RECOMMENDATION</b>	REFUSE
-----------------------	--------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Road Petts Wood Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>
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<b>Representation summary</b>	<i>Neighbour notification letters sent 11<sup>th</sup> August 2023</i>	
	<i>Site Notice displayed 11<sup>th</sup> August 2023</i>	
	<i>Press Ad published 23<sup>rd</sup> August 2023</i>	
Total number of responses		1
Number in support		0
Number of objections		1

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in a harmful impact upon the character and appearance of the conservation area.
- The proposed gates would unacceptably enclose the open nature of the front garden of the property within the Chislehurst Road, Petts Wood Conservation Area.

## 2. LOCATION

- 2.1 The application site hosts a detached dwelling located on the southern side of Birchwood Road, within the Chislehurst Road, Petts Wood Conservation Area.
- 2.2 There is an Article 4 Direction that covers the area, preventing the installation of front boundary treatments without full planning permission.



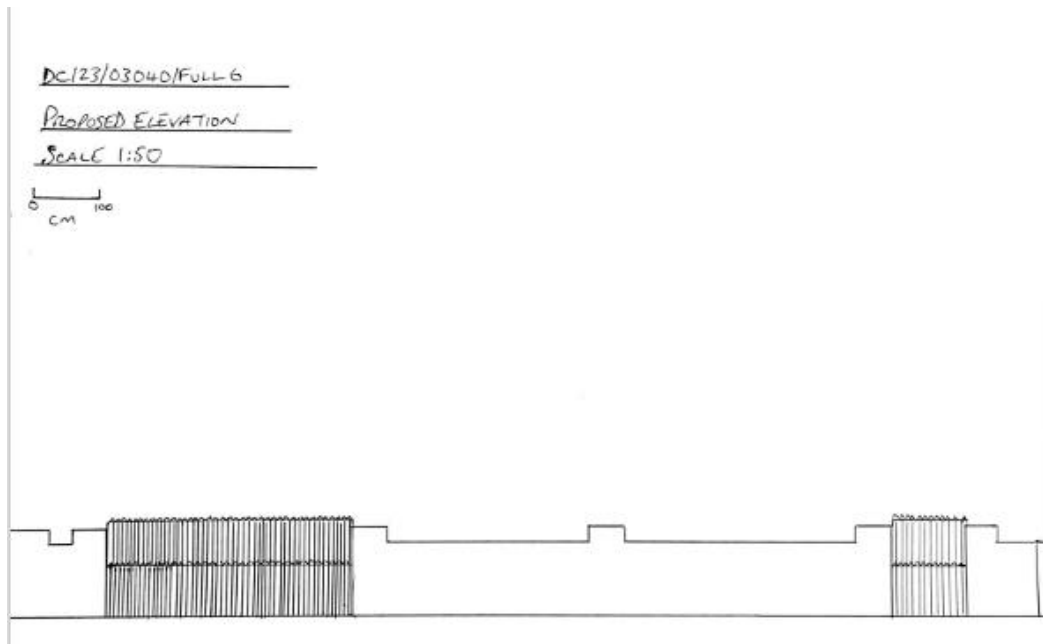
**Figure 1. Location Plan**

### 3. PROPOSAL

- 3.1 Permission is sought for the addition of electric gates to the front boundary of the property.
- 3.2 The pedestrian gate would measure 1.1m in width and the vehicular gate would measure 3.68m in width, with a height of 1.3 metres.
- 3.3 The gates would be black powder coated iron railings.



