



THE LONDON BOROUGH  
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DATE: 16 May 2023

To: Members of the  
**PLANS SUB-COMMITTEE NO. 4**

Councillor Simon Fawthrop (Chairman)  
Councillor Will Rowlands (Vice-Chairman)  
Councillors Felicity Bainbridge, Kathy Bance MBE, Peter Dean, Charles Joel,  
Kevin Kennedy-Brooks, Keith Onslow and Sam Webber

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on  
**THURSDAY 25 MAY 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 7743 or 0208 313 4316**

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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 23RD MARCH 2023**  
(Pages 1 - 6)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Bickley & Sundridge;	7 - 34	(21/03541/FULL1): 1 ST AUGUSTINE'S AVENUE, BICKLEY, BROMLEY, BR2 8AG
4.2	Farnborough And Crofton	35 - 92	(21/05278/FULL1): LAND OPPOSITE 165 TO 193 ISABELLA DRIVE, ORPINGTON,
4.3	Beckenham Town And Copers Cope	93 - 114	(22/0993/FULL1): 1 THE DRIVE, BECKENHAM, BR3 1EE
4.4	Hayes And Coney Hall; Conservation Area: Keston Village	115 - 128	(23/01379/FULL6): 15 HEATHFIELD ROAD, KESTON, BR2 6BG

## 5 **CONTRAVENTIONS AND OTHER ISSUES**

Report No.	Ward	Page No.	Application Number and Address
	<b>NO REPORT</b>		

## 6 **TREE PRESERVATION ORDERS**

Report No.	Ward	Page No.	Application Number and Address
	<b>NO REPORT</b>		

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

## **PLANS SUB-COMMITTEE NO. 4**

Minutes of the meeting held at 7.00 pm on 23 March 2023

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Jonathan Andrews (Vice-Chairman)  
Councillors Felicity Bainbridge, Mark Brock, Simon Fawthrop,  
Simon Jeal, Will Rowlands and Sam Webber

### **Also Present:**

Councillor Alison Stammers

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

Apologies were received from Councillor Kennedy-Brooks and Councillor Jeal attended as substitute.

## **18 DECLARATIONS OF INTEREST**

None received.

## **19 CONFIRMATION OF MINUTES OF MEETING HELD ON 26TH JANUARY 2023**

The Minutes of the meeting held on 26<sup>th</sup> January 2023 were confirmed and signed as a correct record.

## **20 PLANNING APPLICATIONS**

### **20.1 (22/04156/FULL6) - 73 Elwill Way, Beckenham, BR3 6RY SHORTLANDS AND PARK LANGLEY**

Two storey rear extension with roof alterations to existing garage, loft conversion with rear dormer and juliet balcony, front porch alterations and bay windows to front ground floor.

Ward Councillor and Committee Member, Councillor Felicity Bainbridge confirmed to the Committee that the plans were in keeping with the area and agreed with the recommendation for permission.

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

**20.2**  
**CHISLEHURST**

**(22/04164/FULL2) - Kingsley House, 5 High Street, Chislehurst, BR7 5AB**

Part change of use from offices (use class E) to residential (use class C3) to form 2 x dwellings (1 x 2 bedroom and 1 x 3 bedroom flats).

An oral representation was received from the Agent in support of the application.

Visiting Ward Member, Councillor Alison Stammers gave an oral representation in support of the application. Councillor Stammers informed the Committee that she was aware of issues facing the High Street, but the loss of office space would be offset against providing new residential accommodation. Only part of the office space would be changed to residential use. It was also highlighted that other nearby office space had been advertised/marketed but remained empty after a long period, as there appeared to be no interest for office use.

The Committee discussed the application and the fact that the site is allocated as a commercial property in the Bromley Local Plan, and it should remain so. In addition, there was also no real evidence provided of recent marketing of the site for reuse/redevelopment.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED**, for the reasons recommended in the report.

**20.3**  
**DARWIN**

**(22/04745/FULL3) - The Orchard, Rookery Road, Downe, Orpington, BR6 7JQ**

Change of use of existing outbuilding to one bedroom dwelling, together with elevational alterations.



An oral representation was received from the Agent in support of the application.

Vice-Chairman and Ward Member, Councillor Jonathan Andrews, spoke to the Committee in objection to the application and also represented the views of Downe Residents' Association. Councillor Andrews confirmed that openness is fundamental to Green Belt land and any new development should only be approved in very specific circumstances.

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

**Although re-use of the building would not be inappropriate development, the formation of a residential curtilage with its urbanising effect and introduction of associated domestic paraphernalia, would result in unacceptable harm to the openness of the Green Belt and encroachment into the countryside. The development would therefore be inappropriate development for which no very special circumstances exist; thereby contrary to Policies 49 of the Bromley Local Plan (2019), Policy G2 of the London Plan (2021) and Section 13 of the NPPF (2021).**

**20.4  
ORPINGTON**

**(22/05007/OUT) - 21 Lancing Road, Orpington, BR6 0QS.**

Demolition of existing garage and workshop and erection of two/three storey apartment block comprising 6 x 1 bedroom flats and alteration to existing access (Outline Application With Some Matters Reserved).

The Chairman, Councillor Peter Dean, stated that the focus should be on the previous appeal decisions where approval had been granted for the development. The only change was the increase in flats from five to six. Councillor Dean stated that there was no unacceptable impact on neighbouring amenities or the neighbouring residential area.

A Committee Member queried the subject of water storage/use and requested the addition of a condition relating to this matter. The subject of swift bricks/boxes was also raised and it was agreed that an informative could be added.

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

**Alteration to Condition 3 (SuDs) as follows;**

- a) **Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**
- b) **Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy SI 13 and the advice contained within the National SUDS Standards, which includes rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation).**
- c) **Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (2 litres/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.**

- d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.

**Reason:** Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy SI 13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan.

**& Informative relating to swift bricks/boxes as follows;**

**You are encouraged to consider the installation of swift bricks and/or boxes within the development to support the swift population within the Borough.**

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## **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

## **22 TREE PRESERVATION ORDERS**

**22.1  
CHISLEHURST**

**Confirmation of Tree Preservation Order (TPO)  
2817 - Kemnal Park Cemetery, Ashen Grove,  
Partridge Shaw, Beaver's Wood, Hoblands Wood**

An oral representation was received from the owner of a neighbouring property in objection. The objection specifically related to the TPOs inclusion of land on their property. The landowner supported the establishment of a TPO in relation to the other areas of the proposed TPO site relating to Kemnal Cemetery.

An oral representation was received from an Agent representing Greenacres, the Management Company of Kemnal Park Cemetery, in objection to the TPO. The objection related to the effect the TPO would have on the operations of Kemnal Park Cemetery.

Members having considered the report, objections and representations, **RESOLVED that the TPO BE CONFIRMED with amendments** as recommended in the report.

**22.2**  
**DARWIN**

**Confirmation of Tree Preservation Order (TPO)**  
**2833 - Land rear of 344 to 354 Main Road,**  
**Westerham**

Vice-Chairman and Ward Member, Councillor Jonathan Andrews, spoke to the Committee in support of the TPO and provided views from residents relating to the importance of the TPO.

Members having considered the report, objections and representations, **RESOLVED that the TPO BE CONFIRMED with amendments** as recommended in the report.

The Meeting ended at 8.20 pm

Chairman

# Agenda Item 4.1

<b>Committee Date</b>	25/05/2023	
<b>Address</b>	1 St Augustine's Avenue Bickley Bromley BR2 8AG	
<b>Application Number</b>	21/03541/FULL1	<b>Officer</b> - Susanna Stevenson
<b>Ward</b>	Bickley	
<b>Proposal</b>	Proposed demolition of existing bungalow and the construction of two pairs of semi-detached houses (4 x 2 bed units), with off street parking and amenity space.	
<b>Applicant</b>	<b>Agent</b>	
Ms B Keeper and Ms D Sullivan	Ms Jo Tasker	
C/o Agent	Anniversary House 23 Abbott Road Bournemouth BH9 1EU	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes - Councillor Smith - That there would be an over-intensification of the site and the proposal would have an impact on existing car parking and highways safety conditions in the locality.

<b>RECOMMENDATION</b>	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 13 Smoke Control SCA 12</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Single storey residential dwelling (C3)	233 SQM
Proposed	4 No. 2 bedroom two storey dwellinghouses (C3)	355.6 SQM

Residential Use					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market		4			4
Affordable (shared ownership)					
Affordable (social rent)					
Total		4			4

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	4	+3
Disabled car spaces	0	0	0
Cycle	0	4 no. cycle stores	+ 4 no. cycle stores

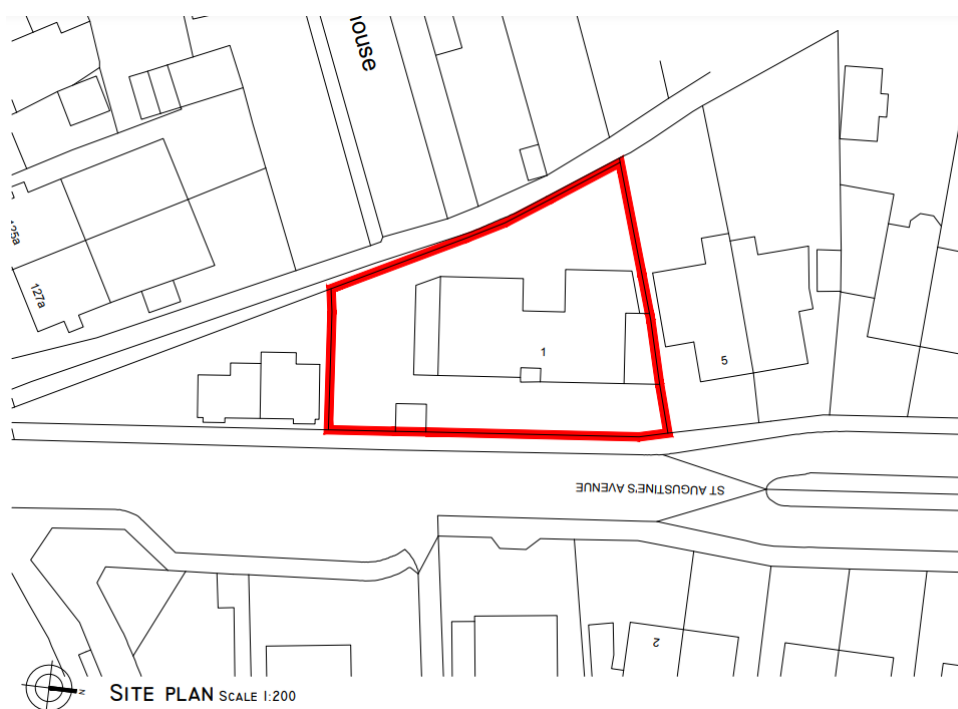
Electric car charging points	2/4
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<b>Representation summary</b>	<p>The application was advertised by way of a site notice displayed on 19<sup>th</sup> August 2021.</p> <p>Letters were sent to neighbouring residents on 17<sup>th</sup> August 2021 and again on 28<sup>th</sup> April 2022 following the receipt of a revised drawing on 19<sup>th</sup> April 2022. Further letters were sent to neighbours on 31<sup>st</sup> January 2023.</p>	
Total number of responses	33	
Number in support	0	
Number of objections	33	

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide 4 no. residential dwellings (3 additional to existing land use), making a minor contribution to housing supply in the Borough
- There would be no significant impact on residential amenities
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general
- The accommodation provided would be of a satisfactory standard
- Subject to conditions, the flood risk of the development is acceptable
- The proposal would result in the loss of one on-street parking bay – there are no technical highways objections to the proposals with regards to on-site parking provision and impact on road safety

## 2. LOCATION



**Figure 1 – site location plan**

- 2.1 The site is located on the west side of St Augustine's Avenue and comprises an irregular-shaped plot that hosts a detached single storey dwelling. The site formerly included the triangular shaped plot at which 2 dwellings (a semi-detached pair, Nos. 1A and 1B) have recently been constructed.
- 2.2 To the north of the site in St Augustine's Avenue there are semi-detached chalet style properties in a mock Tudor style. To the east of the site (on the other side of the road) is the library building and a dance studio. To the rear (west) of the site is a public pedestrian footpath beyond which are properties fronting Salisbury Road. The pedestrian access way also forms the culverted section of the River Ravensbourne (east branch).
- 2.2 The site is not in a conservation area nor is the building listed. The site is located in Flood Zones 2 and 3.



**Figure 2 Front of site, with 5 St. Augustine's Avenue to the right**



**Figure 3 Front of site, with new dwellings at 1A and 1B to left**



### 3. PROPOSAL

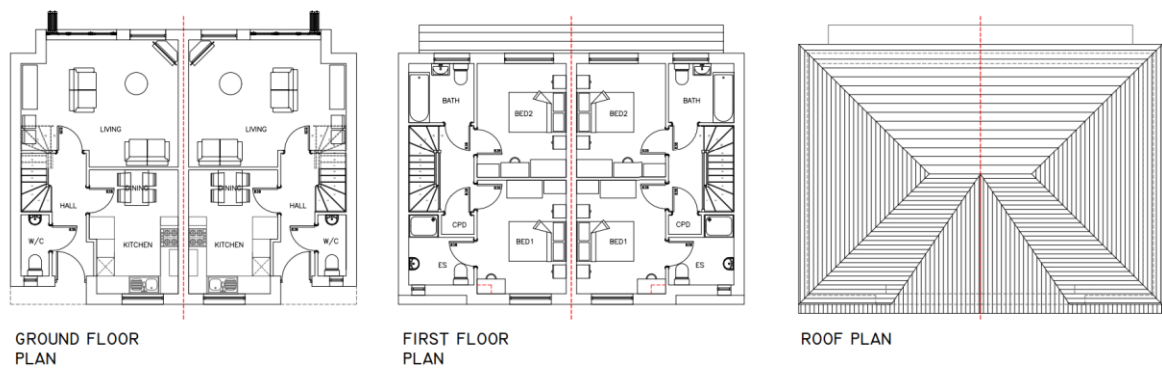
- 3.1 Planning permission is sought for the demolition of the existing single storey dwelling and the construction of 2 pairs of semi-detached two storey dwellings.



**Figure 4 Proposed site plan**

- 3.2 The proposed dwellings would be sited to either side of a proposed parking and turning area. The separation between the two pairs of dwellings would be approx. 9m. The southern dwelling would be sited approx. 2m to 3.2m from the southern boundary with the new dwellings at 1A and 1B St. Augustine's Avenue. The northern dwelling would retain a separation to the northern boundary with No. 5 St. Augustine's Avenue of approx. 3.4 – 3.9m.
- 3.3 The eaves height of the dwellings would be approx. 5.33m and the height to the ridge would be approx. 8.08m.
- 3.4 The site is not uniformly deep, as a consequence of the which front elevation of the proposed pair of dwellings to the southern side of the plot would be set slightly forward of the proposed pair of dwellings on the northern side of the site, so as to provide a reasonable rear garden depth for the units set within the shallower part of the site.

- 3.5 The proposed dwellings would each provide 2 no. double bedrooms at first floor level with a kitchen/diner and separate living room on the ground floor. The Gross Internal Area (GIA) of each 2 bedroom/4 person dwelling would be 82.6 sqm.



**Figure 5 - Proposed floor plans**

- 3.6 The dwellings are designed with a shared front gable feature roof with a hipped roof to each side and a set-back at first floor from the front elevation. The materials would comprise brick facing to the ground floor with rendered panels, with the first and gable elevations white rendered. The roofs would be of plain clay (dark red) roof tiles and windows would be dark grey aluminium framed.



**Figure 6 - Street scene elevation**

- 3.7 The application has been submitted with the following supporting documents:

- Planning, Design and Access Statement (received 13/07/21)
- Preliminary Ecological Appraisal (received 13/07/21)
- Renewable and Low Carbon Statement (received 13/07/21)
- Flood Risk Assessment (received 13/07/21)
- Part M Compliance List (received 13/07/21)
- Stage 1 Road Safety Audit (received 04/11/21)
- Drainage – SUDS report (received 18/01/22)
- Sequential Test (received 15/12/22)
- Parking Note/Parking Stress Survey (received 24/01/23)

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history is summarised as follows:

83/00055/FUL: Attached car port. Approved 16.03.1983.

84/02977/FUL: Single storey side extension. Approved 19.12.1984

4.2 Severance part of original site – now 1A and 1B St. Augustine's Avenue

18/00007/FULL1: Erection of a pair of two bedroom semi-detached houses. Refused 27.04.2018. Subsequent appeal dismissed.

18/00009/FULL1: Erection of pair of two bedroom semi-detached houses. Refused 27.04.2018. Subsequent appeal allowed.

18/00009/AMD: Non-material amendment to approved scheme to reposition internal stairway and change to front window. APPROVED.

18/00009/AMD2: Non-material amendment to approved scheme to alter vehicular access. AMENDMENT REQUIRES PLANNING PERMISSION

18/00009/CONDIT: Discharge of conditions 3, 4, 5, 7, 8, and 9 of permission 18/00009/FULL1 (allowed on appeal) Conditions discharged.

18/00009/RECON: Minor material amendment under S73 to allow variation of permission 18/00009/FULL1 to reduce building footprint and amend the siting of the building. Approved.

4.3 These applications were assessed concurrently at appeal and were subject of a joint decision notice. The main issues in both appeals were considered to be the effect of the proposals on the character and appearance of the area, the impact of the proposal on local flood risk and implications for the access to and maintenance of the culverted watercourse and the effect of the proposals on highway safety.

4.4 With regards to character and appearance, the Inspector reasoned that the setting of the appeal site and significant distance from No. 1 resulted in the site being “effectively divorced from the characteristic residential style and development pattern beyond.” It was considered that that if developed as proposed in each case, the contextual setting would mean that there would be limited physical form to which the new dwellings could meaningfully relate. Standing alone, the proposed dwellings would not have an adverse impact on the character of the street scene and the loss of the long stretch of fencing and high coniferous hedgerow was not considered unacceptable.

4.5 Both designs (Appeal A having a hip-ended form and Appeal B, a gabled roof) were considered acceptable in terms of their design and impact on the street scene. The separation distance proposed was also considered acceptable.

4.6 As the site was considered by the Inspector to be “something of an anomaly” it was not considered likely that the proposals would have set an undesirable pattern for piecemeal unacceptable infilling in the area. Both proposals were considered to be an acceptable form of development in relation to their siting, design, scale and integration with the street scene.

## 5. CONSULTATION SUMMARY

### A) Statutory

- **Environment Agency      No objection**

No objection subject to conditions which are required in order to avoid the development of the site posing an unacceptable risk to the culverted river and to flood risk locally.

- **Highways                      No objection**

The new crossover will result in the loss of one on-street parking bay – while disappointing this is not a sustainable ground for refusal.

The 4 spaces proposed for the units accords with the Bromley Local Plan standards and slightly exceeds London Plan standards

The swept path shows that vehicles can turn on site although the manoeuvres are somewhat complicated, which may result in drivers preferring to reverse.

A Stage 1 Road Safety Audit was supplied which does not include a parking survey but is more concerned with the built aspects of the proposal – specifically the access, and no concerns or issues were raised.

Proposal should have no impact on registered footpath 141. An informative on any permission should highlight the need to safeguard pedestrians using the alley.

- **Drainage                      No objection**

Incorporation of water butts and raingarden planters is welcomed. Condition recommended to ensure implementation of the sustainable drainage proposals within the SUDS report.

### B) Local Groups

No comments received.