**Figure 2 Existing front elevation**



**Figure 3 Proposed front elevation**

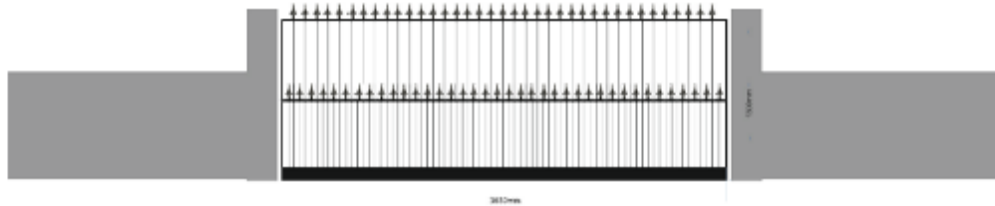


**Figure 4 Existing front boundary treatment**



Mitchell green

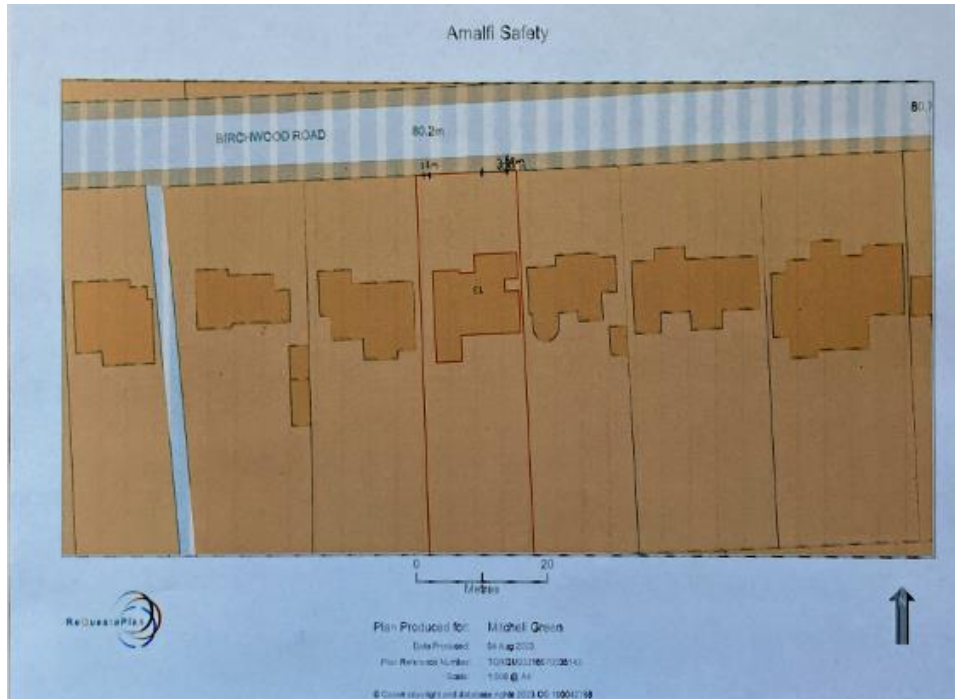
13 BIRCHWOOD RD  
PETTS WOOD  
BR5 1NX



**Figure 5 Proposed front boundary treatment – vehicular gate**



**Figure 6 Existing front garden looking out towards Birchwood Road**



**Figure 7 Proposed block plan of site**

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

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

95/00088/FUL - Single storey front and rear extension GRANTED.

97/01554/FUL - Single storey rear extension GRANTED.

21/02279/FULL6 - Single storey rear extensions and elevational alterations. GRANTED.

22/02598/FULL6 – proposed garden room. GRANTED.

There are various appeal decisions that have been upheld in the local vicinity that relate to very similar forms of development, including 82 Lynwood Grove and 2 Willet Close.

#### **5. CONSULTATION SUMMARY**

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

##### **A.1 Highways – No Objection**

- Birchwood Road is not a classified road and is relatively wide;
- A car waiting while the gate opens is unlikely to interfere with the traffic flow;

- No technical objection is raised with regard to the application.

#### A.2 Conservation Officer – **Objection**

- The open character of the area and plots is a highlight in the SPG;
- Very poor drawings and no evidence that the CA SPG has been considered;
- Objection is raised as the proposed development is considered to cause less than substantial harm to the conservation area.

### **B) Local Groups**

#### **Objection**

Petts Wood and District Residents Association (addressed in paras 7.2.1 – 7.3.7):

- The relative openness of front gardens of these properties, plus others in the immediate location, adds to the character of the Chislehurst Road Conservation Area (CRCA) and enhances the airy, spacious feel of the area;
- The CRCA Supplementary Guidance includes references to the area being developed as a Garden Suburb;
- The original estate plan and the intentions of the estate developers did not include the enclosure of front gardens but in fact the opposite;
- This proposal will fully extend across the frontage and give a sense of enclosure;
- Proposal will impact upon the street scene by causing an element of visual intrusion;
- Other properties in Birchwood Road might have front boundary gates but these are largely historic and were installed prior to the adoption of the current Bromley Local Plan;
- PWDRA respectfully request that this planning application is refused.

Advisory Panel for Conservation Areas (APCA) (addressed in paras 7.2.1 – 7.3.7):

- The proposal is quite out of character in principle with the rest of the road which is characterised by low hedges or walls and no gates;
- Whilst the SPG does not refer specifically to gates, the open aspect of the area is stressed as a key characteristic;
- Objection is therefore raised.

### **C) Adjoining Occupiers**

No comments were received from local residents.

Please note that the above is a summary and 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 must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on 5th September 2023 and is a material consideration.
- 6.4 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.
- 6.5 The application falls to be determined in accordance with the following policies:

### **National Policy Framework (updated 2023)**

#### **NPPG**

#### **The London Plan**

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- D5 Inclusive Design

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

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

#### **Bromley Supplementary Guidance**

Urban Design Supplementary Planning Document (July 2023)

## **7. ASSESSMENT**

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

- Design – layout and scale
- Heritage Impact – conservation area
- Highways
- Residential amenity

### **7.2 Design – Layout and scale – Not Acceptable**

7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.2 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.2.3 The site is highly visible within the public realm. It is noted that the pedestrian gate would measure 1.1m in width and the vehicular gate would measure 3.68m in width, with a height of 1.3 metres. The gates would be black powder coated iron railings.

7.2.4 Whilst there is an existing low level front boundary wall, the sections where the proposed gates are to be located currently remain open which visually provides an openness that is in keeping with the character of the wider area.

7.2.5 Whilst the Council recognises that open plan front gardens can lead to a lack of privacy, it is encouraged to retain this openness through planning policy and supplementary guidance. The construction of new front boundary walls will normally be resisted, likewise introducing gates, railings or other forms of enclosure to the front would also usually be resisted.

7.2.6 Most houses in this area have large rear gardens in which high hedges or wooden fences provide adequate privacy. Where properties do have a traditional front enclosure to the front garden, the use of hedging or timber fencing is generally considered to be more in keeping with the "Garden Suburb" atmosphere than any masonry wall.

7.2.7 In general, a front boundary in this vicinity should be relatively low and should not include additional railings. The application site already benefits from a low front boundary wall, it is considered any further development would not be in keeping with the design of the host dwelling or wider area.

7.2.8 By introducing the proposed metal gates for both pedestrian and vehicular access, it is considered that this would result in a much more dominant feature within the streetscene and a greater sense of enclosure.

7.2.9 The cumulative impact of the height and design of the proposed gates would therefore result in a much more visually prominent and intrusive appearance which is contrary to the garden suburb character of the area.

7.2.10 Given the height, colour and siting of the proposed entrance gates, they are not considered in keeping with the surrounding boundary treatments.

### **7.3 Heritage Impact – Conservation Area – Not Acceptable**

7.3.1 The site is located within the Petts Wood, Chislehurst Road Conservation Area.

7.3.2 Policy 41(Conservation Areas) of the BLP 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. This policy therefore requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Conservation Area.

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

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

7.3.5 Objection has been raised by the Council's Conservation Officer and the Advisory Panel for Conservation Areas (APCA), the view being that the proposed development would result in less than substantial harm to the character of the conservation area.

7.3.6 Accordingly it is considered that the character and appearance of the Conservation Area would not be preserved in this case.

7.3.7 The proposal is considered to result in a significant impact on the character and appearance of the area, and harmful to the Chislehurst Road, Petts Wood Conservation Area.

### **7.4 Highways – Acceptable**

7.4.1 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.

7.4.2 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.

7.4.3 No adverse highway impacts are expected to arise. No technical objections have been raised by the Council's Highways Officers.

## **7.5 Neighbourhood Amenity – Acceptable**

7.5.1 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.

7.5.2 Whilst resulting in harm to the visual amenities of the area generally, taking into account the siting of the proposed gates and the location of neighbouring properties, they are not considered to result in any harm to the residential amenities of these neighbouring dwellings in terms of light and outlook.

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

## **8. CONCLUSION**

8.1 Having had regard to the above it is considered that principle of the proposed development is unacceptable by reason of their nature and enclosing the current open aspect of the front boundary, therefore failing to preserve or enhance the character and appearance of the Conservation Area.

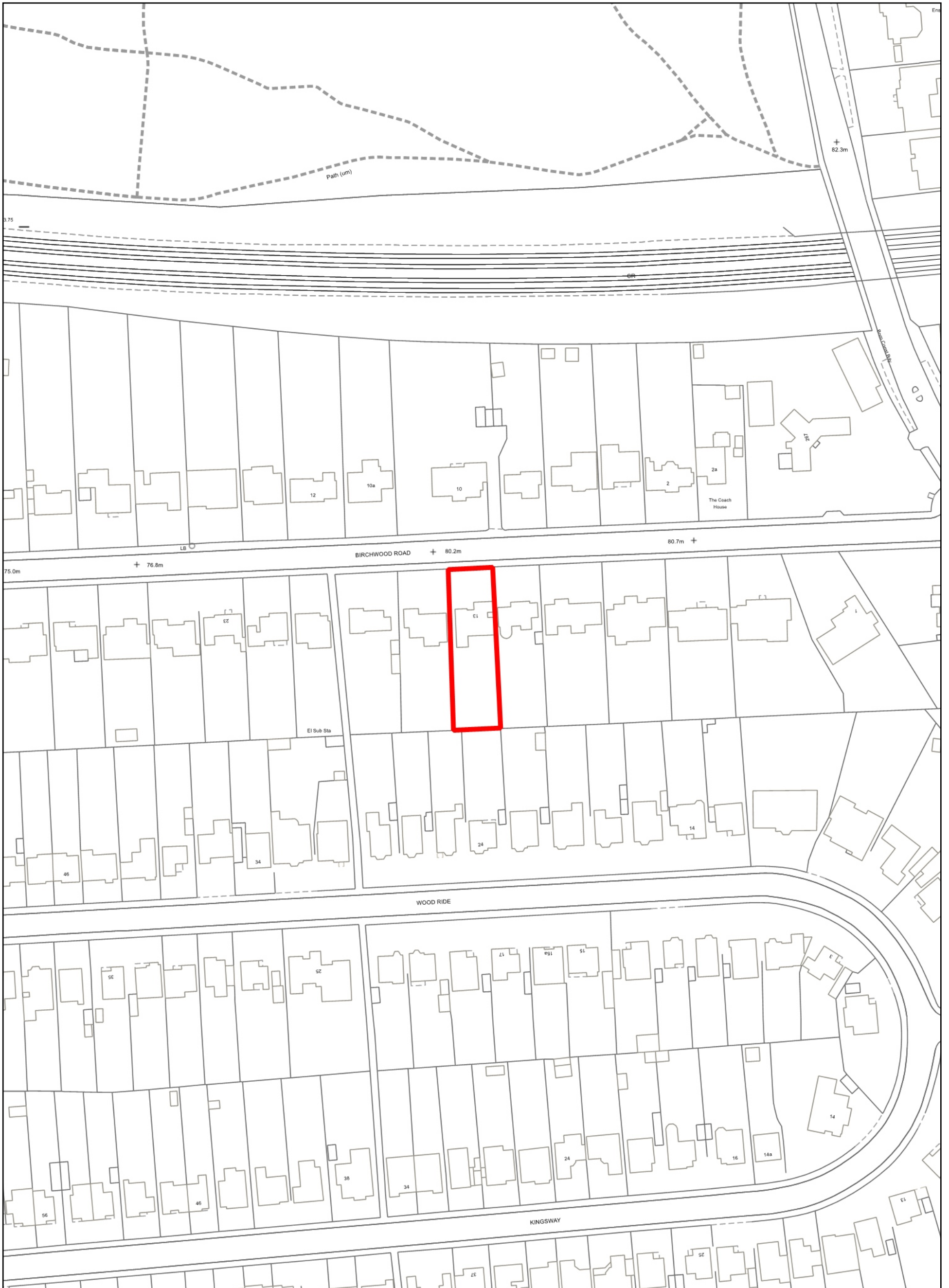
8.2 It is acknowledged that there are other examples of front boundary treatments within close proximity of the application site in Birchwood Road, such as at No.1, No.2a, No.3, No.6 and No.7, as well as others in the road slightly further away, such as No.16 and No.53. However, either these are historical and do not benefit from any form of planning permission, or they were granted permission but are not directly comparable. No.53 had permission granted for alterations to front boundary. Whilst this description may sound similar to the current proposal at No.13, No.53 is on a corner site and the boundary treatment was positioned more to the side of the site, with the fence in question to the front/side, rather than the application property of No.13 seeking alterations definitively to the front. Therefore it can be argued that no direct comparison can be drawn between the two sites.