## **C) Adjoining Occupiers**

Impact on character/design (addressed at paragraph 7.2)

- The design of the proposed development would appear out of character with existing development in the street
- The area is characterised by uniform appearance and consistently large gardens, driveways and turning spaces within residential plots
- Proposal would appear cramped relative to the existing street scene
- Proposal would result in 6 dwellings (2 constructed and 4 proposed) on the original site of the bungalow at No. 1

Impact on residential amenity (addressed at paragraph 7.3)

- The proposal will result in loss of privacy to neighbouring properties at the rear (Salisbury Road) contrary to ECHR
- Loss of sunlight (Salisbury Road)
- Visual impact

Parking and highways (addressed at paragraph 7.5)

- Will result in traffic congestion associated with the narrowing of the road at location of the dance school which has classes from 9am until 8 and operates 7 days a week including parties
- Street parking already problem – associated with the existing dance studio and library as well as nearby retail food outlets
- Parents already double park near the dance school entrance or across white lines at No. 1, sometimes with engines idling
- St. Augustine's Avenue also used for commuter parking
- Proposal will remove 4 on street spaces as the new residents will use the existing on street spaces (assuming 2 cars per household)
- Loss of parking space for 2<sup>nd</sup> driveway
- 2 car parking spaces should be provided for each dwelling
- The development at 1A and 1B has impacted on parking availability, even with the dance studio operating at reduced capacity due to Covid 19
- Will result in parking obstructing residents' driveways, increase congestion and impact on road safety, along with deliveries and servicing resulting in congestion
- The turning area is impractical and may lead to residents waiting in the street to access the area and the on-site parking spaces unlikely to be used
- Reports submitted on traffic not representative in view of their timings. Road Safety Audit was undertaken during half term
- Will impact adversely on the business opposite (Studio 74)

Flooding and drainage (addressed at paragraph 7.8)

- Development is in high flood-risk area and the proposal will increase surface water/site coverage
- Impact on structure of culvert
- Impact on foul sewer system

#### Other matters

- Impact on property values
- Unlikely to be family housing
- There is a covenant limiting the number of dwellings on each plot
- Impact of period of construction – noise and dust and upon shift workers
- Preferable for there to be 2 three bedroom dwellings

Following the receipt of additional information (Parking Note/Stress Survey), additional comments were received and are summarised as follows:

#### Parking and highways (addressed at paragraph 7.5)

- Multiple surveys should be undertaken over a longer period in the afternoon/evening on weekdays and weekends
- Patrons of the studio use cars rather than other modes of transport
- Parents double-park behind the spaces outside the library or park on double yellow lines at class changeover times
- There will be insufficient space for safe access/egress from the parking area at the site due to the parking associated with the studio
- 4 spaces insufficient for the number of houses
- Survey has used a methodology from an inner city borough
- Survey did not take into account the work on the corner of Salisbury Road to enlarge the retail premises (with no parking) and other existing retail premises
- Survey included roads outside of St. Augustine's Avenue
- Existing development at 1a/1b uses parking spaces on the street – reference to the incremental loss of on-street parking associated with that development
- Impact on customer parking for the hall
- Impact on vehicular/pedestrian safety

#### Impact on character/design (addressed at paragraph 7.2)

- Houses are out of character with the street (will lead to reduction in property values)
- Overdevelopment of the site

## 6. POLICIES AND GUIDANCE

### National Policy Framework 2021

### NPPG

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

D1	London's form and characteristics
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D11	Safety, security and resilience to emergency
D12	Fire safety
D13	Agent of change
D14	Noise
H1	Increasing Housing Supply
H2	Small sites
H5	Threshold Approach to application
H8	Loss of existing housing and estate redevelopment
H9	Ensuring the best use of stock
H10	Housing Size Mix
S4	Play and informal recreation
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
SI1	Improving air quality
SI4	Managing heat risk
SI5	Water infrastructure
SI7	Reducing waste and supporting the circular economy
SI12	Flood risk management
SI13	Sustainable drainage
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential Parking
T7	Deliveries, servicing and construction

## **Bromley Local Plan 2019**

1	Housing supply
4	Housing design
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
77	Landscape Quality and Character
112	Planning for Sustainable Waste management

- |     |   |
|-----|---|
| 113 | Waste Management in New Development   |
| 115 | Reducing flood risk   |
| 116 | Sustainable Urban Drainage Systems (SUDS)                                   |
| 117 | Water and Wastewater Infrastructure Capacity                                |
| 118 | Contaminated Land   |
| 119 | Noise Pollution   |
| 120 | Air Quality   |
| 121 | Ventilation and Odour Control   |
| 122 | Light Pollution   |
| 123 | Sustainable Design and Construction   |
| 124 | Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy |

## Supplementary Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

## SPG1 General Design Principles

SPG2 Residential Design Guidance

National Design Guide - (September 2019)

## 7. ASSESSMENT

<b>7.1</b>	<b>Principle of development</b>	<b>Acceptable</b>
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- 7.1.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.1.2 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



- 7.1.3 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.1.4 This application includes the provision of 3 additional residential dwellings (above the existing 1 residential dwelling on the application site) and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.
- 7.1.5 The site is currently developed for a single unit of occupancy for residential use. A higher density residential infill development is not unacceptable in principle (and has indeed been established through the appeal-allowed development comprising the construction of 2 dwellings on the severance part of the site to the south of the current red line site. It is necessary however for the design of development to complement the character of surrounding developments, the design and layout to provide suitable residential accommodation, including satisfactory garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will also need to be addressed.
- 7.1.6 Policy D3 Optimising site capacity through the design-led approach (new London Plan) sets out in Clause A that:
- A. All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part B.
- 7.1.7 The proposed development would provide 4 dwellings on a site with an area of 0.09ha. This is considered an acceptable amount of development at this location given the available site area notwithstanding the findings of a contextual analysis in terms of the design and impact of development detailed below.

<b>7.2</b>	<b>Design</b>	<b>Acceptable</b>
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- 7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.2.2 The NPPF (2021) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 7.2.3 Local Planning Authorities are required to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.2.4 New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.2.5 London Plan and Bromley Local Plan further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.6 Policy D3 of the London Plan specifies that development must make the best use of land by following a design-led approach, providing optimised development that is of the most appropriate form and land use for the site, taking into account a site's capacity for growth in tandem with its context. Development proposals should deliver buildings that positively respond to local distinctiveness through their layout, scale, orientation, appearance and shape, having appropriate regard to existing and emerging building types, forms and proportions.
- 7.2.7 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout. The Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.2.8 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.9 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design

and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

7.2.10 In terms of the context of the site, the Appeal decision and findings of the Planning Inspector relating to planning permission 18/00009/FULL1 carries some weight in the consideration of the development of the severed bungalow site and the allowed development of the recently constructed semi-detached houses in the garden of No1 St Augustine Avenue.

7.2.11 Importantly, the Inspector made references to the significant separation of that site from the bungalow and that the site was effectively divorced from the characteristic residential style and development pattern beyond to the north. It was concluded that the site's particular contextual setting would mean that there would be little physical form to which the new dwellings could meaningfully relate.

7.2.12 The site of the bungalow, however, is different - closer to existing dwellings on St Augustine's Avenue to the north and therefore can be said to relate to that context. The design and external detailing of the dwellings visually bridges the external finish, scale and bulk of the new dwellings to the north and the established street scene to the south, formed of the semi-detached dwelling with their prominent shared front gables with side extension at roof level of varying scales and detailing.

7.2.13 The design of the pairs of dwellings includes shared front gable features with set-back side hipped roof elements akin to the first floor extensions evident within some of the existing dwellings within St. Augustine's Avenue. To the left, the development would juxtapose with the new dwellings at 1A and 1B and to the right, with the dwelling at No. 5. It is considered that the design within this application responds to the appearance of dwellings on either side of the site, bridging in terms of design features the somewhat disparate appearance of the new-build dwellings at Nos. 1A and 1B and the original dwellings to the north.



**Figure 7 - Proposed street scene elevation**



***Figure 8 - Nos. 1A and 1B to the south***



***Figure 9 No 5 St. Augustine's Avenue to the north***

7.2.14 While the proposed parking area between the buildings would introduce a hard-surfaced gap in the street scene which would not immediately incorporate planting



and landscaping of the verdant quality found within the existing street scene, the site plan includes small landscaped areas to either side of the access point which would provide adequate space for softening landscaping to successfully screen the full visual impact of the parking area in the middle of the site as viewed from the street. It is noted that the development allowed on appeal at Nos. 1A and 1B to the south of the site is more exposed and provided less space for frontage softening parking than is the case with the current proposal as a consequence of the more generous space to the front of the proposed buildings.



*Figure 10 – Car parking arrangement allowed on appeal at Nos. 1A and 1B*

7.2.15 Representations have been received stating that the proposed development would not be consistent with the existing character of St. Augustine's Avenue in terms of spaciousness and external appearance. However, taking into account the design of the dwellings, the juxtaposition with existing dwellings to either side and the space maintained between the buildings on the site, and to the neighbouring dwellings, it is not considered that the scope of the development would be significantly out of character with or detrimental to the visual amenities of the area.

### **7.3 Neighbourhood amenity                      Acceptable**

7.3.1 Policy 37 of the Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

- 7.3.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.3.3 In determining any application, a key consideration would be the impact of the development on the amenities of neighbouring properties.
- 7.3.4 In terms of outlook, the fenestration arrangement will provide front and rear outlook that will mainly overlook to the frontage areas east to the street scene and west to the rear over proposed garden curtilage. Significant space of approx. 40m space is retained between the rear elevations of the buildings and the rear elevation of the existing dwellings fronting Salisbury Road, with separation of approx. 11m to the rearmost part of the gardens of these properties.
- 7.3.5 With regards to the impact of the proposal on the amenities of the nearest neighbouring dwellings in St. Augustine's Avenue, the footprint of the proposed development would not project significantly to the front or rear of these properties, the flank elevation of the southern neighbouring dwelling is blank and the flank elevation of No. 5 to the south includes 2 no. obscure glazed windows at first floor level.
- 7.3.6 While there would be limited, oblique, views from the first floor rear facing windows of the dwellings towards the southern and northern neighbouring dwellings, there would not be a significant loss of privacy taking into account the field of vision and the suburban location of the site.
- 7.3.7 Representations have been received referring to the potential loss of privacy to properties at the rear, fronting Salisbury Road and stating that this would be contrary to Article 8 of the ECHR which relates to respect for private life, family life and privacy at home and in correspondence. It is not considered, in view of the suburban location of the development, the significant separation to the rear which includes the width of the public footpath over the culvert, with each boundary onto this public footpath being quite densely vegetated, that the proposal would result in an interference with the right to private life enshrined within the ECHR. Notwithstanding the assessment that the proposal would not significantly reduce the privacy or neighbouring sites through overlooking or other impacts, the right under Article 8 is qualified, and must be balanced with competing interests and rights, including the economic benefits of development along with the contribution that development can make to housing supply.



**Figure 11 - Location plan showing development in relation to boundaries**

7.3.8 Concern has also been expressed regarding the visual impact of the proposal on neighbouring amenity. It is noted that the development lies opposite the library and dance school, and that the front and rear elevations broadly align with and are reasonably separated from neighbouring dwellings to either side. This in tandem with the considerable separation to the rear, to the gardens of dwellings fronting Salisbury Road and the acceptability of the design of the development is considered to result in development that would not have an excessive or detrimental visual impact.

#### **7.4 Standard of residential accommodation      Acceptable**

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

7.4.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential

accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals.

- 7.4.3 Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.4.4 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. It is required that compliance with this standard should be demonstrated with any future submission by way of a separate Part M compliance statement.
- 7.4.5 The nationally described space standard requires various Gross Internal Areas in relation to number of bedrooms and person occupation. The proposed two bed four person houses require a minimum floorspace of 79m<sup>2</sup> over two levels as indicated. The stated GIA is 82.6m<sup>2</sup> which is compliant with the nationally described space standard.
- 7.4.6 From the information provided the shape and room size of the rooms are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use.
- 7.4.7 In terms of amenity space, the depth of the rear garden is of sufficient proportion to provide a usable space for the purposes of each two bedroom dwellinghouses.

## **7.5 Highways                      Acceptable**

- 7.5.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.2 London Plan and Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Local Plan should be used as a basis for assessment.
- 7.5.3 The proposal would provide 3 car parking spaces (including 2 with electric vehicle charging points) between the pairs of dwellings, with a further space to the northern side of house 1 (1 space per proposed dwelling). Cycle storage is proposed to be provided by way of detached cycle stores to the side of the outer dwellings, and within the rear gardens of units 2 and 3.



- 7.5.4 The application is supported by a Stage 1 Road Safety Audit and vehicle tracking diagrams. During the course of the application a revised proposed layout/site plan was received which corrected the plotting of existing on street parking bays.
- 7.5.5 As existing, it is noted that there are 5 full spaces and a short space in front of the site. The revised proposed drawings indicate that the proposal includes the removal of one parking space in front of the site so as to provide the centrally-positioned access to the parking area between the pairs of semi-detached dwellings.



***Figure 12 - On-street parking in front of application site***

- 7.5.6 It is acknowledged that a number of objections have been received expressing concern at the impact of the proposal on on-street parking capacity in the locality, along with on highways safety. Concern has also been expressed regarding the timing of the Road Safety Audit submitted with the application which was submitted in October 2021 in response to initial highways comments. Since the submission the application proposals have been reviewed by the highways officers again in November 2021 and in February 2022 when it was noted that the revised plan appeared to inaccurately indicate the existing parking bays on the street. A further revised plan was received on 28<sup>th</sup> February 2022 and subsequent comments from the highways officer confirmed the loss of one on-street parking bay which, while disappointing was not considered to represent a sustainable ground for refusal.
- 7.5.7 The applicant then provided, in January 2023, a Parking Note which included a parking stress survey, undertaken one overnight review (between hours of 00.30 and 05.30) with a further survey at 16.30 hours on a weekday to account for parking demand associated with the nearby dance club. The surveys were undertaken on Wednesday 11<sup>th</sup> January and Thursday 12<sup>th</sup> January respectively.

- 7.5.8 The parking stress at night-time was calculated at 51% - demonstrating that there is no overnight parking stress. The day-time parking stress was calculated at 86% - significantly higher, but indicating that there are still parking spaces available in the locality at that time. The conclusion of the survey states: "The reduction of one car parking space would not materially alter parking demand, while the development itself will not increase in-street demand."
- 7.5.9 The survey is accompanied by maps indicating the assessed area, and parking provision within the survey area. It is noted that representations have referred to the name of the methodology adopted (i.e. "Lambeth"). It is important to note that the name of the methodology relates to it having been formulated by the London Borough of Lambeth, and does not mean that the methodology can only be applied to that geographical area – in fact, the survey methodology is commonly used in many areas of diverse character, not limited to urban areas, and can reasonably applied as a means of assessment of the parking stress within a given area.
- 7.5.10 While the proposal would result in the loss of one on-street car parking space, the proposal is considered to include sufficient on-site car parking provision to meet the needs of the proposed 2 bedroom dwellings. Four spaces will be provided for the 4 no. dwellings proposed to be constructed. It is recognised that there is some on-going concern relating to the activities at the nearby dance school and the extent to which these attract anti-social or inconsiderate parking at times, as well as the potential that the proposal will increase safety risk for the users of the dance school. The concern has been expressed that the proposal, if the parking spaces associated with the proposed dwellings are not used in favour of the on-street spaces in front of the site, will lead to additional demand for on-street parking further along the cul-de-sac.
- 7.5.11 While these concerns are noted, the highways officer has raised no objections to the proposal and has commented that while the loss of one parking bay on-street is regrettable this would not amount to an impact on the highway that would represent a ground for refusal of planning permission.
- 7.5.12 It may be that, outside of the planning regime, local restrictions or other measures could be adopted to address any on-going conflict between residential and commercial parking, including the alleged parking by persons commuting by bus into the town centre. This is outside of planning control however, and the assessment of the development as being acceptable from a highways perspective does not preclude other measures being capable of being adopted in the interest of addressing residents' concerns over the conflict between residential and commercial parking.
- 7.5.13 It is noted that the London Plan parking standards specify a maximum on-site residential provision of 0.75 parking spaces per unit (taking into account the PTAL rating and size of units) and as such the proposal would slightly exceed that maximum. However it is noted that the proposal does include the loss of 1 no. on street parking space, and in this context the oversupply of parking relative to the London Plan Standards is considered on balance to be acceptable. The proposals include a turning area between the pairs of houses, and the car parking space arrangement to Unit 1 are consistent with the existing arrangement associated with the existing bungalow. The submitted Road Safety Audit assessed the highways safety associated with the dwellings, in terms specifically of the built aspects of the

proposal – the siting relative to junctions, road signs, carriageway markings and historical Personal Injury Collision data.

7.5.14 Taking the above into account it is considered that the proposed development is acceptable from a highways and road safety perspective.

## **7.6 Trees and landscaping** **Acceptable**

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

7.6.2 Policy 77 of the Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

7.6.3 The submitted site plan indicates that the rear gardens would be laid to lawn, with indicative planting beds to the front and sides and to either side of the centrally-positioned access. There are no protected trees within the application site, and while there is a street tree on the pavement in front of the existing dwelling, this is indicated to be retained. It would be appropriate to impose a condition requiring further detail on planting proposals/species/sizes as well as relating to the materials for the hard surfaces within the site should planning permission be forthcoming.

## **7.7 Sustainability** **Acceptable**

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

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

7.7.3 The application has been submitted with a Renewable and Low Carbon Statement which sets out the ways in which the proposals would achieve the objectives within the NPPF, including with regards to thermal performance/efficiency, ventilation, and drainage. If planning permission is forthcoming it would be appropriate to impose a compliance condition referencing the statement above.

## **7.8 Flood Risk and drainage** **Acceptable**

7.8.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary, by making it safe without

increasing flood risk elsewhere. The Technical Guidance published alongside the Framework details that for these purposes, areas at risk of flooding constitute land within Flood Zones 2 and 3. The National Planning Policy Guidance also classifies the erection of a new dwelling as a more vulnerable use which requires the application of the Sequential Test, and if required the Exception Test.

- 7.8.2 The application was submitted with confirmation of pre-application discussion/enquiry between the applicant and the Environment Agency. At that stage the Environment Agency stated that there was no in principle objection to the development proposals. It was confirmed within the response, which was submitted in support of this application, that the EA were “adopting a pragmatic approach on this occasion, as the development proposals increase the offset to the culverted watercourse, thereby providing betterment.” The pre-application comments provided by the Environment Agency, which were included within the formal planning application, state “We are satisfied that the development proposals have followed a sequential, risk-based approach on site, in line with the national PPG.”
- 7.8.3 The subsequent planning application submitted to the Local Planning Authority was also supported by a Flood Risk Assessment Report. This report included reference to the mitigation associated with the raised position of the dwellings relative to the modelled flood level, and also provides detail on the exception test – relating to sustainability benefits and the flood safety/resilience of the development
- 7.8.4 In addition, a Sequential Test was provided on 15<sup>th</sup> December 2022 and updated on 24<sup>th</sup> April 2023, with the aim of assessing what land is available for development in a defined area (identified as Borough-wide) and to direct development to areas of lowest risk in the first instance. The NPPF requires that where development is proposed in either medium (Zone 2) or high (Zone 3) FRZs, a sequential test be undertaken to demonstrate that there are no reasonable alternative development sites in areas of lower risk.
- 7.8.5 The submitted Sequential Test refers to the site being located within Flood Zone 3. However, as is confirmed by the Environment Agency and flood mapping, the significant majority of the site lies in Flood Zone 2, with the Zone 3 parts of the site limited to the rear, towards the culverted river.
- 7.8.6 The Sequential Test confirms in its conclusion that:
- “A sequential test has been carried out on all allocated sites, windfall sites and sites on the brownfield register as requested by London Borough of Bromley, we can confirm that there are no other available sites within a Flood Zone 1 that can accommodate the development proposals.”
- 7.8.7 Where development is considered “more vulnerable”, if the Sequential Test indicates that it isn’t possible to use an alternative site, the “exception test” applies. The Flood

Risk Assessment provided with the application refers to sustainability benefits of the development as well as to the safety/resilience of the development.