8.3 In general, front boundary treatments within the area are characterised by low hedges or walls with no gates. Any other proposals to alter front boundaries or increase the height of existing, historical front boundary treatments, are generally resisted. Therefore the proposed height, colour and design of the proposed gates would be out of character with surrounding front boundary treatments and development in general, and as such are considered to be detrimental to the visual amenities of the streetscene and the appearance of the conservation area generally.

## **RECOMMENDATION: REFUSAL**

**The proposed addition of entrance gates, by reason of their siting, height, colour and design, would be out of character with surrounding development and detrimental to the visual amenities of the streetscene, and would therefore fail to preserve or enhance the character and appearance of the Chislehurst Road, Petts Wood Conservation Area, thereby contrary to Policies 37, 41 and 44 of the Bromley Local Plan.**





23/03040/FULL6 - 13 Birchwood Road, Petts Wood

15 November 2023  
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# Agenda Item 4.5

<b>Committee Date</b>	23 <sup>rd</sup> November 2023	
<b>Address</b>	Barton Kemnal Road Chislehurst BR7 6LY	
<b>Application Number</b>	23/03109/FULL6	<b>Officer</b> - Zoe Douglas
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Installation of 28 solar panels (RETROSPECTIVE)	
<b>Applicant</b>	<b>Agent</b>	
Mr and Mrs Robbert and Vivian Schut	Ian Hunter	
Barton Kemnal Road Chislehurst BR7 6LY	1st Floor Kennedy House 31 Stamford Street Altrincham WA14 1ES	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Call-In	Councillor Stammers  Impact on the visual amenity of the residents of Mulbarton Court.

<b>RECOMMENDATION</b>	PERMISSION
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<p><b>KEY DESIGNATIONS</b></p> <p>Conservation Area: Chislehurst          Article 4 Direction          Biggin Hill Safeguarding Area          London City Airport Safeguarding          Open Space Deficiency          Sites of Interest for Nat. Conservation          Smoke Control SCA 16</p>
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<b>Representation summary</b>	<i>Press advert published 30<sup>th</sup> August 2023</i> <i>Site Notice displayed 26<sup>th</sup> August 2023</i> <i>Neighbour notification sent out 21<sup>st</sup> August 2023</i>	
Total number of responses		11
Number in support		0
Number of objections		11

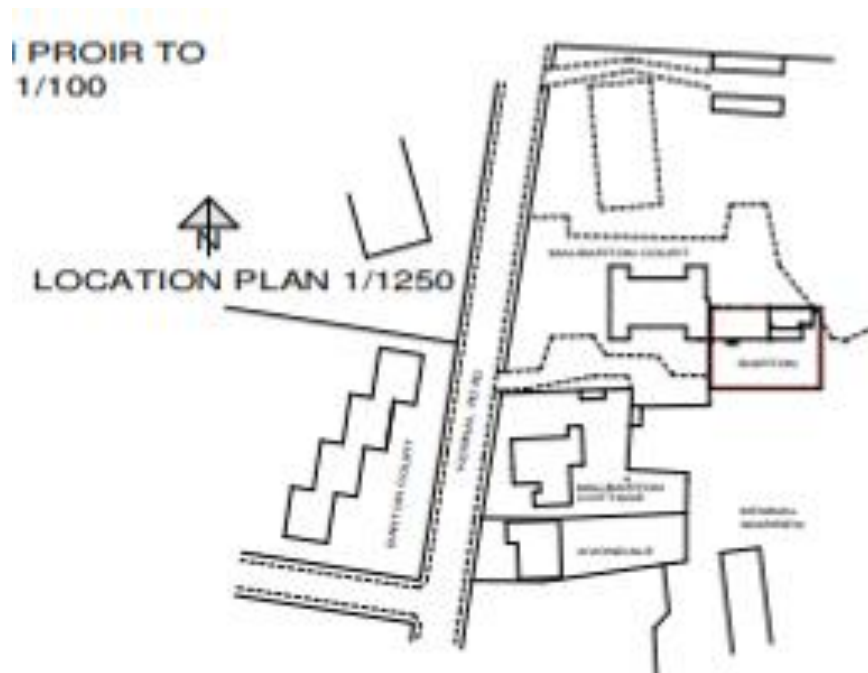
**1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The development would preserve the character and appearance of the Conservation Area.
- The development does not harm the visual amenities of neighbouring properties.

**2. LOCATION**

2.1 The application site hosts a single storey dwelling that is attached to the rear elevation of a 3 storey block of flats known as Mulbarton Court. The site itself is on Kemnal Road but set back from the roadside, located to the rear of a communal parking area and with large communal gardens surrounding the site.

2.2 The site is located within Chislehurst Conservation Area.



**Figure 1. Location Plan**

### 3. PROPOSAL

- 3.1 Retrospective planning permission is sought for the erection of 28 solar panels that have been sited on the flat roof of the property that adjoins Mulbarton Court.
- 3.2 The solar panels have been set over 3 rows and the design is such that they are angled on the flat roof to obtain the best angle for sunlight. The two outer rows of panels have a height of 0.66m and lower to 0.16m, and the central row of panels has a height of 0.68m, lowering to 0.16m in height.
- 3.3 The highest aspect of the solar panels are located away from the front boundary, and all are sited below the highest point of the surrounding parapet wall of the flat roof.

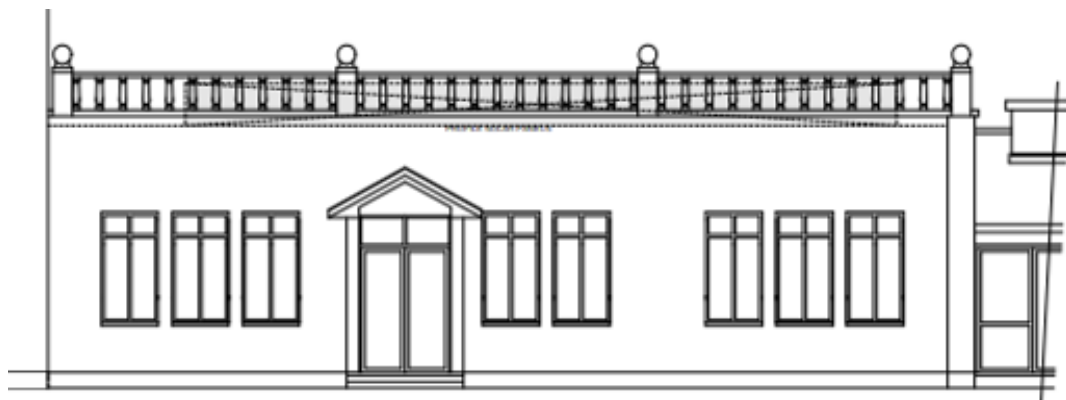


Figure 2. Part front elevation showing solar panels behind parapet wall

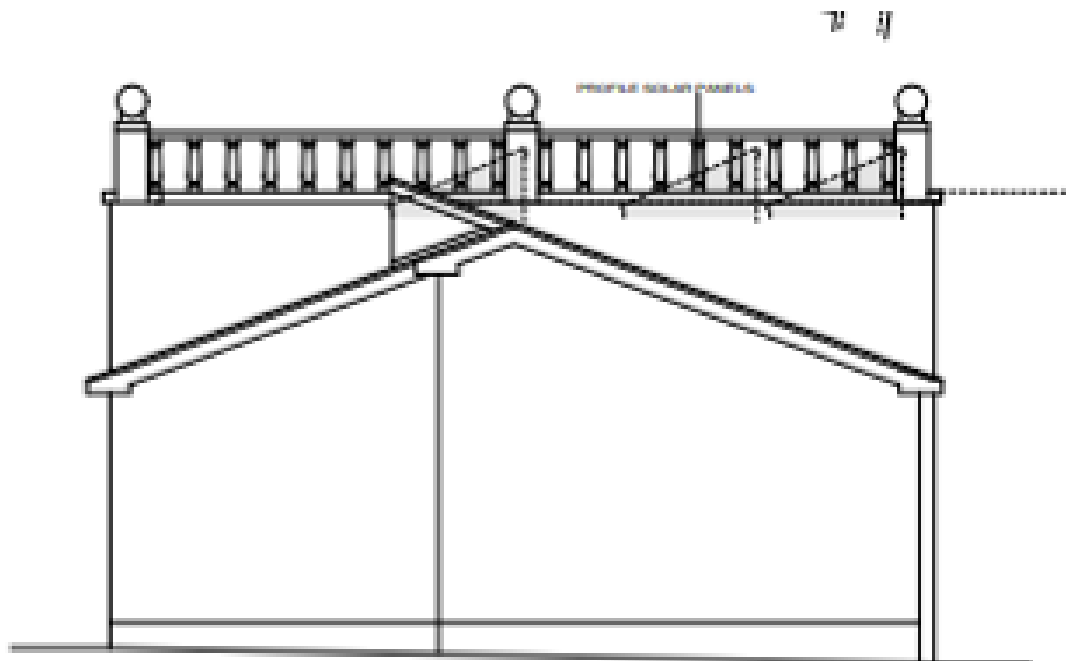
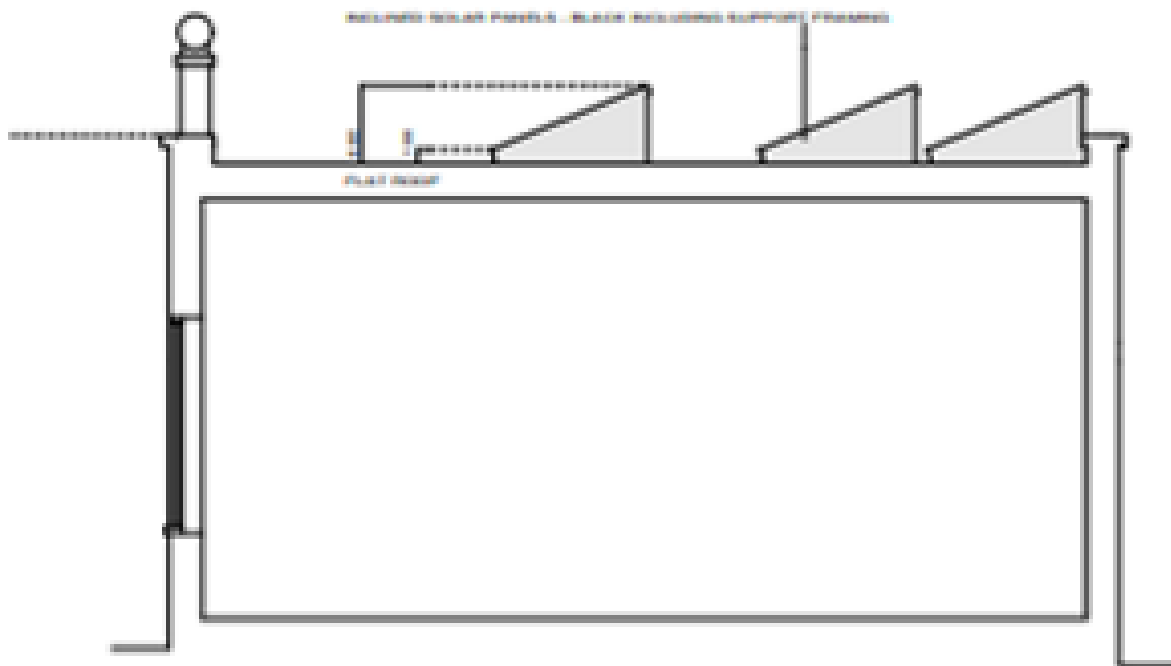