- 7.8.8 With regards to sustainability, it is stated that the site comprises previously developed land, with an uplift of 3 residential dwellings, and that the development will be located within an established residential area making more efficient use of existing land to provide new dwellings of a higher standard of energy efficiency.
- 7.8.9 With regards to “safe development” the assessment refers to the intention to use sustainable drainage methods to manage surface water drainage to ensure a run-off equivalent to greenfield rates, to the ground floor of the dwellings being raised 600mm relative to the modelled 1 in 100 year plus 35% climate change flood event, and to other safety measures for prospective occupants.
- 7.8.10 The Council's drainage officer has raised no objections to the proposal, including to the scope/findings of the Sequential Test, and having regard to the Sustainable Drainage Report submitted with the application. A planning condition requiring implementation in accordance with this report is recommended should permission be forthcoming.
- 7.8.11 Comments from the Environment Agency raised no objections to the proposal subject to detailed conditions associated with mitigation measures and tying the development to the submitted Flood Risk Assessment.

## **8. CONCLUSION**

- 8.1 Having regard to the above, the proposals are not considered to result in an overdevelopment of the site, nor to have a detrimental impact on the character and appearance of the surrounding area. The development would not have a significant impact on light, outlook or privacy to neighbouring residential properties. Sufficient space is retained for suitable landscaping and the standard of residential accommodation would be acceptable.
- 8.2 While there is local concern regarding the parking and access arrangements and its impact on existing car parking on street in the light of commercial premises within the locality, and the proposal would result in the loss of 1 car parking space, it is not considered that this would be unacceptable in view of the scope of the development including the unit size. It is considered in view of the local context, including the acceptability of the layout of development and the relationship between the site and its surroundings, that the slight overprovision of on-site car parking relative to the London Plan maximum parking standards would not be harmful and would not outweigh the benefit associated with housing supply.
- 8.3 The proposals are considered acceptable with regards to flood risk and drainage matters.
- 8.4 The provision of 4 dwellings on the site where there is one existing residential property would make a minor contribution to meeting the Council's housing targets.

- 8.5 Conditions are recommended to secure an acceptable form of development with regards to technical drainage, flood risk and parking impacts as well as to secure an acceptable form of development which protects the amenities of neighbouring properties and the character/visual amenity of the area.

**RECOMMENDATION: Application Permitted**

**Subject to the following conditions:**

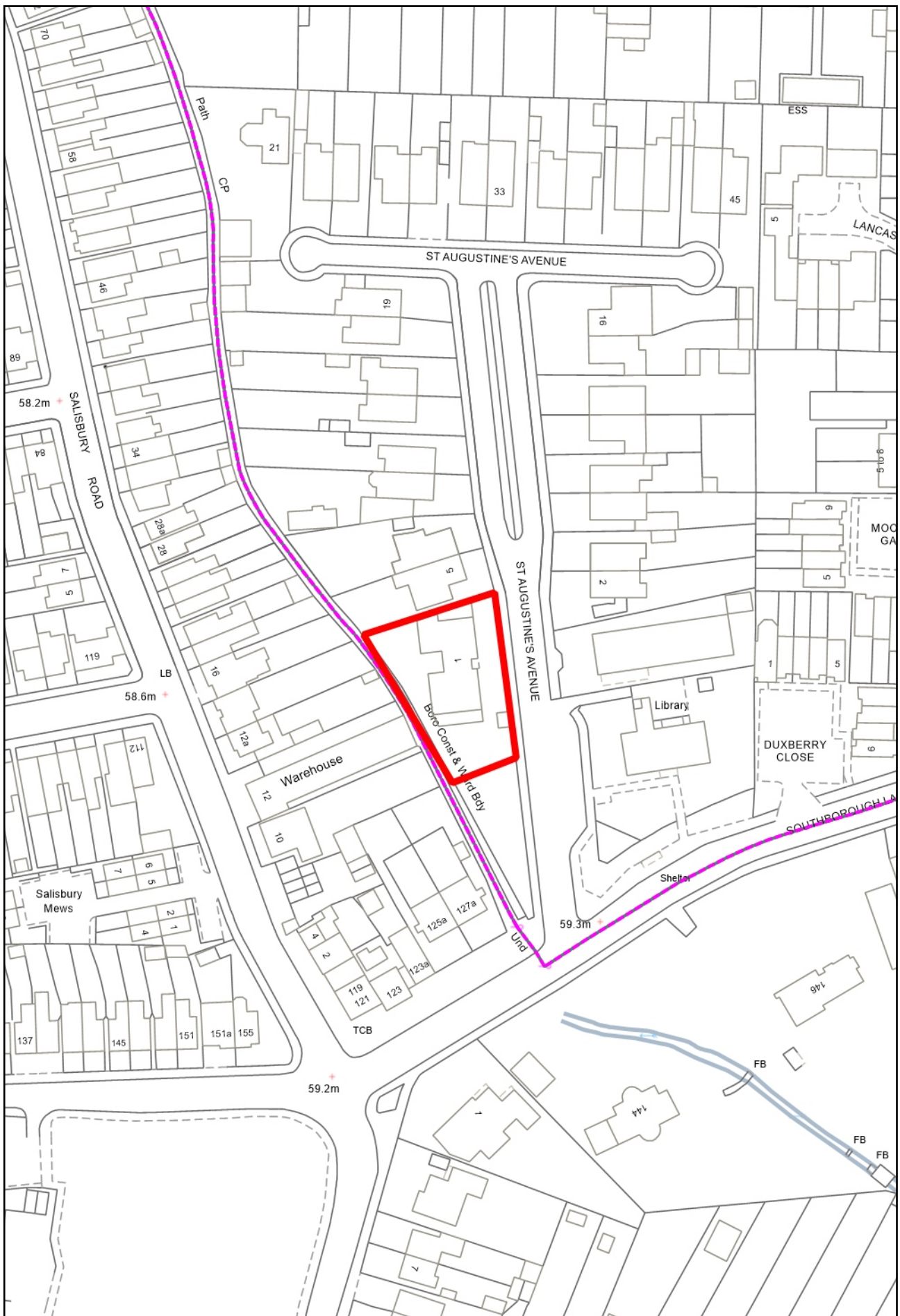
1. Time limit
2. Approved plans
3. Details of construction and environmental management plan
4. Slab levels
5. Construction method statement – culverted river
6. Landscaping (hard and soft)
7. Highways drainage
8. Boundary details
9. Cycle storage
10. Refuse storage
11. Car parking compliance (including EVCP)
12. Materials as set out in application
13. Compliance with FRA
14. SUDS compliance
15. Low NOx boilers
16. Hardstanding for washdown during construction
17. Removal of permitted development rights (A/B/C/E)
18. No first floor windows

and delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

**Informatives**

- Contact highways re: laying out of crossover
- Footpath safeguarding
- Contamination - contact Environmental Health
- Flood Risk Activity Permit may be required
- CIL
- Street naming and numbering





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<b>Committee Date</b>	25/05/22	
<b>Address</b>	Land Opposite 165 To 193 Isabella Drive Orpington	
<b>Application Number</b>	21/05278/FULL1	<b>Officer:</b> Catherine Lockton
<b>Ward</b>	Farnborough And Crofton	
<b>Proposal</b>	Erection of a new building to provide 26 residential units (Use Class C3) together with associated car parking, cycle parking, hard and soft landscaping, tree removal, boundary treatment, access, utilities and other associated works on Land Opposite 165 to 193 Isabella Drive and play space to the rear of No.s 138-150 Broadwater Gardens and front of No.s 2-16 Isabella Drive.	
<b>Applicant</b>	<b>Agent</b>	
Keniston Housing Association	Miss Kate Goldie	
C/o BPTW 40 Norman Road Greenwich London SE10 9QX	40 Norman Road Greenwich London SE10 9QX	
<b>Reason for referral to committee</b>	Major application outside of delegated powers	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	PERMISSION BE GRANTED SUBJECT TO LEGAL AGREEMENT
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<b>KEY DESIGNATIONS</b> Air Quality Management Area Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 11 Groundwater Source Protection Zones – Zone II (Outer Protection Zone) and Zone III (Total Catchment)
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Mix of open space, trees and shrubs as well as an area of hardstanding	N/A
Proposed	C3 - Dwellinghouses	1959sq.m

<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	0	0	0	0	0
Affordable (shared ownership)	0	0	0	0	0
Affordable (social rent)	10	16	0	0	26
Total	10	16	0	0	26

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	9	34	25
Disabled car spaces	0	3	3
Cycle	0	46	46

<b>Electric car charging points</b>	7 Active (21%) 27 Passive (79%)
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<b>Representation summary</b>	<i>Adjoining neighbours were consulted by letter on 01.03.2022, 08.02.23 and 31.03.23. A Site Notice was displayed at the site on 23.03.22 and 05.04.23.</i>
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	<i>A Press Advert was published on 09.03.2022 in the News Shopper.</i>	
Total number of responses	100	
Number in support	2	
Number of objections	97	
Number of neutral	1	

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Affordable housing	26 units	Yes
Early stage viability review	-	Yes
Wheelchair accessible units	-	Yes
Carbon offset	£46,170	Yes
Obligation Monitoring fee	£500 per Head(s) of term	Yes
Agreement to cover all of the Council's legal costs for preparing the s106.	-	Yes

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

- The application would result in 26 new residential dwellings, representing a moderate contribution to the supply of housing within the Borough. In addition, all the proposed new dwellings would be affordable social rented units.
- The proposal would provide accessible and adaptable homes which would meet the minimum internal space standards and would provide good levels of sunlight and daylight and access to private and communal outdoor space to provide a good standard of accommodation for future occupiers.
- The proposal includes the provision of two dedicated play areas for children of all age groups to meet both the needs of future occupiers as well as to benefit children on the wider estate, as well as landscaping and ecological enhancements, which would mitigate the loss of the existing open space and vegetation on-site.
- The proposed layout of the site is acceptable, and the overall scale and appearance of the development is considered appropriate to the surrounding context.
- The development would not give rise to any significant harm to the residential amenities of surrounding occupiers.
- The application demonstrates that there would be no unacceptable impacts on highway safety and the level of car parking (including disabled parking and

electric vehicle charging points), and cycle parking would be in accordance with the standards required by policy.

- The technical documents submitted in respect of energy, drainage, air quality, and contamination are also considered to be acceptable.

## 2 LOCATION

- 2.1 The application site comprises of two areas within the Darrick Wood Estate, which was constructed in the 1980s and comprises a total of 369 dwellings within 8.7 hectares. The applicant (Keniston Housing Association) owns and manages all the dwellings within the Estate, which are let at social rent levels. There are varied housing typologies across the Estate, including semi-detached and terraced houses and some 2 to 3 storey flatted blocks.

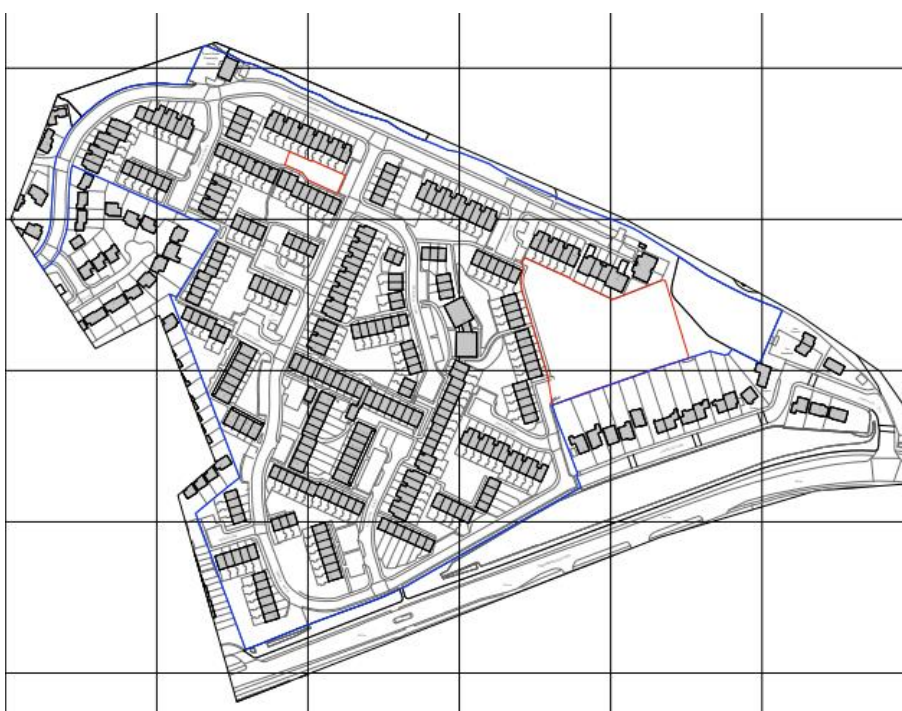


Fig.1 – Site Location Plan

- 2.2 The main site (Site 1), which lies to the east of No.'s 165 To 193 Isabella Drive, comprises an area of 0.63 hectares of a mix of open green space, trees and shrubs, where the topography slopes up from the western side before levelling out within the trees to the east. This site is accessed from the end of Isabella Drive by car and is linked to Hale Close, Broadwater Gardens and Artington Close via pedestrian walkways.



Fig.2 – Aerial view of main site and surroundings (source: Google)

- 2.3 Site 1 is bounded to the south by the rear gardens of existing dwellings in Cherrycot Rise and an abundance of dense tree and shrub planting, and to the north by the rear gardens of existing terraced dwellings on Broadwater Gardens. The dwellings to the west front onto the pedestrian path adjoining the site with front gardens and defensive planting. To the east is dense tree and shrub planting and beyond that is the Darrick Wood Site of Importance for Nature Conservation (Borough Grade I Importance) which is also a Local Nature Reserve and is designated as Urban Open Space.
- 2.4 The smaller site (Site 2) lies to the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive and comprises an area of flat, open green space covered by grass.

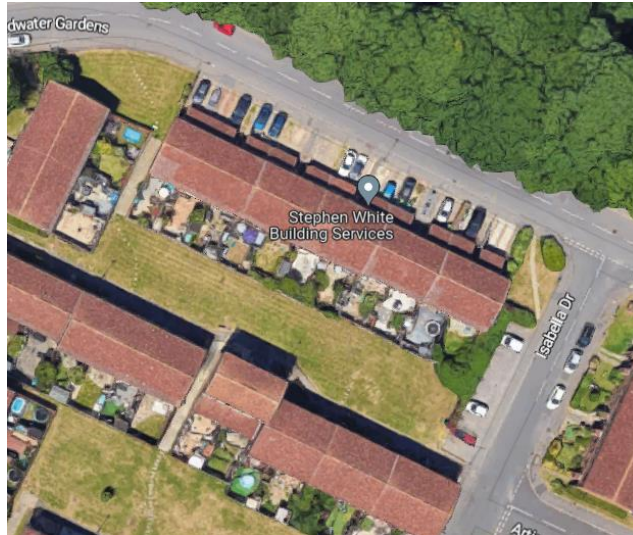


Fig.3 – Aerial view of main site and surroundings (source: Google)

- 2.5 The application sites (Site 1 and 2) are both within Groundwater Source Protection Zones – Zone II (Outer Protection Zone) and Zone III (Total Catchment). Both sites lie within Flood Zone 1, which means they have a low probability of flooding.
- 2.6 The application sites lies within a PTAL of 0 (on a scale where 0 is worst and 6b is excellent).
- 2.7 The sites are located within the Bromley Air Quality Management Area (AQMA).

### 3 PROPOSAL

- 3.1 Planning permission is sought for the erection of a new building to provide 26 residential units (Use Class C3) together with associated car parking, cycle parking, hard and soft landscaping, tree removal, boundary treatment, access, utilities and other associated works on Land Opposite 165 to 193 Isabella Drive and play space to the rear of No.s 138-150 Broadwater Gardens and front of No.s 2-16 Isabella Drive.





Fig.3 – Site 1 - Proposed Site Layout Plan

- 3.2 The proposed new residential building at Site 1 on the land opposite 165 to 193 Isabella Drive would have an ‘L-shaped’ footprint and be between two and three storeys. A gallery access at first floor would link the two storey ‘foot’ of the ‘L’ with the three storey ‘body’ of the ‘L’.



Fig.4 – Proposed Southern Elevation

- 3.3 The proposed building would comprise one and two bedroom units to provide 26 new affordable dwellings (for social rent).
- 3.4 A communal bin store is proposed within the ground floor of the building, with a weekly collection point located to the southwest corner of the site adjacent to the car parking area.
- 3.5 An external communal cycle store providing 48 long stay cycle parking spaces is proposed within a separate building to the east of the site. Two short-stay visitor cycle spaces are also proposed on site.

- 3.6 Car parking is proposed to the south of the site providing a total of 34 spaces which would be accessed from Isabella Drive. Pedestrian access is provided from Isabella Drive to the south-west, and Broadwater Gardens and Hale Close to the north and north-west.
- 3.7 New hard and soft landscaping is proposed surrounding the building, including a communal lawn area to the north; a communal play area within the centre of the site, and a small community garden.



Fig.5 – Proposed Landscaping

- 3.8 At Site 2, on the land to the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive, an area of dedicated playspace is proposed by the applicant.





Fig.6 – Illustrative Concept Plan for playspace on land to the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive

## 4 RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history relating to the application site. However, the site is bounded by a residential development which was constructed following the grant of outline planning permission under ref: ref: 71/500 for residential development with access to Starts Hill Road of approximately 22 acres of land between Darrick Wood and Farnborough Way, Farnborough.
- 4.2 Under ref: 76/982, planning permission was approved with conditions for details pursuant to the above outline application (ref: 71/500).
- 4.3 Under ref: 77/02455, planning permission was approved for detailed amendments to layout and unit types relative to permission granted under ref 19/76/982 dated 16<sup>th</sup> June 1976.

## 5 CONSULTATION SUMMARY

### A) Statutory

- 5.1 Highways – No objection
  - All this estate (369 units according to the D & A Statement) has access via Broadwater Gardens. This proposal will increase the units by 7%. There are 10 x 1 bed and 16 x 2 bed flats. The site has the lowest PTAL (0) with very

poor public transport accessibility. It is likely that the vast majority of trips will be by car.