Figure 3. East flank elevation showing solar panels behind parapet roof. Flats in Mulbarton Court located directly behind this elevation.



**Figure 4. Typical section of roof showing solar panels**



**Figure 5. View of solar panels from window in Mulbarton Court**



**Figure 6. Solar panels viewed from garden**



**Figure 7. Solar panels viewed from garden and rear elevation of Mulbarton Court**



**Figure 8. Rear elevation of Mulbarton Court**



**Figure 9. Flank elevation of Mulbarton Court and front elevation of Barton – showing parapet wall of flat roof but no solar panels visible**





**Figure 10. Front elevation of Mulbarton Court, with parapet wall of Barton to the right**



**Figure 11. View towards Kemnal Road from car park area in front of Barton entrance gates**

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

- 4.1 The relevant planning history relating to the application site can be summarised as follows:

Single storey rear extension with roof lantern – permitted under 07/03754/FULL6

Demolition of existing single storey rear extension and erection of replacement roof lantern CONSERVATION AREA CONSENT – approved under 07/03753/CAC

#### **5. CONSULTATION SUMMARY**

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

##### **Conservation – No Objection**

The solar panels cannot be seen from the roadside or wider conservation area due to the position of the building set so far away from the road. As such, there is no detrimental impact upon the character of the building nor the Chislehurst Conservation Area.

No Heritage objection is therefore raised.

##### **B) Local Groups**

Kemnal Residents Association (KRA)

- KRA looks after the interests of Kemnal Road on behalf of all its residents;
- Mulbarton is one of the properties with direct frontage to the road;
- Concerned to hear so many residents of Mulbarton are objecting to the installation in question;
- Cannot comment on the specific details of the application, we do have a general concern over any untoward development which might spoil the surroundings of our area and our residents' enjoyment of them;
- Hope this matter will be given full examination to ensure planning rules have been properly adhered to.

##### **C) Adjoining Occupiers**

##### **Visual Impact (paragraphs 7.2.2, 7.4.2, 7.4.3, 7.4.4, 7.4.5, 7.4.6, 7.3)**

- Visual impact of such a massive, ugly installation is more appropriate in an industrial setting;
- The solar panels are supported by black plastic console mounts, known in the Solar Industry as 'bins' which are similar to black refuse bins on the original ballroom of Barton flat roof;
- Located several meters from windows of 4 different flats, blocking views at eye level;
- With 3 directly overlooking windows affecting the visual amenity of 4 rooms of 1 flat in particular, including a bedroom, a living room and 2 bathrooms

- The visual amenity previously from all 4 rooms was an uninterrupted view of open woodland over a large flat roof surrounded on 2 sides with an open parapet wall allowing clear sight lines through;
- Visual impact of solar panels can only be seen from the rear of the property in the shared garden amenity where the panels also have a detrimental impact on the visual amenity;
- Outlook from windows of flats previously pleasing, now destroyed by the solar panels and bins supporting them;
- It is important to consider the environmental and aesthetics of the installation given the conservation area status;
- Whilst not directly impacted, I object to the commercial scale installation on the flat roof – appears excessive for a 4-bedroom property;
- Appearance of these solar panels directly affects residents of Mulbarton Court;
- Panels can be seen from the Northern edge of the property (no balustrade screening from this side) and the view from windows of apartments on the Eastern side of the building has been completely ruined;
- Some thought could have been put into the design and ideally some screening of this installation for the benefit of their immediate neighbours;
- Continuation of the decorative balustrade to the Northern side, or fewer panels and only located on the eastern side, it would be more appropriate;
- Solar panels are a complete eyesore and ruin the visual amenity from rooms in my recently purchased and renovated flat;
- Solar panels are extremely intrusive for residents directly overlooking the flat roof;
- Solar panels have changed the view from an outlook of woodland to that of an industrial estate;
- Solar panels and supporting bins are completely unacceptable and detrimental to the visual amenity of those four flats that directly overlook this monstrosity.

#### **Other matters (Paragraphs 7.4.2, 7.4.3, 7.4.4)**

- Overdevelopment through the siting of 28 solar panels;
- Impossible to see effects of the installation unless viewed from directly affected flats;
- East side elevation drawing on the planning application which is also misleading as it fails to illustrate the overlooking windows accurately and thus fails to illustrate the impact this installation has on all four flats directly affected;
- There are in fact 6 windows directly overlooking the flat roof not 4 that have been shown in the drawings. 3 are bedrooms and 3 are bathrooms;
- There are a further 6 large windows from the other 2 apartments that also overlook the flat roof and have had their visual amenity adversely affected which include living spaces;

#### **Non-material comments and private matters between parties**

- The value of nearby flats has also been adversely affected – confirmed by a local estate agent;

- The other serious implication for this application that should be considered is whether a load survey was carried by the installers prior to 28 panels installed and what were the findings of that survey. Any reputable solar panel installer would normally carry out a survey and produce load calculations;
- The 28 panels alone would weigh 560kg -70 kilos without the massive weight of the ballast in each bin. One might question the suitability of the original ballroom structure to carry this load.
- Plus the fact, that this would have a negative impact on our current insurance policy shared by all the owners at Mulbarton Court.

**Concluding comments from neighbouring properties (Paragraphs 7.5.1, 7.5.4, 7.4.2)**

- Whilst we support sustainable energy sources and we would have no objections to the existing 12 solar panels we do also support people living adjacent to others abiding by planning law;
- Invite those making the decision to view from flat windows;
- We appreciate the opportunity to convey the impact and wider context this industrial sized, inappropriate, commercial installation has created and very much hope you will give this case the utmost scrutiny with this further evidence and the application will receive a refusal.

## **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 must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on 5th September 2023 and is a material consideration.
- 6.4 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.
- 6.5 The application falls to be determined in accordance with the following policies:

## **National Policy Framework 2023**

### **NPPG**

#### **The London Plan**

D4 Delivering good design  
SI2 Minimising greenhouse gas emissions  
HC1 Heritage conservation and growth

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

37 General Design of Development  
41 Conservation Areas  
123 Sustainable Design and Construction  
124 Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy

#### **Supplementary Planning Guidance**

Urban Design Guidance (Bromley 2023)

## **7. ASSESSMENT**

### **7.1 The main issues to be considered in respect of this proposal are:**

- Design and scale
- Conservation
- Neighbourhood Amenity
- Climate Change, sustainable construction and energy saving

### **7.2 Design and scale - Acceptable**

7.2.1 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 a high-quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. These policies are supported by Policies D3 and D4 of the London Plan.

7.2.2 The surrounding area is residential in character. The solar panels are located on the flat roof of what used to be the ballroom of the building when it was in its original use. Objections have been raised with regard to the panels, stating they are highly visible from windows in neighbouring flats within Mulbarton Court due to the design of the solar panels, sitting on top of 'bins', which has a direct impact upon the outlook from these windows, and has resulted in a change to the original roofline of this part of the building.

7.2.3 However, the system that has been installed is very low profile with a maximum height of 0.68m and 0.66m from the flat roof for the central row and outer rows of solar

panels respectively, and all of them lower to 0.16m from the level of the flat roof. The panels are black in appearance with black outer frames and due to the colour will result in no noticeable reflection or glare; but they will still be able to absorb as much light as possible.

- 7.2.4 The flat roof has a parapet wall surrounding 3 sides of the roof, and when combined with the set back from the front elevation, when viewed from ground level of Mulbarton Court and indeed the application site, the panels are barely visible due to the existing parapet wall. To the rear of the application property, it is possible to see one of the outer rows of the solar panels to a certain degree, however it is not considered that this is to the detriment of the design of the host property or surrounding properties.
- 7.2.5 It is not considered that the panels result in an incongruous addition to the roof line of the property, and whilst the solar panels are raised on one side due to the sloping nature of the supportive 'bins' they are positioned on, the overall appearance is considered to be in-keeping with the dwelling.
- 7.2.6 Generally, the proposal is considered to accord with Policies 6 and 37 of the BLP.

### **7.3 Heritage Impact – Conservation Area - Acceptable**

- 7.3.1 The site is located within the Chislehurst Conservation Area.
- 7.3.2 Policy 41(Conservation Areas) of the BLP 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. This policy therefore requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Conservation Area.
- 7.3.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.3.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.3.5 No objection has been raised by the Council's Conservation Officer. The view being that the panels cannot be seen from the roadside nor the wider conservation area due to the position of the building being set so far away from the road.
- 7.3.6 Accordingly it is considered that the character and appearance of the Conservation Area would be preserved in this case and would not result in a significant impact on the character and appearance of the wider area.

## **7.4 Neighbourhood amenity - Acceptable**

- 7.4.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.4.2 Objections have been raised by a number of local residents, as well as other interested parties who live some distance away from the application site. The major concern raised being the 'industrial' appearance of the solar panels and negative views from the windows of a number of flats within Mulbarton Court.
- 7.4.3 It is understood that when looking out of these windows and down onto the solar panels, it is now a very different appearance to the original concrete roof. However, the solar panels are low-level, they do not raise up any higher than the parapet wall, and from the ground and wider area, they are not visible from the streetscene or the majority of the garden area. Views from the windows directly across to the large trees and woodland area to the rear of Barton have not been directly interrupted by the installation of the solar panels as they are below the parapet level, although it is acknowledged and appreciated that the solar panels have changed the view from the windows in the flats from an outlook of a flat roof and beyond to the woodland, to solar panels and the woodland beyond.
- 7.4.4 However it is not considered that the visual amenity from these windows has been directly affected or blocked, despite them being visible on the roof when looking down out of the windows and as such, the impact upon the visual or residential amenity in this instance is not considered to be unacceptable.
- 7.4.5 It is noted that it is possible to see an element of a few of the panels which are located nearest to that edge of the roof when viewed from the rear garden, however even then, these are located to the rear of the main site so are not widely visible, plus it is only the edge of the panels that can be seen. In this instance, the view is taken that this minor view would not be detrimental to the visual and residential amenity of the occupiers of the adjacent flats.
- 7.4.6 Having regard to the scale and location of the development, together with the relationship with neighbouring dwellings it is not considered that there is a loss of amenity to neighbouring properties so as to warrant refusal of the application.