- A Transport Statement was provided with the application and a car parking area is proposed with 34 spaces. This area is already partly an informal parking area for the existing dwellings. Parking surveys had been carried out in Feb 2019, some 3 years before the application was submitted, which is slightly old. However, highways officers are not aware of any developments in the area that would significantly change the parking levels. The surveys showed that 5 cars used this area overnight.
- Parking standards in the Local Plan indicate a minimum of 1 space per unit and London Plan standards give a maximum of 1.5 spaces per unit. Considering the 5 existing cars there would be 29 spaces left for the 26 units which is line with both standards.
- The Transport Statement indicates 20% of the spaces will have EV charging points with the other 80% passive provision.
- There needs to be demarcation between Isabella Drive and the parking area, such as a row of setts or change of surface.
- There are 46 cycle parking spaces provided in a separate building, which is not particularly conveniently located for some of the flats.
- Swept paths have been provided showing how the refuse vehicles and other service vehicles will access the units. They may be affected by on-street parking, but it is assumed this is what happens at present.
- The construction period will remove the parking in the informal area and a construction management plan will be needed.
- The measures included in the Travel Plan are sound however there are certain elements missing which would need to be included before approval. Specific targets should be measured and linked to objectives, a monitoring programme provided, the presence or intention of a Travel Plan Co-Ordinator role and how the measures will be financed. These could form part of a condition on any approval.
- Conditions relating to hardstanding for wash down facilities, full details of cycle parking, a lighting scheme, construction management plan and details of highways drainage are recommended in any permission.

5.2 Drainage (lead local flood authority) – No objection

- Impose a condition on any approval requiring compliance with the submitted "Flood Risk Assessment & SUDS Strategy" Report carried out by XC02 with Job No. 9.503 Final.04 dated 01/10/2021 & "Foul Water & Below Ground Drainage Strategy" Report with Project No. 9302 dated June 2021.

**B) Local Groups**

5.3 Orpington Field Club & Bromley Biodiversity Partnership Sub-group (addressed in Section 7.7)

- Impact on habitat
  - Retention of the English Oaks T2 and T12 and proposed planting of silver birch, hazel, wild cherry tree, hornbeam, and rowan are welcomed.

- There is no replacement planting for young hawthorn, Cherry Plum, thorn (presumably blackthorn), field maple, guelder rose and the 4 goat willow already felled; the former 5 species should be included in the native hedge planting proposed as screening for neighbouring properties. These species, including goat willow, are often categorised as of low quality in arboricultural surveys as they are small, scrubby species but they are very important for biodiversity.
- Some goat willow should be retained at the site boundaries e.g. with the rear gardens of Cherrycot Rise because they are an important food source for many invertebrates including caterpillars of many moth species eaten by young birds, while adult moths are eaten by bats.
- Evergreen hedging appears to be shown instead of native species rich hedge planting; to maintain biodiversity and enhance biodiversity net gain, mixed native-rich scrub and existing young native trees can be retained along Cherrycot rise boundary with additional planting where required.
- There will be much loss of scrub associated with the development. On a visit to the site on 10<sup>th</sup> March more than 70 starlings were present in bramble scrub which will be lost to the development. These birds are now red-listed Priority Species and often feed on invertebrates in short grassland including the amenity grassland lost in the proposed development. Loss of scrub should therefore be kept to a minimum and retained in a belt between the proposed car park and rear gardens of houses in Cherrycot Rise.
- Proposed green roofs with meadow planting and proposed wildflower meadow areas throughout the estate may mitigate grassland loss to some extent.
- Bat and bird integrated bricks
  - Proposed incorporation of bat and bird bricks in the new build are welcomed but it is important that bat bricks are installed on a south-east or south-west aspect rather than north as shown. Bird bricks should face north or east.
  - Incorporation of bat boxes attached to trees are welcomed.
  - Installation of swift bricks should be considered.
  - Due to numbers of starlings observed suitable nest boxes for this species should be considered.
- Artificial lighting
  - Artificial lighting has a negative impact on all wildlife and should be kept to a minimum, particularly around site boundaries and near any bat or bird boxes installed.
- Reptiles
  - Great to see that slow worms were breeding on the development site so close to Darrick and Newstead woods SINC and LNR. Mitigation including relocation and preparation of the relocation area is essential.
- Hedgehogs
  - The PEA states the nearest hedgehog sighting to the proposed development is 282m south-east of the Site in 2008, but since then a hedgehog was recorded during a survey of Bassetts Pond SINC in 2015/16 and a citizen science survey recorded hedgehogs in Church

Road Farnborough, Northlands Avenue, Leamington Avenue and Starts Hill Road (2019) and at 2 sites near Tugmutton Recreation Ground in 2021, all within 2kms of the development site.

- Hedgehog highways should be considered.
- Foxes
  - The PEA noted numerous mammal runs likely to be rabbit or fox between dense patches of bramble and blackthorn scrub at the eastern end of the site.
  - Foxes have been seen on the green by residents.
  - Foxes are protected under the Wild Mammals (Protection) Act 1996 and therefore it is an offence to crush, asphyxiate or inflict unnecessary suffering to any and all wild mammals. Mammal holes should be sensitively deconstructed by soft-digging and supervised by a suitably qualified ecologist to ensure that no offence will be committed.
- Wide Landscape Improvement Strategy
  - Fully endorse the need for a site wide landscape improvement strategy.
  - Proposed links between green areas within the estate and between the site and Darrick and Newstead Woods LNR will promote biodiversity and opportunities for householders, including children, to get closer to nature.
  - More information is needed regarding the proposed access improvements to Darrick and Newstead woods as this must not involve any damage to the historic ancient ditch and bank along Broadwater Gardens where a number of veteran trees are present, including several ancient Field Maples. The openings should not be widened to prevent access for motor bikes and Quad bikes which have caused problems for people walking in the nature reserve, including mothers with pushchairs, the elderly and dog walkers.
- Conditions should be included on any permission
  - Before tree T1 is felled the ivy should be cut back and the tree re-inspected for bats by a licenced ecologist prior to felling as recommended in the Ecological Impact Assessment (Corylus Ecology, May 2021).
  - Replacement tree planting should be native and should be replaced like for like to protect the integrity of the adjacent Darrick and Newstead Wood SINC and LNR and for Biodiversity Net Gain.
  - Tree protection measures should follow the Arboricultural Report submitted with the application with no works being carried out during bird nesting season (Mid Feb to 31<sup>st</sup> Aug) without first inspection by an ecologist. Measures including care to RPA of trees T2 and T12 should be as set out in the Arboricultural Report.
  - Removal of scrub or ruderal vegetation will need to be undertaken in line with the reptile mitigation strategy but when clearance is required between late Feb and August an ecologist will need to be present to ensure no nesting birds are present and if nests are found work must cease until the young have fledged.
  - As per Updated PEA Summary paragraph 5 'the ruderal and scrub vegetation will be cleared slowly and carefully to check for mammal

holes. If any likely badger setts are found, further surveys may be required. Any spoil and brash piles will also be removed carefully, outside the winter months, to prevent harming hedgehogs and other small mammals.' Sensitive scrub clearance is also essential for foxes.

- Loss of scrub to be kept to a minimum and a belt of scrub to be retained between the proposed car park and the boundary with rear gardens of Cherrycot Rise and gapped up as required with native species. It is the best solution for biodiversity causing least disturbance for plants and animals in this area as well as making access to Cherrycot Rise back gardens very difficult and requiring minimal financial outlay. Scrubby Vegetation Belt should continue behind Bin Stores.
- No invasive non-native species to be included in the planting e.g. Cherry Laurel.
- Mitigation as per Ecological Impact Assessment Section 5 (October 2021) to be strictly followed including a long term management plan as well as preparation of the receptor site and monitoring after translocation of slow worms.
- No light spill on the retained habitat to the east, or any retained or newly planted trees and vegetation within the Site or at the boundaries, as per EIA 6.5, and sensitive lighting as stated in PEA, Appendix 1. Artificial lighting must take account of bats.
- No access improvements to be carried out at entrances to Darrick and Newstead Woods as vegetation at the entrances forms part of the security to prevent incursion by motor bikes and quad bikes and fly tipping.
- Ecological Enhancement Strategy to include management plans for wildflower meadows, native hedgerow maintenance and reptiles.
- Any trenches should be covered at night and when no workers on site or a plank put in the hole to allow animals (such as foxes, badgers and hedgehogs) to escape if they fall in.
- Integrated bat tube to be installed in the new building on the south-eastern or south-western aspect and bat boxes to be installed on retained trees for different bat species where it is safe for bats.
- Hedgehog holes to be installed at the base of fencing.
- Integrated swift bricks to be included.
- Bird boxes for starlings should be installed.

#### 5.4 The Friends of Darrick&Newstead Woods (addressed in paragraph 7.1.20)

- Welcome Keniston's attention to biodiversity.
- Concerns about the intention to pen up the entrances to the woods and meadows along Broadwater Gardens at Hale Close and by the Community Centre as the entrance widths have been kept restricted to stop the nuisance of quad bikes and motorbikes entering the woods, while still allowing pushchairs, prams and mobility scooters to enter the woods at these places.
- Endorse the planning concerns made by the Orpington Field Club & Bromley Biodiversity Partnership.

### C) Adjoining Occupiers

## 5.5 Objection

- Loss of green space for play and for use by all the community (addressed in Section 7.1)
  - The green has always been set aside for public amenity and children's play space and it is not allowed to be built on.
  - The report saying little to no activity was seen on the green is incorrect as the space is well used by adults, children and animals; there are several occasions when events were being held on the 'open space being observed' where Keniston have noted none during 3 observation times whereas the area had been in full use continuously on those days.
  - No-one on the estate has seen Keniston monitoring the area so how do they know who has used it.
  - The monitoring shows 48 have used the space over the 3 weeks which shows the area is being used.
  - Families are moving into the properties previously occupied by the elderly so there will be even more children in the estate to use the green space.
  - There is no adequate alternative for taking away the amenity space.
  - Keniston state that there are not many children living around the communal green at the moment, but the green is for the whole estate not just the homes around it.
  - Safe and open estate will be turned into a concrete jungle.
  - The green is valued by the community.
  - Loss of green space will impact on health and mental health of existing tenants.
  - The original purpose of the amenity green was to compensate for the lack of space inside and outside of the houses and there does not appear to be any reason why that should change.
  - The area is a private garden and play area granted as part of the original development and tenancy agreements.
  - The green space was previously fenced and had a climbing frame and benches and existing residents were not consulted when this was removed.
  - Conversion of existing buildings and building on brownfield land should be prioritised over amenity land.
  - Being deprived of access to land under Sec.1 Article 8 Human Rights Act.
  - The estate already has enough anti-social behaviour and taking away this space will make it worse.
  - The reference to no worn patches is because for over 41years residents have repaired worn patches in October/November regularly, which Keniston must be aware of.
  - The area is, and always has been, a private garden area for 10 homes and residents have looked after it with Keniston's contribution being to mow the grass.
  - Keniston insist that the green area is unused for play whilst underlining they have had problems in the past with children playing on the green.

- In 41 years there have been no problems with children playing on the green, only from adults using it for football practice which was stopped by Keniston.
- The planting of flowerbeds across the estate were to improve the unkempt and uncut areas of grass which were becoming litter dumps and has nothing to do with deterring children from playing.
- The grant of planning permission for the houses at the top of Broadwater Gardens ref 08/04204 dated 19/02/2009 notes that 'the applicant is advised that part of the site could potentially be the subject of a claim for Common Lane (suspect a typo and should be land) or a Village Green.
- By demolishing the green it will destroy the community.
- Residents will pursue their rights through the courts in respect of the private group garden area.
- Impact on surrounding roads (addressed in Section 7.6)
  - Increase in traffic on local roads and there is only one access road into the estate causing more fumes, queuing traffic, accidents and damage to parked cars.
  - Increased road usage will cause a hazard for school children.
  - Increase in parking on surrounding roads.
  - The TRICS data only references to 2 traffic surveys which results in an inaccurate assessment of proposed trip generation.
  - The TRICS assessment uses data from an area in Brent & Enfield which has a very different number of dwellings than the proposed site so why was this used.
  - The low PTAL means that reliance on the car will be high.
  - The parking on the estate already has the overspill of Farnborough Hospital workers and school parking.
- Loss of existing car parking (addressed in Section 7.6)
  - The car park space is stated in the access statement as being an 'unofficial car park' but Keniston have installed a sign reading 'Residents and Visitors parking only'.
  - Loss of car parking spaces for the existing residents and their visitors.
  - The parking stress surveys were conducted on 2 nights in February 2019 which does not portray an accurate use of the parking area.
- Insufficient car parking (addressed in Section 7.6)
  - There is little or no public transport so there will be more cars.
  - 7 EV charging points are located in one area which will cause severe parking problems in this area at the top of Isabella Drive as people across the estate and surrounding area will be trying to use them.
  - The number of EV charging points minimises the space for non-electric vehicles.
  - Insufficient parking for new residents and their visitors.
- Access and road safety concerns (addressed in Section 7.6)
  - Concern over access for emergency vehicles.
  - Visibility from parking spaces adjacent to bin stores are below minimum required.
- Impact on neighbouring amenity (addressed in Section 7.4, 7.5, 7.6 and 7.7)
  - Cycle store is too close to the gardens of existing residents and will be used for anti-social behaviour impacting on these existing residents.

- Noise disruption to existing tenants from increased footfall.
- Noise pollution from the balconies.
- Loss of light and overshadowing to existing residents.
- Numbers 193 to 175 Isabella Drive have always had serious issues with lack of natural daylight to the living rooms and kitchens of their homes and have asked Keniston what alterations would be implemented to the windows at the front of these buildings if buildings were to be erected in front of them and no response has been received.
- Loss of privacy and overlooking to existing residents from windows and balconies.
- Overbearing impact on existing residents due different land levels and proposed height.
- Loss of outlook.
- Tree planting along the path will result in further loss of light, overshadowing and sense of enclosure.
- Increased use of car park and loss of planted strip between car park and gardens on Cherrycot Rise will increase air, noise and light pollution.
- Impact on security of properties in Cherrycot Rise as the boundary between the car park and Cherrycot fences and proposed lighting is not detailed.
- Noise disturbance and environmental/health issues from bulk refuse store.
- Size and design of development (addressed in Section 7.4)
  - Development is too close to existing residents
  - Building should only be ground and first floor only.
  - Incongruous height of building is out of keeping with immediate surroundings.
  - Elevations are not representative of the height of the development.
  - The land is higher than the neighbouring properties.
  - Precedent will be created for taller buildings to be built in the future.
  - A smaller scheme of two storey properties might be more suitable for the size and shape of the plot.
  - Proposed smaller plots are inadequate.
  - If the buildings were rotated then everybody on the estate could benefit from the use of the green instead of just the new residents.
- Impact on nature, wildlife and biodiversity (addressed in Section 7.7)
  - Loss of trees
  - Loss of woodland and natural habitat.
  - Loss of site identified for nature conservation.
  - Impact on protected species such as badgers, bats, great crested newts, stag beetles.
- Impact from construction work (addressed in Sections 7.6 and 7.10)
  - Construction traffic on roads will be tight and residents vehicles will likely be damaged.
  - Noise, dust and disturbance from construction work for existing residents.
  - There is only one road into the estate and the construction traffic will cause traffic and parking issues.



- The roads aren't designed for large vehicles.
  - Construction operatives parking causing congestion and dangerous parking issues.
  - Impact on disabled residents during construction work.
- Structural impact of building on neighbouring properties (addressed in Sections 7.5 and 7.9)
  - The site sits on top of several springs and has resulted in the collapse of one of the original houses and four other houses have suffered from subsidence. More building will increase chances of subsidence and flooding.
  - Impact on sewers and water.
- Impact on local services (addressed in paragraphs 7.4.21-7.4.23)
  - Schools, doctors, dentists, hospitals and other amenities in the area are already oversubscribed.
- Increase in pollution (addressed in Section 7.10)
- Concerns over the area shown to be a substitute for the loss of the amenity space (addressed in Section 7.1)
  - Size of area is inadequate.
  - This green is already an issue for football, anti-social behaviour and drugs.
  - Damage to fences and cars from the current use of this area.
  - Putting a play area on this land will encourage more anti-social behaviour and noise.
  - People won't be able to sit in their gardens due to the noise and disturbance from the play area.
  - Other areas on the estate away from houses should be used.
- Consultation inadequate (addressed in Section 7.12)
  - Keniston's consultation undertaken with residents was inadequate and unfair and they refused to meet with residents
  - Amendments do not address previous objections.
- Other matters
  - Impact on Green Belt
  - The new residents will be isolated from the rest of the existing estate.
  - Flats could be built elsewhere on the estate
  - The residents of Keniston Estate have held a demonstration on the community green as they are opposed to the build.
  - The proposed build area is currently uses as a compost/waste space by Keniston's gardeners and with the removal of this area there should not be an increase in service charge.
  - After the last development Keniston promised there would be no more building.
  - Money should be spent by Keniston on improving the existing homes.
  - Keniston don't have the funding for the proposed homes.
  - Discrepancies in documents such as Air Quality Assessment, Open Space Assessment, Daylight, Sunlight & Overshadowing, Transport Statement, Biodiversity Net Gain and Ecology Impact Assessment and the reports are confusing.
  - Keniston have not maintained existing fence and foliage adjacent to neighbours property and so there is concern that any additional landscape and buildings or areas will also not be maintained.

5.6 Support

- Keniston is an amazing housing association to be a part of and they are providing new places to live.
- There will be inconvenience whilst the new homes are built but it will be worth it.

## 6 POLICIES AND GUIDANCE

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

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

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

6.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*

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

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

6.6 **National Planning Policy Guidance (NPPG)**

6.7 National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)

6.8 **The London Plan (2021)**

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- D1 London’s form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards

- D7 Accessible housing
- D8 Public realm
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- G1 Green Infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving Air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

The relevant London Plan SPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Character and Context SPG (2014)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)
- London Environment Strategy (2018)
- 'Be Seen' energy monitoring guidance (2021)
- Energy Assessment Guidance (2022)
- Mayor's Environment Strategy (2018)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Mayor's Transport Strategy (2018)
- Mayor's Housing: Supplementary Planning Guidance (2015)

- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)
- Urban Greening Factor LPG (2023)
- Sustainable Transport and Walking LPG (2022)
- Air Quality Positive LPG (2023)
- Air Quality Neutral LPG (2023)
- Draft Fire Safety LPG (2022)

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

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access to services for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 69 Development and Nature Conservation Area Sites
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Reduction, Decentralised Energy Networks & Renewable Energy
- 125 Delivery and Implementation of the Local Plan

The relevant Bromley SPGs are:

- Planning Obligations (2022)
- Affordable Housing (2008) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

## 7 **ASSESSMENT**

### 7.1 **Principle of Development – Acceptable**

- 7.1.1 The application sites are located within an existing residential estate and as such the principle of further residential development in this location would be in keeping with the surrounding land use. The development generates its own requirement for play provision for the proposed units, however, the proposed development would also result in the loss of a large pocket of open green space on the estate, currently servicing the play needs of the existing dwellings.
- 7.1.2 Loss of the open green space would have a particular impact on children, who are most likely to use the area for play and recreation and be less likely to be able to travel unsupervised to areas away from the existing estate. The Bromley Local Plan recognises this, and Policy 20 therefore resists the loss of community facilities (which includes play and recreation) 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.
- 7.1.3 The site currently offers the largest area of open space within the estate and whilst no formal play facilities are provided, it presents opportunities for more active play particularly by older children e.g. space to kick a ball (which the applicants acknowledge already occurs around the estate).



Fig.7 - Land Opposite 165 to 193 Isabella Drive

- 7.1.4 The application is accompanied by an Open Space Assessment (October 2021), Response to planning officer comments document (submitted 10 October 2022) and Open Space Assessment Addendum (January 2023) prepared by LUC.
- 7.1.5 The application states that the current useable open space on the site consists of 1,939.6sq.m., with the proposal offering 1,848sq.m. of useable open space, which indicates a reduction of only 91.6sq.m. However, this is in spatial terms only and moreover, Policy 20 resists any loss unless there is alternative enhanced provision, or it can be demonstrated that there is no longer any need.
- 7.1.6 As highlighted by the applicant within paragraph 3.2 of their Open Space Assessment Addendum, the loss of useable open space has been minimised by developing on an area of scrub to the eastern side of the site. The resultant impacts of the loss of this scrub will also need to be considered.

- 7.1.7 Appendix D of the Open Space Assessment Addendum provides the results of Open Space Surveys undertaken by Keniston Housing Association (the Applicant). Observations were carried out over a period of three weeks from 24th August through to 11th September 2022. The site was visited each day, on average three times per day, totalling 48 individual visits. The survey recorded the time of the visit, type of activity observed, number of people involved, approximate age group, and weather conditions at the time. The time frame covered both the summer holiday period and term-time conditions in September.
- 7.1.8 The survey work demonstrates that use was being made of the open space by both adults and children and young people during a number of the spot check visits. Notably during the middle week children were observed making use of the space on three weekdays (Wed – Fri) for football as well as bike riding and gymnastics during the afternoon and into the early evening. It is noted that the final week, commencing 5<sup>th</sup> Sept, was the first return to school week and therefore the lack of children on site during the school day during this week is not unusual; although the site was noted as in use outside school hours (Wed 7<sup>th</sup>).
- 7.1.9 No conclusions can be drawn as to the extent of site usage between the spot visits. Nevertheless, the survey work undertaken by the applicant clearly indicates that the site is utilised for recreation purposes. It is also noted that a large number of the representations received from local residents in respect of this application, also make reference to the use of the open space for a variety of purposes, and highlight its community value.
- 7.1.10 Accordingly, the applicant is not able to demonstrate that there is no longer any need for this community facility and as such, in accordance with Policy 20, its loss should be resisted unless an alternative enhanced provision is made in an equally accessible location for the community it serves.
- 7.1.11 The application includes an area of dedicated playspace of 255sqm on site. In accordance with Policy S4 of the London Plan, the application is required to provide playspace for the proposed development. The figures provided by the applicants indicate that the proposed development would be required to provide 181.3sqm of playspace. However, the GLA Child Yield calculator for this unit mix and location indicates that 209.1sqm of child playspace for prospective occupants is required. Notwithstanding this discrepancy, the proposal would still provide an additional 45.9sq.m. of playspace on site, over the minimum London Plan requirement.



Fig.8 – Proposed Site Plan

- 7.1.12 The playspace would be available for existing residents to use as well as new residents and would provide a range of facilities aimed at different age groups including both young and older children.
- 7.1.13 It is also noted that an additional area of 230sq.m. of 'informal recreation space' is indicated to the north of the site by way of an area of amenity lawn. The applicant states that this area could be used for similar activities to those already on the site. However, this would be within a reduced area and given the shape of this area and proximity to the proposed new residential units, the types of recreational activities this space could accommodate are likely to be limited.
- 7.1.14 Whilst the proposal reduces space for play on the estate (e.g. for football) the applicant highlights nearby areas of open space. Darrick Wood open space lies just within 400m of properties on the estate, and whilst it is less convenient and has lower passive surveillance than the application site, it provides an alternative within the accessible distances set out in the Mayoral Play SPD, for children on the estate over 5 years old.
- 7.1.15 In order to further mitigate for the impact of the development on the existing open space, off-site estate-wide landscape improvements are also proposed. A Site-Wide Landscape Improvement Strategy (January 2023) prepared by LUC has been provided to accompany this application which indicates the following improvements;



- New natural play space located adjacent to Isabella Drive (between the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive). The play space would occupy a section of amenity grassland with an area of c400sq.m.
- Community growing garden to the rear of properties fronting Isabella Drive and Artington Close.
- Access improvements at gateway points to Darrick and Newstead Woods, and Farnborough Way – which would also improve access for residents to the formal play facilities within Tubbenden Recreation Ground.
- Tree, wildflower and climber planting at targeted locations around the estate.
- Lighting improvements to pathways at targeted locations.



Fig.9 – Site Wide Landscape Improvement Strategy

7.1.16 The Site Wide Landscape Improvement Strategy indicates a location for new natural playspace between the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive and this area of land is included as part of the red line site boundary for this application. Whilst the submitted document provides some illustrative proposals of the type of equipment proposed, it states that the detail of this playspace *'will be subject to further development with the community before being implemented'*.





Fig.10 – Land to the rear of No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive

- 7.1.17 The wider estate does not provide any dedicated 'doorstop playable' play space and so the proposed play enhancements are considered to be beneficial, particularly for younger residents of the existing estate, forming part of the alternative enhanced provision as mitigation for the loss of the open space at the main application site. However, it is noted that concerns have been raised by residents who live adjacent to this area in respect of its use as a play area and the potential for increased anti-social behaviour by teenagers and adults. Whilst these concerns are noted, the proposed play equipment is intended to enhance this area for use particularly by younger children.
- 7.1.18 Furthermore, as stated above, it is intended that the exact detailed design of this playspace will be developed through consultation with the existing residents which is supported. Through the detailed design process the applicant is also encouraged to engage with the Metropolitan Police's Designing Out Crime Officer who has initially advised that the playground should have no dense foliage surrounding it, as well as potentially a 1.2m high welded mesh fencing around the playground. The design of the play area to exclude equipment or seating that could be comfortable for prolonged sitting with no shelter/cover and no lighting in darkness hours is also encouraged. Further considerations such as clear signage stating the ages for use and no dogs, as well as bins which are regularly collected are also recommended. Any damage or graffiti should also be mended in a swift fashion.
- 7.1.19 Therefore, a condition requiring submission of the detailed design of the playspace, following additional consultation with existing residents and the Metropolitan Police's Designing Out Crime Officer, as well as a programme of implementation and maintenance, would be considered necessary and reasonable on any approval to ensure its appropriateness and its delivery and upkeep.

- 7.1.20 The benefits of the other, non-play, site wide improvements (as shown in Fig 9) to both new and existing residents are also acknowledged. However, these would be additional benefits to the wider estate rather than providing enhanced recreation provision to mitigate the loss of the existing provision at the application site. These benefits do not form part of the application and are given limited weight. The concerns raised by local residents and amenity groups are also noted. In particular, it is noted that there is some concern raised locally with regards to the changes to the entrances to Darrick and Newstead Woods from Broadwater Gardens with regards to potential damage to an ancient historic ditch and veteran trees and any widening allowing access for motor bikes, quad bikes and potential fly tipping. Through the submission of a detailed design of these changes by way of a condition, it would ensure the changes provide better pedestrian access to the woods, but also prevent potential damage to vegetation or inappropriate access.
- 7.1.21 Overall, the loss of open space at the application site for informal play and recreation is acknowledged; however, an enhanced, albeit smaller, provision of dedicated play space would be provided by the applicant as part of the proposed new housing development as well as elsewhere on the estate which is considered acceptable to mitigate this loss.
- 7.1.22 It is noted that some of the representations received from local residents also make reference to the site being as a private garden and play area granted as part of the original development and is included within the tenancy agreements of those adjacent to the site. Whilst it is likely that the original intention of designing this open space into the site layout of the original development was to provide communal amenity space, it is not indicated as such by way of any planning conditions related to the original development. Nevertheless, the loss of this open space has been considered as outlined above. Any tenancy agreements between the housing association and the occupants of the existing units would be private legal matters between those parties and not a material planning consideration.

## **7.2 Housing – Acceptable**

### *Housing Supply*

- 7.2.1 The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply (paragraph 11(d) of the NPPF 2021).
- 7.2.2 The proposed would provide 26 residential units, which would represent a moderate contribution to the Council's housing supply, in accordance with Policy 1 of the Local Plan.

### *Affordable Housing*

- 7.2.3 The London Plan requires affordable housing on units of 10 or more. London Plan Policy H4 (Delivering Affordable Housing) sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.
- 7.2.4 Policy H5 of the London Plan applies the Threshold approach to applications in relation to affordable housing with Clause D stating that developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the borough or the Mayor where relevant. Fast tracked applications are not required to provide a viability assessment at application stage. However, if permitted, they are subject to an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted.
- 7.2.5 Policy H6 A of the London Plan sets out a preferred tenure split of a minimum of 30% low-cost rent (London Affordable Rent or Social Rent), a minimum of 30% intermediate (with London Living Rent and London Shared ownership included within the products that meet the definition of genuinely affordable housing), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. However, Clause B of Policy H6 clarifies that the Fast Track Route (outlined within Policy H5) is also available to applicants that elect to provide low-cost rented homes in place of intermediate homes, provided the relevant threshold level is reached and where affordable homes are provided above 35 per cent, their tenure is flexible, provided the homes are genuinely affordable.
- 7.2.6 Bromley's Local Plan sets a target for 35% affordable housing with a 60/40 split between social rent/ affordable rent housing and intermediate provision.
- 7.2.7 The application proposes 26 units which are all to be Social Rent affordable units (100%) managed by Keniston Housing Association. The application therefore exceeds the London Plan 50% requirement and the Bromley Local Plan 35% requirement. 100% of the proposed affordable housing is social rented and therefore H6 Clause B is met.
- 7.2.8 Having regard to the above, the requirements of Policy H5 and H6 are considered to be met and the application qualifies for the fast track route. An early stage review mechanism in accordance with the fast track route will be required via a s106 legal agreement as part of any approval.

#### *Housing mix*

- 7.2.9 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.
- 7.2.10 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one-bedroom

units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.

7.2.11 The application proposes a mix of unit sizes as follows;

Unit size	Number of units
1-bed 2-person (1B2P)	10
2-bed 4-person (2B4P)	16

7.2.12 This mix is in accordance with local evidence need and thereby satisfies Policy H10 of the London Plan and Policy 1 of the Bromley Local Plan.

### **7.3 Standard of Residential Accommodation – Acceptable**

7.3.1 The NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

#### *Internal Amenity: Size, Privacy, Outlook and Daylighting*

7.3.2 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published '*Technical housing standards - nationally described space standard*'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37.

7.3.3 Policy D6 part B also states that qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 of the London Plan sets out key qualitative aspects which should be addressed in the design of housing developments. Housing development should maximise the provision of dual aspect dwellings to provide good daylight, outlook, and ventilation

7.3.4 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units. The plans also indicate the number of occupants that would be accommodated, and the application is accompanied by a schedule of accommodation which demonstrates that all the proposed units would meet or exceed the required GIA for their size and occupation.

7.3.5 The section drawings indicate that the floor to ceiling heights for all the residential units would accord with the minimum requirement of 2.5m for at least 75 per cent of the GIA as required by Policy D6 of the London Plan.

7.3.6 Policy D6 and Standard 29 of the London Housing SPD also encourages dual aspect development, and in particular single aspect north facing family units should be minimised. Where single aspect dwellings are provided, it should be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

- 7.3.7 A total of 18 of the proposed units would be dual aspect (equating to 69%) and of the 8 units that are single aspect, none are north facing. The application is also accompanied by a Proposed Scheme Daylight, Sunlight & Overshadowing report (March 2023) prepared by XCO2. The report has been prepared in accordance with BRE's "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (2022)", which is accepted as good practice.
- 7.3.8 The Proposed Scheme Daylight, Sunlight & Overshadowing report indicates that as the kitchen, living room, dining spaces (KLD's) across the proposal would be predominantly used as a living room with the area furthest from the glazing being used as a kitchen, the KLD's have been assessed under the living room criteria. In addition, the report states that for daylight analysis, the method of predicting illuminance levels using hourly data has been used, meaning that for a room to be compliant with the BRE guidance it must reach the required illuminance levels for at least 50% of the daylight hours across 50% of the room area. This is measured by the Spatial Daylight Autonomy (sDA) metric.
- 7.3.9 The results indicate that 19 of the 26 KLD's would meet the BRE recommendations for daylight for living rooms. Of the remaining 7 KLD's, 3 met within 80% or above of the BRE recommendations (with sDA equal to or greater than 40%), 3 met within 60% or above of the BRE recommendations (with sDA equal to or greater than 30%). The remaining 1 KLD, located on the ground floor with a balcony above the main glazing, had only limited available daylight meeting only 26%.
- 7.3.10 As noted above, due to the configuration of these KLD's, the living space would be located closer to the windows for the proposed rooms and the Proposed Scheme Daylight, Sunlight & Overshadowing report indicates that these would receive a greater amount of light than the areas to the rear of the room which would provide the kitchen facilities. In addition, the Proposed Scheme Daylight, Sunlight & Overshadowing report indicates that all 42 bedrooms within the proposed development would meet the BRE recommendations for daylight.
- 7.3.11 Furthermore, the Proposed Scheme Daylight, Sunlight & Overshadowing report shows that all the dwellings within the scheme have at least one room which achieves the minimum level of sunlight exposure based on the BRE guidelines.
- 7.3.12 The Proposed Scheme Daylight, Sunlight & Overshadowing report therefore concludes that, overall, the proposed development is anticipated to achieve good levels of daylighting and sunlighting considering the context and limitations of the site, which is accepted.
- 7.3.13 The internal layout of the proposal has also been designed to minimise mutual overlooking both within the site and towards/from neighbouring residential properties due to window and balcony positioning and separation distances.

- 7.3.14 The accompanying Energy Statement (June 2021) states that the potential risk of overheating will be mitigated by incorporating passive and active design measures, in line with Policy SI 4 of the London Plan and the Cooling Hierarchy.
- 7.3.15 Overall, it is considered that the proposal would provide a good quality living environment for the future occupiers.

*Wheelchair unit and inclusive living environment*

- 7.3.16 In accordance with Policy D7 of the London Plan and Local Plan Policy 4, 90% of new housing should meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% of the new housing should meet Requirement M4(3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.3.17 Paragraph 3.7.4 goes on to clarify that;
- "Standard M4(3) wheelchair user dwellings distinguishes between 'wheelchair accessible' (a home readily usable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a wheelchair user). Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be wheelchair adaptable."*
- 7.3.18 Policy 4 of the Bromley Local Plan further specifies that where the end user is 'known', the 10% of dwellings required to be M4(3) should be M4(3)(2b) i.e. designed to be wheelchair accessible.
- 7.3.19 Supporting paragraph 2.1.62 of the Bromley Local Plan, in relation to Policy 2, also states that affordable wheelchair accessible housing will be required to comply with the "South East London Housing Partnership Wheelchair Homes Design Guidelines".
- 7.3.20 The application proposes three accessible wheelchair units which will be located on the ground floor of the building; two of these units will be 1B2P and one will be 2B4P. As the proposed development is all for social rent, and therefore the local authority would be responsible for allocating/nominating a person to live in the dwellings, the wheelchair user dwellings should be wheelchair accessible and thus meet category M4(3)(2b).
- 7.3.21 The applicant has confirmed that these three units are designed as category M4(3)(2b) of Part M volume 1 of the Building Regulations requirements and therefore would meet the requirements of Policy D7. Two lifts are also proposed within the development which would provide step free access to all the upper floor units.
- 7.3.22 In terms of meeting SELHP standards, Officers would seek to ensure that developments aspire to meet these standards where possible in accordance with the supporting text of Policy 4 of the Bromley Local Plan. In this instance, the

SELHP standards would not be fully met, which will need to be weighed up into the overall balance of the application.

- 7.3.23 Notwithstanding this, the three units indicated as wheelchair accessible units have been confirmed by the applicant as meeting M4(3)(2b) and the provision of these units would be secured through a S106 agreement relating to the affordable housing provision at the site. The requirement for the remaining units to meet M4(2) would be secured through a suitably worded condition on any approval.

*Private and communal outdoor space*

- 7.3.24 Policy D6 of the London Plan and Standards 26 and 27 of the Mayor's London Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 7.3.25 Each of the proposed flats would benefit from a private garden or balcony accessed from either the kitchen/dining/living area or the entrance hallway. The size of the proposed private amenity spaces would also comply with the minimum standards as outlined above.
- 7.3.26 The Proposed Scheme Daylight, Sunlight & Overshadowing report (March 2023) states that in terms of overshadowing to external areas within the proposed development, a solar access analysis was undertaken for a total of 14 amenity spaces (including both private and communal) for the full 24 hours on 21st of March in line with the BRE guidance. The analysis indicated that 13 amenity spaces are predicted to achieve a minimum of 2 hours of sunlight on 21 March over at least 50% of their area. The remaining garden/balcony, located on the second floor, would be subject to shading from the massing of the scheme directly to the south and west. The analysis is carried out for 21 March in line with the BRE methodology, however the report advises that the space is expected to be more frequently used during summer months for amenity, where the angle of the sun is significantly greater, and during this time a much greater proportion of the space is expected to achieve at least 2 hours of sunlight.
- 7.3.27 Therefore, whilst the proposed amenity space does not meet BRE overshadowing criteria due to site constraints, the report concludes that the benefit of having an outdoor amenity space is deemed to outweigh the solar performance for this property and that the design offers the optimum accessibility to sunlight in both private and shared amenity spaces. The conclusion of this report is accepted.

*Child play space*

- 7.3.28 Policy S4 B of the London Plan refers to Play and informal recreation and states that for residential developments at least 10 sqm of playspace should be provided per child, with criteria setting the nature of the playspace including that it;
- "a) provides a stimulating environment*
  - b) can be accessed safely from the street by children and young people independently*



- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure”.

7.3.29 The proposal indicates 255sqm of playspace located to the north and east of the proposed buildings. The proposed development is required to provide 209.1sqm for children 0-17, in accordance with the GLA Child Yield calculator for an Outer London site in PTAL 0-2 and Policy S4 of the London Plan and as such the proposal would exceed the area requirements for playspace. As stated above, the additional playspace provided on-site is in part to mitigate the loss of the existing open green space currently used for recreation activities by existing children on the estate, the impact of which has been discussed within Section 7.1. Nevertheless, the proposal would meet the requirements of Policy S4 in terms of size.

7.3.30 The supporting Landscape Design Statement (January 2023) prepared by LUC and accompanying Landscape General Arrangement plan indicates that the playspace will include sections of structural hedges to provide some loose segregation between different play activities helping to zone the space while maintaining free movement. Older children’s play is accommodated through a fitness trim-trail and younger children’s play is accommodated via natural play features, level changes and fixed equipment encouraging balancing, climbing and socialising. Planting and trees are included to provide a green sensory backdrop.

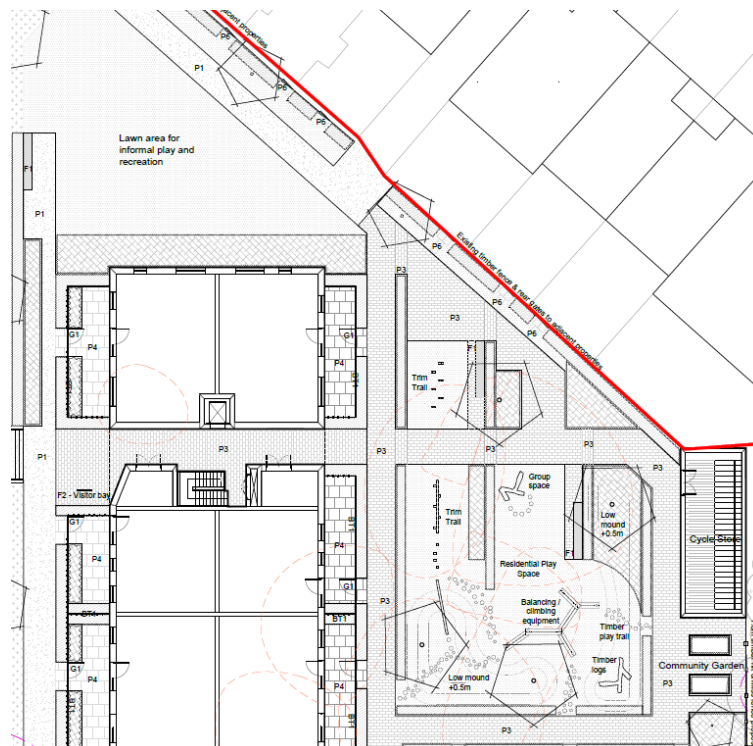


Fig.11 – Landscape General Arrangement plan

7.3.31 The provision of child playspace would accord with the requirements of Policy S4 of the London Plan and its implementation, retention and maintenance strategy would be secured through an appropriate condition on any approval.