## **7.5 Climate change, sustainable construction and energy saving - Acceptable**

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

- 7.5.2 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 S12 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.
- 7.5.3 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 and Policy 124 encourages Major developments to reduce their carbon emissions in accordance with the levels set out in the London Plan.
- 7.5.4 This proposal is not for new Major development, moreover it seeks to incorporate solar panels onto an existing dwellinghouse, nonetheless it seeks to contribute towards carbon dioxide emissions savings as encouraged by the Local Plan and the London Plan and provides a private benefit to the Applicant and a public benefit to climate change, sustainable construction and energy saving, which weighs in favour of the proposal.

## **8. CONCLUSION**

- 8.1 The design, scale and positioning of the solar panels is considered to accord with Policies 6, 37 and 41 of the Bromley Local Plan. The impact on neighbouring amenities is considered acceptable and the development is considered to preserve the character and appearance of the Chislehurst Conservation Area.

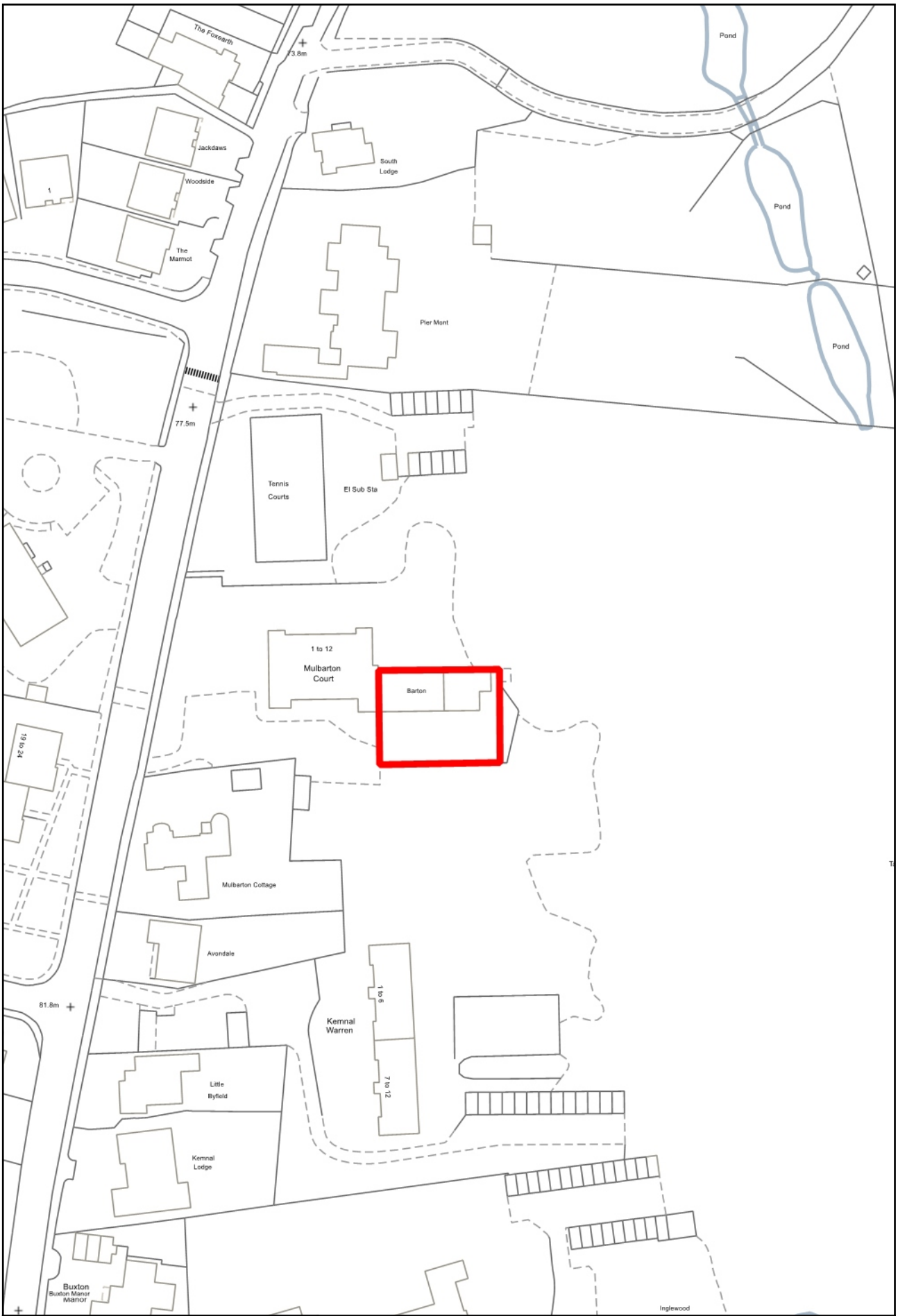
### **RECOMMENDATION: PERMISSION**

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


- 1. Development to be retained in accordance with approved plans.**


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






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23/03109/FULL6 - Barton, Kernal Road, Chislehurst



15 November 2023

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Page 127

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