- 7.3.32 In addition, a separate communal garden space and amenity lawn area is also proposed for use by both proposed and existing residents.

#### **7.4 Design – Acceptable**

- 7.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.4.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.4.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.4.4 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.4.5 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

#### *Layout*

- 7.4.6 The scheme would deliver a built form which responds well to the grain of the Darrick Wood Estate. Notably, the scheme would introduce a new street, in a clear and legible format with good connections to the surrounding street network, a defined edge to the parking courtyard, and which would use the built form to frame an internal courtyard.



Fig.12 – Proposed Visual - View looking down new pedestrian street

- 7.4.7 The retention of the mature Oak tree is a positive feature which will add to the future identity of the scheme and its protection and future maintenance should form an integral part of the development proposal. This can be secured by way of a condition on any approval.

#### *Scale and Massing*

- 7.4.8 The development is predominantly three storeys dropping down in scale to two storeys to the south-east of the site. The three storey element has a significant setback along the western elevation and the remaining section marks the south-west corner of the site and entrance to the new street.
- 7.4.9 It is noted that local representations are concerned with the three storey height of the development which they consider would be out of keeping with the neighbouring area. However, whilst the predominant typology are two storey dwellings, there are some three storey buildings within the wider estate. In addition, the breaks in built form, demarcated entrances, recessed window cassettes and downpipes, and projecting brick detailing are noted as positive features of the massing design. These elements, taken together with the set back of the second storey, help organise the disposition of the block and elevation to justify an increase in height in a way which is considered appropriate to the surrounding context.



Fig.13 – Proposed South Elevation



Fig.14 – Proposed West Elevation

- 7.4.10 It is also acknowledged that ground levels on the application site are approximately 300mm higher than the surrounding area, and as such, coupled with the three storey element, the general height of the scheme will exceed the prevailing height of buildings surrounding the site. However, whilst the maximum height would be three storeys, part of the building would only be two storeys in height. Furthermore, the three storey element has been designed so that part of the third storey would be stepped back away from neighbouring properties. The reduction in the massing of the development at third storey, along with the separation distances to the closest neighbours, would help to lessen the visual impact when viewed from neighbouring dwellings.
- 7.4.11 Accordingly, whilst it is acknowledged that there would be a change in outlook from neighbouring dwellings due to the introduction of the building into this currently undeveloped location, the impact would not be so overbearing as to warrant a refusal on this basis. Furthermore, as discussed above, the scale and massing of the development has been generally well managed to accommodate the change and as such, on balance, it is considered acceptable.

#### *Appearance*

- 7.4.12 The accompanying Design and Access Statement (DAS) includes a study of the existing local character within the surrounding estate, including original and more recent (infill) development. This provides an assessment of elements that are regarded as successful or otherwise and it is considered that this work has been positive in helping the design team to identify local characteristics and inform their own design. A key element of this is the recognition that materials and architectural detailing on the surrounding building are simple and uncluttered.
- 7.4.13 The DAS also includes a precedent study which reference many recently built high-quality schemes, also used to inform their design. Taken together, the proposal uses a quietly modern and contextual design approach for materials and architectural detailing. The simple palette of materials with recessed doorways/windows and architectural detailing to articulate the façade is considered appropriate.
- 7.4.14 The building design provides clear references to the surrounding architecture and residential character, which should establish a strong sense of place and attractive setting for existing and future residents. A condition requiring details (to include physical samples) of external material is considered necessary on any approval to ensure the use of high-quality materials.

- 7.4.15 The installation of two green roofs will help to contribute towards the scheme's Urban Greening Factor and its delivery and long-term maintenance would be secured by way of a condition on any approval.

#### *Public Realm*

- 7.4.16 In general, the scheme delivers a well-considered public realm and landscape strategy. The layout and materials are considered to be suitable and would complement the scheme and immediate landscape character and woodland setting. To ensure the defensible spaces to the front of the ground floor flats (particularly those fronting the internal courtyard) are suitably maintained, these should form part of the landscape management plan for the site required by way of a condition on any approval.
- 7.4.17 Notwithstanding that the scheme of hard and soft landscaping for the proposed development is generally well-considered, the clipped hedge and metal railing boundary treatment along part of the eastern edge of the site is not considered to be in keeping with the woodland character. However, appropriate boundary treatments for the development could be secured by way of a detailed landscaping condition on any approval.

#### *Fire safety*

- 7.4.18 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole (London Plan Policy D12).
- 7.4.19 The supporting Fire Statement prepared by Independent Fire Engineering Ltd (8<sup>th</sup> February 2022) meets the requirements of Policy D12. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

#### *Secured by Design*

- 7.4.20 Supporting paragraph 3.3.14 of Policy D3 of the London Plan states development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Policy D11 of the London Plan (Safety, security and resilience to emergency) and Bromley Local Plan Policy 37 (General Design of Development).
- 7.4.21 The application makes no reference to Secured by Design and there are a number of security aspects that the Designing Out Crime Officer (DOCO) has advised they would need to see addressed. These relate to, but are not limited to,

entrances/access control/mailboxes, doors and windows, refuse, lighting, and cycling. In particular, there is an open external staircase leading to some of the upper floor flats and if the external stair core is not secured, there is concern regarding Anti-Social Behaviour. However, the DOCO has advised that this matter could be dealt with through the Secured by Design accreditation process. In addition, a two-part condition is recommended to be included on any approval, requiring the principles and physical security requirements to be dealt with pre-commencement and the Secured by design accreditation achieved prior to occupation.

#### *Functional/Infrastructure Impacts*

- 7.4.22 Concern raised by residents in respect of a lack of additional services such as schools and doctors to support the new residential population is noted.
- 7.4.23 The proposed development would result in an additional 26 new homes and would be liable for the payment of the Bromley Local Community Infrastructure Levy (CIL) which is invested into infrastructure projects that are required to facilitate and accommodate development in the borough and deliver the adopted Local Plan. However, it is noted that as the proposal would be all social rented units with associated works, the scheme would be eligible for Social Housing Relief.
- 7.4.24 Notwithstanding this, given the number of units proposed, it is not considered that there would be any site-specific impacts which would warrant a specific s106 contribution in this instance and CIL will continue to be applied.

#### **7.5 Impact on Neighbouring Amenity – Acceptable**

- 7.5.1 It is noted that a number of representations have been received from local residents both from within the estate and outside, including residents of the adjacent roads. A summary of these representations are provided within paragraphs 5.5 and 5.6 above, with the full comments available to view on the public file. It is noted that a number of these relate to the impact on the residential amenities of adjoining occupiers.
- 7.5.2 Policy 37 (e) of the Bromley Local Plan requires developments to respect the amenity of existing residential occupiers and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

#### *Privacy and Overlooking*

- 7.5.3 In relation to the neighbouring properties along Isabella Drive, a separation of 18.5m would be provided between existing and proposed windows. Whilst the concerns regarding loss of privacy and overlooking are acknowledged, this separation of 18.5m is considered an acceptable distance to reduce the impact on privacy to these existing residents. It is also noted that two of the proposed flats at first floor would contain balconies on the western elevation which would also face towards these properties along Isabella Drive, but again these would be located approximately 16.5m from these neighbouring dwellings which is considered to be

acceptable to limit overlooking. In addition, all primary windows and balconies on the 2nd floor look east or south away from these nearest existing properties helping to reduce opportunities for overlooking from this upper floor.

- 7.5.4 In relation to Cherrycot Rise whose rear gardens abut the site, a separation of 20m would be provided from the proposed building to the rear boundary of these properties with a further 20-25m provided by way of these existing gardens to the rear windows of these neighbouring dwellings. Existing planting as well as an area of new boundary planting is also proposed along this boundary to help further safeguard their privacy.
- 7.5.5 The proposed development is set at an angle to the properties to the North and East on Broadwater Gardens whose rear windows and gardens face the application site. A good degree of separation is provided from any north or east facing windows within the development to the rear of these properties on Broadwater Gardens, which along with the oblique angle, will help to mitigate any significant opportunities for overlooking or loss of privacy.

*Daylight, Sunlight and Overshadowing*

- 7.5.6 The application is accompanied by a Daylight, Sunlight and Overshadowing Assessment (October 2021) prepared by XCO2 which relates to the impact of new development on light to neighbouring properties. The assessment refers to the 2011 Building Research Establishment ('BRE') Guidance rather than the updated 2022 BRE Guidance. However, in respect of the impact of new development on light to neighbouring properties, the tests within the 2022 BRE Guidance are broadly similar to that of the 2011 guidance, and as such, may be considered still relevant.
- 7.5.7 The Daylight, Sunlight and Overshadowing Assessment (October 2021) indicates that a total of 127 windows from buildings surrounding the site were highlighted as being in close proximity to, and facing, the proposed development.



Fig.15 – Site Location and neighbouring buildings assessed  
(source: Daylight, Sunlight and Overshadowing Assessment (October 2021))

- 7.5.8 The daylighting levels for potentially affected windows of surrounding developments by the proposed development were found to be acceptable, with 120 out of 127 windows passing the 25-degree line test (whereby a plane is drawn at 25 degrees from the horizontal, at the centre of an existing window and if the new development intersects with this plane, the internal daylight levels of the surrounding windows may be reduced). The remaining 7 windows, which did not meet the 25-degree line test, were shown to achieve Vertical Sky Component (VSC) assessment results greater than 27% in line with the BRE guidelines. As such, it is indicated that, overall, the development is not anticipated to have any notable impact on the daylight received by neighbouring properties.
- 7.5.9 A total of 45 windows from buildings surrounding the site were assessed within the accompanying Daylight, Sunlight and Overshadowing Assessment for sunlight access. The analysis indicated that 42 windows passed the 25-degree line test, and the remaining 3 windows satisfied the BRE criteria for annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH). Therefore, the accompanying report indicates that the proposed development is not considered to have any notable impact on sunlight access to windows of surrounding developments.
- 7.5.10 Five private amenity areas were found to be in close proximity to the proposed development and the result relating to sunlight to these spaces show that all spaces will receive more than 2 hours of sunlight on 21 March on at least 50% of their area under proposed conditions, meeting the BRE requirements for overshadowing. Therefore, overall, the development is not considered to have any significant impact on sunlight access to the amenity spaces surrounding the site.



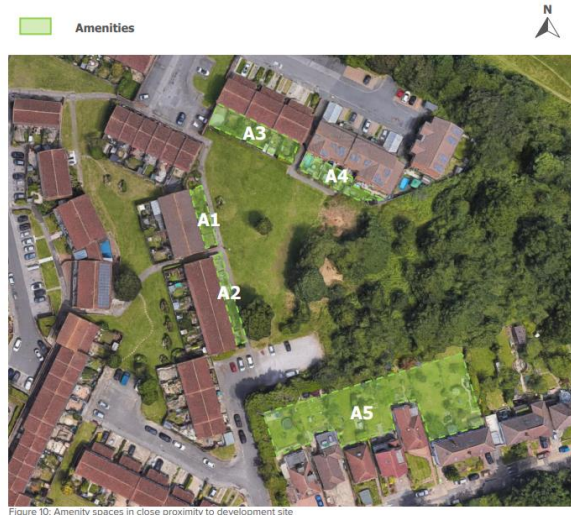


Fig.16 – Amenity spaces in close proximity to the development site  
(source: Daylight, Sunlight and Overshadowing Assessment (October 2021))

- 7.5.11 The Assessment concludes that there will be no significant impact on the daylight or sunlight levels enjoyed by existing surrounding residential building arising from the proposed development. In relation to overshadowing, the five private amenity areas identified all meet BRE requirements in relation to overshadowing.

#### *General Noise and Disturbance*

- 7.5.12 Concerns have been raised by existing residents regarding an increase in noise and disturbance due to the increased number of residents. However, the proposed building would introduce new residential units into an existing residential area. Therefore, the character and type of noise would be similar to that which already exists within the area. Accordingly, the impact of development in terms of noise and disturbance is not considered to be unduly harmful.
- 7.5.13 The Council's Environmental Health Officer has advised that the proposed Air Source Heat Pumps, as detailed in their Air Quality Assessment, will require assessment as to noise impacts. As such a condition requiring submission of an acoustic assessment covering all proposed noise-generating fixed plant, including the Air Source Heat Pumps, should be imposed on any approval to ensure that adequate noise mitigation measures are implemented.

## **7.6 Transport and Highways – Acceptable**

- 7.6.1 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.6.2 Policy T1 of the London Plan advises that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.



- 7.6.3 The application is supported by a Transport Statement prepared by Motion (dated 04<sup>th</sup> February 2022) which includes parking stress surveys undertaken at 3am on Wednesday February 27<sup>th</sup>, 2019, and at 4am on Thursday February 28<sup>th</sup>, 2019, using the Lambeth methodology.

#### *Access*

- 7.6.4 The site is located within a poor Public Transport Access Level (PTAL) of 0. However, it is located within an existing residential estate which is served by existing vehicular and pedestrian access. For all the estate (369 units) access is via Broadwater Gardens. The proposal would increase the units within the estate by 7% and would comprise 10 x 1 bed and 16 x 2 bed flats.
- 7.6.5 Access to the proposed development will be primarily via Isabella Drive where the road will be extended and re-surfaced into the proposed new formal car parking area at the existing 5.5m in width. The existing 2m wide footway on the west side of the road is also proposed to continue into the site.
- 7.6.6 Pedestrian access will also be available to the north and west of the site via existing pedestrian routes from Broadwater Gardens and Hale Close.
- 7.6.7 All ground floor flats are to be accessed via front gardens and private entrances. Upper level flats are accessed via one of the two cores.
- 7.6.8 The Council's Highways Officer has not raised any concerns with regards to access and it is considered that, whilst the site has a low PTAL, the addition of 26 new units within an existing estate would not be unacceptable in sustainability terms.
- 7.6.9 A condition requiring details to be submitted with regards to external lighting, including to the access and car parking areas, is recommended on any approval to ensure both adequate and safe provision. The lighting strategy for the site will also need to consider the impact on neighbouring residents and the surrounding wildlife.

#### *Car parking*

- 7.6.10 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards. The site has a PTAL rating of 0 and is in an Outer London location, as such the London Plan parking standards give a maximum of 1.5 spaces per unit. Parking standards in the Bromley Local Plan indicate a minimum of 1 space per unit.
- 7.6.11 Policy T6.1 G also sets the requirements for adequate residential disabled car parking provision; a minimum of 3% of dwellings (with at least one designated disabled parking bay) provided from the outset and how an additional 7% of dwellings could be provided with disabled parking as soon as the existing provision is insufficient.

- 7.6.12 The proposed car parking area would replace an existing informal parking court area which is present on the Site. The accompanying Transport Statement indicates that the parking surveys undertaken at the Site showed that five vehicles park in this location overnight. The Council's Highways Officer has advised that whilst the proposed parking surveys, which were carried out in Feb 2019, are slightly old, they are not aware of any developments in the area which would significantly change the parking levels.
- 7.6.13 34 car parking spaces are proposed, which considering the existing 5 cars indicated within the parking surveys, would account for 29 spaces for the 26 units proposed. The Council's Highways Officer has advised that the number of car parking spaces would be in line with policy.
- 7.6.14 Three of the car parking spaces are indicated to be allocated as disabled spaces. As there are 26 residential dwellings within the proposed development, only 1 disabled space would be required to meet the initial 3% required by Policy T6.1, with a further two spaces, to meet the additional 7%, only required once this provision is insufficient. However, given that all three of the units are to be designed to be wheelchair accessible to allow for these units to be allocated to users that require such provision, it may be considered reasonable in this instance to provide all three disabled car parking spaces from the outset.

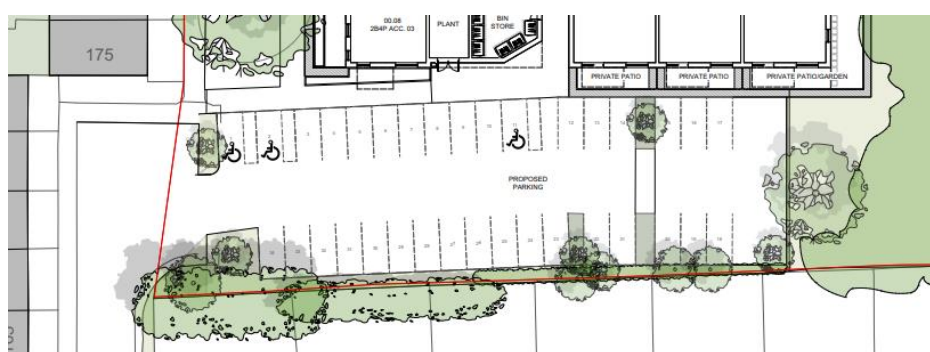


Fig.17 – Proposed car parking

- 7.6.15 Policy T6.1 also requires at least 20 per cent of spaces to have active electric charging facilities, with passive provision for all remaining spaces. The application indicates that 7 spaces will have active provision (21%) for the remaining 27 having passive provision (79%) which would accord with the requirements of Policy T6.1. A condition would be placed on any approval to ensure this requirement is met.
- 7.6.16 In addition, 10 more active electric charging points are proposed across the wider estate (outside of the application site but within the applicant's ownership) in order to help reduce vehicle related transport emissions.

#### *Cycle parking*

- 7.6.17 In accordance with Policy T5 (Cycling) of the London Plan 47 long stay cycle parking spaces are required for the occupants of the proposed units with 2 short-stay cycle parking spaces required for visitors. Policy T5 also requires the cycle

parking to be laid out in accordance with the London Cycling Design Standards (LCDS).



Fig.18 – Location and plan of long-stay cycle store

7.6.18 48 cycle spaces are proposed within a separate cycle store to provide long-stay cycle parking for the new residents. This would accord with Policy T5 of the London Plan in respect of the required number for the proposed development. However, full details of the internal arrangements have not been provided and these would be required by way of a condition on any approval to ensure compliance with the LCDS.



Fig.19 – Elevation of bike store

7.6.19 The proposed bike store would measure approximately 12m (length) by 4.6m (width) by 3m (height) and would be located to the north-east of the application

site adjacent to the playspace, communal garden and boundary with No. 190 and 192 Broadwater Gardens.

- 7.6.20 It is noted that concerns have been raised by the local residents as the proximity of the bike store to the rear of these properties on Broadwater Gardens and the potential impact on these existing occupiers, particularly in relation to potential anti-social behaviour.
- 7.6.21 The bike store building would be visible from the rear of these existing dwellings, extending approximately 1.2m above the existing boundary fence. However, it would be the narrower width of the store that would abut this fence so that a good proportion of the rear boundary would remain undeveloped. As such, in terms of light and outlook, the proposed bike store is not considered to be unduly harmful.
- 7.6.22 In addition, the building would provide lockable cycle storage for the proposed residents only and there would therefore be limited space internally for any other purpose. To ensure the bike store is secure for users measures through the Secured by Design condition and accreditation process would also be required. Concerns relating to the potential for people to climb on top of the bike store are also acknowledged; however, the Metropolitan Police's Designing Out Crime Officer has advised that given the height and design of the store with no footfalls or climbing points nearby the likelihood of this is limited. Furthermore, the proposed fence located between the cycle store and the proposed new residential building would limit access to the rear of this store.
- 7.6.23 A Sheffield stand providing two visitor cycle parking spaces is also proposed between the front garden areas of Units 00.01 and 00.10, which is considered acceptable.

#### *Servicing, Emergency Vehicles and Construction*

- 7.6.24 All servicing and access for emergency vehicles for the new residential development is proposed via the parking area to the south of the dwellings.
- 7.6.25 Appendix D of the accompanying Transport Statement provides Swept Path Analysis drawings to indicate how larger refuse and fire vehicles can access the site.
- 7.6.26 In line with Policies T4 and T7 of the London Plan, a full Delivery and Servicing Plan is required for this development which can be provided by way of a condition on any approval.
- 7.6.27 To ensure the impact on the highway network and on neighbouring amenity is managed during the construction process, a Construction and Environmental Management Plan (CEMP) is considered necessary and reasonable on any approval in accordance with London Plan Policy T7 and Local Plan Policy 31.
- 7.6.28 A condition requiring adequate wash-down facilities for cleaning the wheels of vehicles during the construction process as well as a requirement for any accidental accumulation of mud of the highway caused by such vehicles to be

removed without delay is also considered necessary and reasonable given the size and nature of the proposed development.

#### *Travel Plan*

- 7.6.29 Policy T4 of the London Plan outlines that plans and proposal should assess and mitigate transport impacts and states that the use of travel plans may help reduce negative impacts of development.
- 7.6.30 The application is accompanied by a Travel Plan (30.08.2022) prepared by Motion to support the accompanying Air Quality Assessment (AQA) (April 2022) prepared by XCO2 in regards to the transport implications of the development on air quality. The impacts of the development on air quality are discussed in full in the Environmental Technical Considerations section below. However, in relation to other transport matters, the Council's Highways Officer has advised that the measure included in the Travel Plan are sound; however, there are some additional details that would need to be provided including: specific targets to be measured and linked to objectives; a monitoring programme; the presence of a Travel Plan Co-Ordinator; and how the measures will be financed. These could be required by way of a condition for a full Travel Plan to be submitted as part of a condition on any approval.

#### *Refuse/Recycling*

- 7.6.31 One internal communal bin store is proposed at ground floor within the new building, which would accommodate eight 1100L bins. This would allow for the required bin size provision for non-recyclable refuse and for recyclable waste (paper/mixed recycling/food waste) as well as allowing space for an additional bin if required. The supporting Planning Statement - Refuse Addendum (March 2023) details that the bin store would be locked via keypad only allowing access by the residents and estate management.
- 7.6.32 Due to the required swept path for refuse vehicles, they would not be able to enter the proposed parking area, but rather would need to reserve out of Avard Gardens to the end of Isabella Drive stopping at the entrance to the parking area for collection of refuse. Whilst the vehicle tracking provided indicates this is possible and it is accepted by Officers, it would mean that the drag distance from the internal bin store to the end of Isabella Drive would be greater than that allowed by Bromley's refuse requirements.
- 7.6.33 Therefore, the supporting Planning Statement - Refuse Addendum (March 2023) details that, whilst residents would be responsible for placing their own refuse in the bins provided within the internal bin store, on collection day, Keniston's estate management team would wheel the bins from the bin store to an external collection point at the south-west corner of the site, from where the refuse operatives could empty the bins. Once emptied the estate management team would wheel the bins back to the bin store.



Fig.20 – Plan indicating internal and external refuse areas

- 7.6.34 The external bin collection point is an area of hardstanding adjacent to the end of Isabella Drive and to the proposed parking bay 34. It is indicated that this would be clearly marked with signage and road markings to prohibit parking. However, no structure or enclosure is proposed to limit the potential for fly tipping, vandalism, or anti-social behaviour and to also reduce visual impact.
- 7.6.35 The Council's Waste Officer has advised that bin store provision would accord with Bromley's requirements, although there is some concern with regards to the use of an external collection point as this is dependent on the estate management team presenting the bins on the day of collection and then returning them after. It is therefore considered necessary and reasonable that a condition is placed on any approval to require compliance with the supporting Planning Statement - Refuse Addendum (March 2023) to ensure both the provision of the proposed refuse and the management arrangements are adhered to.

## 7.7 **Green Infrastructure and the Natural Environment - Acceptable**

- 7.7.1 Paragraph 174 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is reflected in the Valued Environments Policies of the Bromley Local Plan.

### *Urban Greening, Trees and Landscaping*

- 7.7.2 Policy G5 (Urban greening) of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening by including urban greening as a fundamental element of site and building design.

- 7.7.3 Policy G7 (Trees and woodlands) of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.
- 7.7.4 Policy 73 of the Bromley Local Plan requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.
- 7.7.5 The application is supported by an Arboricultural Report (25<sup>th</sup> January 2022) prepared by Broad Oak Tree Consultants Limited and Landscape Design Statement (January 2023) prepared by LUC. A Site Wide Landscape Improvement Strategy (January 2023) prepared by LUC to cover the wider estate has also been submitted.
- 7.7.6 The Council's Principal Tree Officer has advised that the tree constraints have been set out and the development may proceed in accordance with British Standard guidance, subject to conditions on any approval relating to submission of tree protection measures, an arboricultural method statement and supervision, and a detailed landscaping plan which should include native and wild plant species and no invasive species.
- 7.7.7 It is noted that the comments received from the Orpington Field Club & Bromley Biodiversity Partnership Sub-Group makes specific reference to the belt of scrub between the proposed car park and boundary with the rear gardens of Cherrycot Rise and the benefits of its partial retention as part of the soft landscaping of the site both for biodiversity and neighbouring amenity reasons. This can be considered as part of the assessment of the detailed landscaping condition.
- 7.7.8 The Landscape Design Statement also demonstrates that the proposal would achieve an Urban Greening Factor of 0.54 which satisfies the minimum requirement of 0.4 outlined within Policy G5 for a predominantly residential development.
- 7.7.9 The information provided to demonstrate how the score has been achieved is generally accepted. However, there is some concern with regards to how the meadow planting proposed on the western edge of the site would be achieved and maintained due to its location and proximity to the amenity area. The applicant indicates that a timber knee rail will be installed between the two areas to clearly define the amenity lawn area and more species diverse meadow area. Whilst this will assist in the visual separation of these areas, it is considered necessary that the long-term management of the greening should be secured by an appropriate condition on any approval to ensure all areas of the proposed greening are

properly established and maintained. Full details of the species to be used would also be required by way of the detailed landscaping condition.

#### *Biodiversity and Protected Species*

- 7.7.10 London Plan Policy G6 (Biodiversity and access to nature) states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that *“Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”*
- 7.7.11 Policy 70 (Wildlife Features) of the Local Plan states that where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions, the inclusion of suitable mitigation measures; and the creation, enhancement, and management of wildlife habitats and landscape features to contribute towards the Bromley Biodiversity Action Plan.
- 7.7.12 Policy 72 (Protected Species) of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 7.7.13 The application is supported by an Update Preliminary Ecological Appraisal Report (5<sup>th</sup> July 2021), Ecological Impact Assessment (8<sup>th</sup> October 2021), and Biodiversity Net Gain Report (BNG) (17<sup>th</sup> March 2023) all prepared by Corylus Ecology.
- 7.7.14 The Update Preliminary Ecological Appraisal Report recommended further investigation in relation to reptiles and bats; which was undertaken within the Ecological Impact Assessment. The key findings of the Ecological Impact Assessment are the need to adhere to the reptile mitigation strategy - including translocation of the slow worm population on site. The bat presence survey undertaken on the 2 trees were negative; however, given the nature of the site, during the construction process it is still considered necessary to ensure that if the presence of bats on site are found that this is appropriately assessed and mitigated.
- 7.7.15 It is noted that comments received both from local residents and from Orpington Field Club & Bromley Biodiversity Partnership Sub-group make reference to the presence of other wildlife on site. Taking this and the above into account, and given the nature of the site, a condition requiring the submission of a Pre-Clearance strategy prior to any works being undertaken on-site is considered necessary and appropriate on any approval to safeguard the interests and well-being of protected species and all other wildlife.
- 7.7.16 Reptile hibernacula and the long-term management of the reptile receptor area, as well as other habitat enhancements, as suggested in the applicant's Ecological



Impact Assessment, would also be included as part of condition requiring an Ecological Mitigation Strategy and detailed scheme of biodiversity enhancements.

- 7.7.17 It is also noted that the applicant's Ecological Impact Assessment refers to the need for a sensitive lighting strategy and this would be required by way of a condition on any approval.

#### *Biodiversity Net Gain*

- 7.7.18 The DEFRA Biodiversity Metric and accompanying Biodiversity Net Gain (BNG) Report (17<sup>th</sup> March 2023) prepared by Corylus Ecology have been submitted by the applicant which indicates a score of 11.09% in terms of biodiversity net gain, or 0.38 habitat units. There would also be an increase of 2.52 hedgerow units which is a 100% increase. The BNG Report indicates how the gains will be achieved, managed and monitored. It is noted that the site area has been increased to include the existing scrub area to the east (within the applicant's ownership), which has aided the resultant biodiversity net gain. The inclusion of this scrub area would allow for its enhancement (to help achieve the BNG) and also its longer term management.
- 7.7.19 As highlighted within the applicant's BNG Report, the success of delivering the net gains and proposed habitat enhancements will be achieved following management and monitoring recommendations outlined within the report. These enhancements and their management/monitoring would therefore be secured by way of appropriate conditions on any approval to ensure they are achieved.
- 7.7.20 The scheme of biodiversity enhancements would also be required to include enhancements targeted at specific species and/or groups of species, such as reptiles, bats, birds and hedgehogs, as a way to help mitigate the loss of existing habitat.
- 7.7.21 Taking into account the above, whilst the loss of existing habitat on the site and the impact on habitat connectivity and wild linkage, by way of the built development, particularly given its proximity to the nearby Darrick Wood Site of Importance for Nature Conservation (SINC) is acknowledged, the proposed development includes a number of enhancements to mitigate this loss and overall would result in the creation of a Biodiversity Net Gain of +11.09%. As such, on balance, the impact on biodiversity at the site is considered to be acceptable.

### **7.8 Energy and Sustainability - Acceptable**

- 7.8.1 Policy SI 2 of the London Plan - Minimising greenhouse gas emissions states that Major development should be net zero-carbon, meaning reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
  - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly

- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

- 7.8.2 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.
- 7.8.3 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
  - 2) off-site provided that an alternative proposal is identified, and delivery is certain.
- 7.8.4 In 2019, the London Borough of Bromley also approved a ten-year plan to ensure that the Council will have net zero emissions by 2029. The commitment is one of the most ambitious targets of any London borough. Work to move towards the net zero emission target will include tree planting, an energy efficiency programme, expanding renewable energy and LED street lighting, and other initiatives.
- 7.8.5 The application is accompanied by an Energy Statement prepared by XCO2 (dated June 2021). The proposed energy efficiency measures to be incorporated would include levels of insulation beyond Building Regulation requirements, low air tightness levels, efficient lighting as well as energy saving controls for space conditioning and lighting. The proposed energy strategy for the development includes air source heat pumps as part of a hybrid system (alongside gas boilers for top-up) for the supply of space heating and hot water. It is assumed that 50% and 50% of the heat load will be met by air source heat pumps and gas boilers respectively. The incorporation of renewable technologies, including photovoltaic panels, will reduce CO2 emissions by a further 20.3%. The overall regulated CO2 savings on site against a Part L 2013 compliant scheme is therefore stated as 35.4%.
- 7.8.6 A condition is recommended to secure the carbon saving measures as set out in the energy statement.
- 7.8.7 The submitted energy statement shows that the 30 year shortfall to zero carbon is 486 tonnes of CO2. Using the price of £95/ tCO2, the total carbon offsetting payment-in-lieu of £46,170 has been recommended to be secured through by a legal agreement.

## **7.9 Drainage - Acceptable**

- 7.9.1 Policy 116 of the Bromley Local Plan (2019) states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. This is supported by Policy SI 13 (Sustainable Drainage) of the London Plan (2021).

- 7.9.2 The site lies within Flood Zone 1. The application has been accompanied by a Flood Risk Assessment and SUDS Strategy prepared by XCO2 (dated October 2021) and a Foul Water Below Ground Drainage Strategy prepared by Edge Structures Ltd (dated June 2021).
- 7.9.3 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the compliance with the supporting "Flood Risk Assessment & SUDS Strategy" Report carried out by XCO2 with Job No. 9.503 Final.04 dated 01/10/2021 & "Foul Water & Below Ground Drainage Strategy" Report with Project No. 9302 dated June 2021.
- 7.9.4 Concerns have been raised locally as to the structural implications of the build and the impact on flooding and sewers. However, the structural implications of the build would not be material planning considerations and would be dealt with through separate legislation such as through the Building Regulations. The impact on flooding and sewers is considered as part of the drainage strategy for the development and also through separate Building Regulations legislation and legislation/permits required with Thames Water.

## **7.10 Environmental Health Technical Considerations - Acceptable**

### *Air Quality*

- 7.10.1 Policies SI 1 of the London Plan and 120 of the Bromley Local Plan detail the need to tackle poor air quality.
- 7.10.2 The site lies within an Air Quality Management Area (AQMA) declared for NO<sub>x</sub>. The application is accompanied by an Air Quality Assessment (AQA) (April 2022) prepared by XCO2 and an Air Quality Technical Note (9<sup>th</sup> November 2021) also prepared by XCO2.
- 7.10.3 The Council's Environmental Health Officer has advised the Air Quality Neutral assessment has shown that the building emissions meets the benchmark, with the proposed Air Source Heat Pumps and low-NO<sub>x</sub> gas boilers used for energy.
- 7.10.4 In respect of transport emissions, the proposal would include the installation of 10 Electric Vehicle Charging Points (EVCP's) within the wider estate, which would be located outside the application site. These would be in addition to the 7 proposed within the new formalised car parking area within the application site (as part of the requirements of Policy T6).
- 7.10.5 Policy SI 1 E of the London Plan does allow for *off-site measures to be implemented to improve local air quality, provided that equivalent air quality benefits can be demonstrated within the area affected by the development*. Due to the low PTAL of the application site, it is acknowledged that the car is likely to be the best offer and that by including additional EVCPs across the wider estate this would prevent a concentration of charging points in one particular location.

- 7.10.6 The AQA includes the introduction of the additional EVCPs and how it is anticipated, depending on demand, that this could make the development air quality neutral, according to the GLA benchmarking. In addition, a Travel Plan Statement prepared by Motion (30<sup>th</sup> August 2022) has also been submitted, and from the air quality perspective is a means of improving on this further.
- 7.10.7 As highlighted above, the Council's Highways Officer has advised that whilst the measures in the Travel Plan are considered sound; additional information is required in relation to highways specific matters. It is considered that these additional measures can be required by way of a condition on any approval.
- 7.10.8 The construction phase will have the potential to create dust. In relation to the air quality impact from construction an assessment of the potential impacts during the construction phase has been carried out in accordance with the latest Institute of Air Quality Management guidance. This has shown through good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 releases may be effectively mitigated, and the resultant impacts are considered to be negligible. The Council's Environmental Health Officer has therefore advised that the mitigation measures detailed in Table 11 of the report should be included in a Construction and Environmental Management Plan. This can be required by way of a condition on any approval.

#### *Contaminated Land*

- 7.10.9 Policy 118 of the Bromley Local Plan states that where the development of contaminated land, or land suspected of being contaminated, is proposed, details of site investigations and remedial action should be submitted.
- 7.10.10 The application has been supported by a Ground Condition Assessment prepared by Ground Condition Consultants Ltd (dated February 2019) which concludes that no potentially significant sources of contamination were identified on the Site and that the risk of significant contamination impact in relation to the proposed development is negligible. As such, the assessment concludes that an intrusive investigation is not currently recommended to further assess the contamination risks.
- 7.10.11 The Council's Environmental Health Officer has advised that they support the finding of the Ground Condition Assessment. However, they advise that a discovery condition be placed on any approval stating that if during any works contamination is encountered then the contamination shall be fully assessed and recommended measures to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, and this shall be submitted to and approved by the LPA.

#### *Construction*

- 7.10.12 In order to ensure that the impact of the construction process on matters such as air pollution and noise pollution is controlled, a condition requiring a detailed Construction and Environmental Management Plan would be included on any

approval. A condition relating to Non-Road Mobile Machinery (NRMM) would also be required.

## **7.11 Planning Obligations and CIL**

### *Community Infrastructure Levy (CIL)*

- 7.11.1 The Mayor of London's CIL and the London Borough of Bromley Community Infrastructure Levy (CIL) is a material consideration. Both Mayoral and Borough CIL are payable on this application and the applicant has completed the relevant form.

### *Heads of Terms – Infrastructure impact and mitigations:*

- 7.11.2 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
- 7.11.3 Policy 125 of the Bromley Local Plan (2019) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.
- 7.11.4 The following planning obligations have identified as necessary to mitigate the impacts of this development should permission be granted:
- Affordable Housing Provision (26 social rented units)
  - Provision of wheelchair accessible units
  - Early-stage viability review
  - Carbon Off-Set Contribution (£46,170)
  - Monitoring (a cost of £500 per Head(s) of term)
  - Council's Legal costs for preparing the S106
- 7.11.5 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. The applicant has agreed, in principle, to enter into a S106 legal agreement to secure the above Heads of Term, should planning permission be granted.

## **7.12 Statement of Community Involvement**

- 7.12.1 The London Borough of Bromley's Statement of Community Involvement (2016) expects applicants of 'significant' applications to contact local residents and interest groups informing them of the development proposed; and arrange a public meeting or exhibition at a suitable location in close proximity to the application site in order to allow the proposal to be more fully understood by the local community prior to submission.
- 7.12.2 Darrick Wood Estate is owned and managed by Keniston Housing Association, who are the applicant for this proposal. This application is supported by a Statement of Community involvement and Planning Statement which outlines the residential engagement and pre-application engagement undertaken by the applicant prior to submission.
- 7.12.3 Concerns of have been raised by local residents as to the inadequacy of Keniston's consultation process. However, Officers are of the view that the consultation carried out prior to the application being submitted complies with the key principles set out in the Council's Statement of Community Involvement.

## **8 CONCLUSION AND PLANNING BALANCE**

- 8.1.1 The application would result in 26 new residential dwellings, representing a moderate contribution to the supply of housing within the Borough. In addition, all the proposed new dwellings would be affordable social rented units which is considered a significant benefit.
- 8.1.2 The proposal would provide accessible and adaptable homes which would meet the minimum internal space standards and would provide good levels of sunlight and daylight and access to private and communal outdoor space to provide a good standard of accommodation for future occupiers. It is noted that the proposed wheelchair units would not fully meet SELHP standards; however, they would be designed to meet the requirements of Building Regulations Requirement M4(3)(2b) meaning that the units would be wheelchair accessible which is considered to be acceptable in the overall planning balance.
- 8.1.3 The proposal would result in the loss of existing open space used for recreation and existing vegetation on-site. However, it includes the provision of two dedicated play areas for children of all age groups to meet both the needs of future occupiers as well as to benefit children on the wider estate, as well as landscaping and ecological enhancements, which would adequately mitigate this loss.
- 8.1.4 In terms of design, the layout of the site is acceptable and whilst the height of the flatted block would exceed that of the adjacent buildings, the overall scale, massing and appearance of the development is well-considered and appropriate to the surrounding context.
- 8.1.5 Furthermore, the development would not give rise to any significant harm to the residential amenities of surrounding occupiers.
- 8.1.6 The application demonstrates that there would be no unacceptable impacts on highway safety and the level of car parking (including disabled parking and electric

vehicle charging points), and cycle parking would be in accordance with the standards required by policy.

- 8.1.7 The technical documents submitted in respect of energy, drainage, air quality, and contamination are also considered to be acceptable.
- 8.1.8 Given the Councils' inability to currently demonstrate a five-year housing land supply and applying the presumption in favour of sustainable development in paragraph 11 of the NPPF, on balance, it is concluded that the scheme would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.1.9 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The application proposals are not considered to conflict with the Duty.
- 8.1.10 Accordingly, the application is recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

## **RECOMMENDATION: PERMISSION SUBJECT TO LEGAL AGREEMENT**

### **SUMMARY OF CONDITIONS**

#### **Conditions:**

- **Time limit of 3 years**
- **Compliance with approved drawings/documents**
- **Construction and Environmental Management Plan (CEMP)**
- **Pre-development clearance strategy**
- **Acoustic Assessment covering all proposed noise-generating fixed plant, including Air Source Heat Pumps (ASHP)**
- **Tree Protection Measures**
- **Arboricultural Method Statement and supervision**
- **Urban Greening Factor and hard and soft landscaping details including detailed design of dedicated playspace relating to proposed housing development**
- **Slab Levels and Ridge Heights**
- **Sensitive lighting condition**
- **External Materials**
- **Secured by Design**
- **Compliance with BNG and full details of scheme of biodiversity enhancements**
- **Landscape and Ecological Management Plan (LEMP)**
- **Highways Drainage**
- **Full details of cycle parking**
- **Full details of Estate Wide Improvements including a programme of consultation and full details of children's playspace on land to the rear of**

**No.'s 138-150 Broadwater Gardens and front of No.'s 2-16 Isabella Drive, ongoing maintenance, and full details of other estate wide improvements**

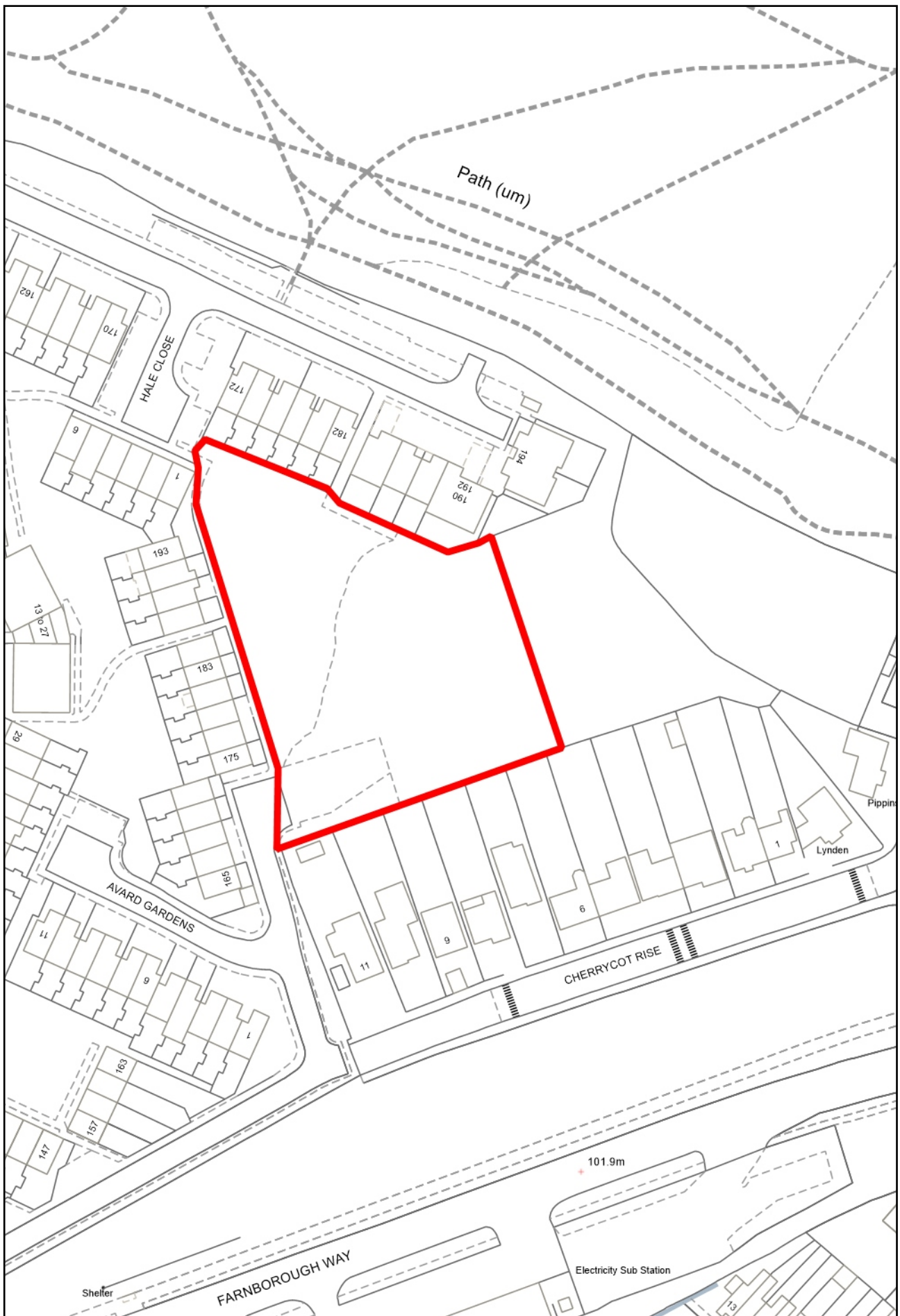
- **Parking Design and Management Plan**
- **On-site Electric Vehicle Charging Point (EVCP)**
- **Travel Plan**
- **Delivery and Servicing Plan**
- **Refuse storage - compliance**
- **EV charging points outside the application site prior to occupation of the development**
- **Carbon saving measures as set out in the energy statement (any details of the layout and appearance of any of the equipment required)**
- **Wheelchair units (M4(2) and M4(3)(2b))**
- **Compliance with Flood Risk Assessment & SUDS Strategy**
- **Compliance with AQA**
- **Compliance with Fire Statement**
- **Contaminated Land discovery condition**
- **Wash-down of vehicles**
- **Non-road Mobile Machinery**
- **Water usage**
- **Low NOX boilers**

**Informatives**

- **CIL**
- **Street name and numbering**
- **A Groundwater Risk Management Permit from Thames Water**
- **The proposed development is located within 15m of Thames Waters underground assets**
- **Thames Water minimum pressure and flow rate**
- **Thames Water do NOT permit the building over or construction within 3m of water mains.**

***And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.***





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# Agenda Item 4.3

<b>Committee Date</b>	25/05/2023		
<b>Address</b>	1 The Drive Beckenham BR3 1EE		
<b>Application Number</b>	22/02993/FULL1	<b>Officer</b> - Susanna Stevenson	
<b>Ward</b>	Beckenham Town And Copers Cope		
<b>Proposal</b>	Part one/two storey rear extension and construction of rear dormer extension with conversion of resultant dwelling into two flats (1 no. three bedroom flat and 1 no. two bedroom flat) with associated refuse storage.		
<b>Applicant</b>		<b>Agent</b>	
Ms Fatemeh Saberi		Miss Anna-Maria Tsamasfyra	
1 The Drive Beckenham BR3 1EE		Grove Hall Court, Suite 2 Hall Road London NW8 9NR	
<b>Reason for referral to committee</b>	Call-In		<b>Councillor call in</b>  Yes - Councillor Ross - Significant number of objections and concern that the proposed extensions would be excessively large and the conversion would be uncharacteristic of the locality with inadequate car parking.

<b>RECOMMENDATION</b>	PERMISSION
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<b>KEY DESIGNATIONS</b>  Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding
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Statutory Listed Buffer  
Smoke Control SCA 12  
Views of Local Importance

#### Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential dwelling C3 (extended single house)	140.24 SQM
Proposed	Residential (C3) 2 dwellings (conversion)	1 no. 3 bed flat (100.5 sqm) 1 no. 2 bed flat (75.96 sqm)

#### Residential Use

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market		1	1		2

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	1	0
Cycle	0	2	+ 2

#### Representation summary

Neighbouring owners/occupiers were notified of the application on 16<sup>th</sup> September 2022.

Total number of responses	16
Number in support	0
Number of objections	16

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The scale, bulk and massing of the extensions would be substantially similar to the combined scale, bulk and massing of development capable of being constructed if the development granting planning permission/Lawful Development Certificate under refs. 21/03860/FULL6 and 21/02429/PLUD were implemented
- The proposal would provide residential accommodation of an acceptable standard
- The proposal would make a minor contribution to housing supply through the provision of 1 no. additional unit
- There are no technical objections from the Highways Officer to the proposals
- The impact of the proposal on neighbouring and visual amenity would not be significant

## 2. LOCATION

- 2.1 The application site lies on the western side of The Drive, at the end of the last row of terraced dwellings before the street adjoins the commercial frontage of the High Street. To the immediate south of the red line application site is the vehicular access which leads to garaging at the rear of the row of terraced dwellings, to the side of which is the vehicular access to the car park at the rear of the Odeon Cinema.



**Figure 1 Site location plan**

- 2.2 The site forms part of a wider 1930's terraced development. Neighbouring properties are predominantly two storey terraced houses opposite and north of the site with long linear rear garden curtilages.
- 2.3 The existing dwelling has been previously extended in the past, and there is a more recent planning history which is detailed in section 4 of this report, below.
- 2.4 The site is located approximately 3m north of the Beckenham Town Centre boundary which adjoins the fenced boundary division between the unmade access way and the tarmac surfaced single direction access road which in turn adjoins the rear curtilage of the commercial properties fronting the High Street's primary shopping frontage.

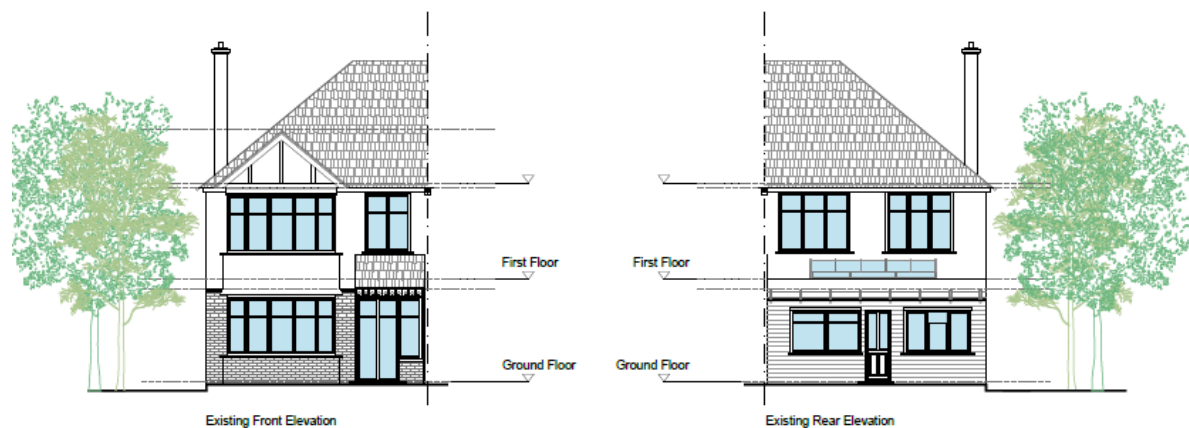


***Figures 2 and 3 – Site and surroundings***

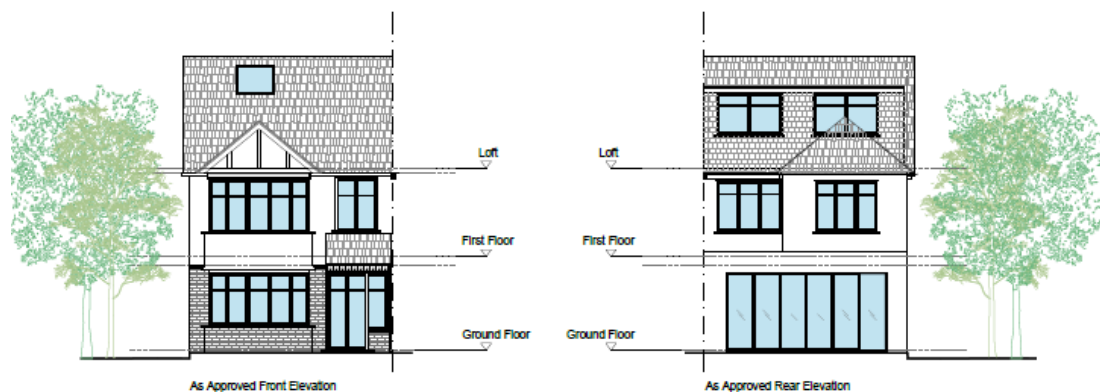
- 2.5 The site is not located within a conservation area nor is the existing dwelling on site listed. However, the site is located approximately 8m distance to Beckenham Town Centre Conservation Area to the south and is within the wider setting of the Odeon cinema building which is Grade II Statutory Listed.

### 3. PROPOSAL

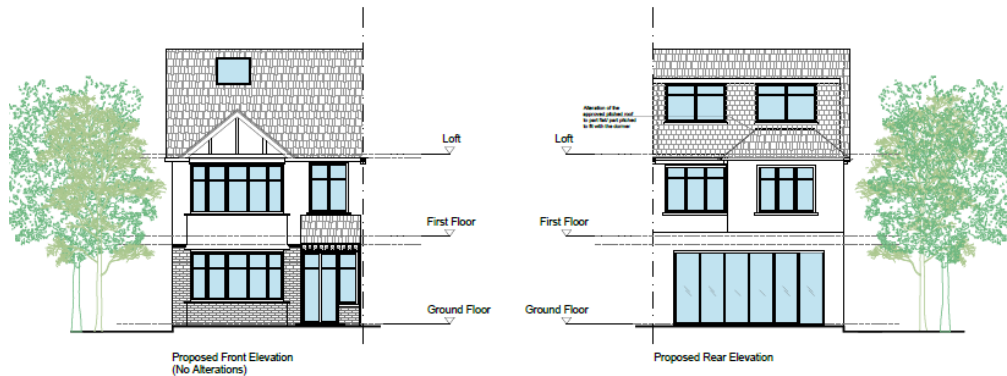
- 3.1 It is proposed to erect a part one/two storey rear extension and a rear dormer extension, with the conversion of the extended resultant dwelling to provide 2 residential dwellings (flats).
- 3.2 In terms of the extensions proposed to the dwelling, the current scheme combines development granted planning permission under reference 21/03860/FULL6 (part one/two storey rear extensions) and a rear dormer extension/hip to gable extension that was the subject of an application for a Lawful Development Certificate which was granted under reference 21/02429/PLUD).



**Figure 4 Front and rear elevations as EXISTING**



**Figure 5 Front and rear elevations as APPROVED**



**Figure 6 Front and rear elevations as PROPOSED**



**Figure 7 PROPOSED southern side elevation**

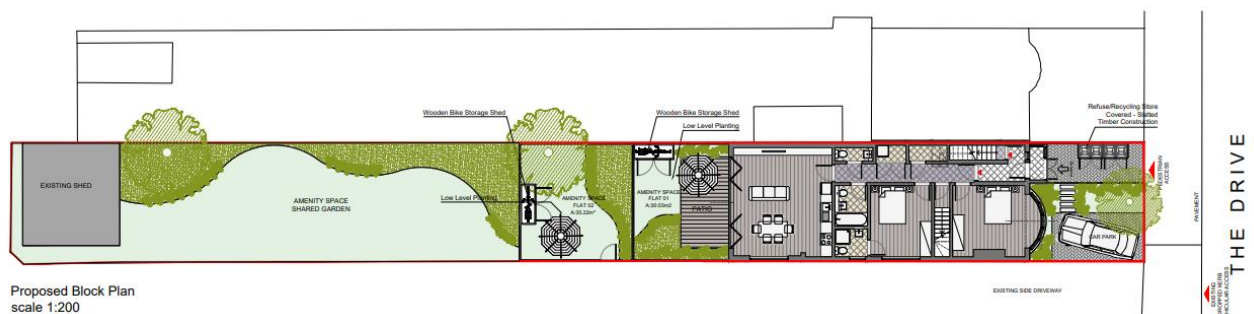
- 3.3 The main differences between the development as granted planning permission and as proposed under the granted Lawful Development Certificate application are:
- Alteration to the roof profile over the first floor extension (part of 21/03860/FULL6) at the rear to accommodate the bulk of the rear dormer (part of 21/02429/PLUD).
  - Conversion of the resultant extended dwelling into two self-contained flats.
- 3.4 In terms of the internal accommodation provided, the proposal would result in 2 no. residential flats – a 3 bedroom split-level flat set over the ground and part of the first floors (Flat 1), and a 2 bedroom split-level flat set over part of the first floor and the whole of the loft floor (Flat 2).





**Figure 8 Proposed floor plans**

- 3.5 Amenity space would be provided for each flat through the subdivision of the substantially deep rear garden, providing a separate private amenity space for each dwelling of more than 30sqm, with the remainder of the site indicated to be retained as a shared garden. The existing shed at the far end of the garden is shown to be retained.



**Figure 9 Proposed block plan (21/04/23)**

- 3.6 The submitted drawings (site/block plan) indicate that 1 no. car parking space would be provided, as existing, on the frontage of the site. A refuse store would be provided adjacent to the northern flank boundary, at the front of the pedestrian access to the building. Cycle storage is proposed to be provided within wooden storage structures to the private rear gardens of each flat.

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

21/02429/PLUD: Loft conversion incorporating hip to gable extension, rear dormer and front rooflight. Lawful development certificate (proposed). Approved 12.07.2021

21/02431/FULL6: Part one/two storey rear extensions. Refused 12.07.2021

21/03860/FULL6: Part one/two storey rear extensions. Permitted 15.10.2021

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

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

Highways: No objections.

Environmental Health: No objection. A condition is recommended relating to air quality management. It is recommended that an informative be applied relating to the stacking arrangement between the two flats, referring the applicant to the Housing Health and Safety Ratings System (HHSRS).

Drainage: No objection.

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

None received.

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

Highways and Parking (addressed at paragraph 7.4)

- Insufficient parking spaces for the proposed conversion
- Increased parking may impact on the access to the rear of the properties

Heritage Impact (addressed at paragraph 7.2)

- Site is adjacent to the Conservation Area and near to the Grade II Listed Odeon Cinema

Design and character (addressed at paragraph 7.2)

- Out of context with the road
- Would set a precedent for loss of family housing in neighbourhood – and for HMOs
- Gross overdevelopment of a three bedroom family home
- Footprint of dwelling would double

- Extension is larger than other examples in the street
- No examples of other two storey extensions in The Drive – other extensions are loft conversions
- Loss of garden space – impact on natural environment

Impact on neighbouring amenity (addressed at paragraph 7.3)

- Loss of light to No. 3 The Drive
- Would set a precedent for other extensions with impact on neighbouring amenity in terms of light
- Rear gardens in the street are relatively narrow and each rear extension will impact on neighbouring amenity
- Layout of street was carefully designed
- Windows would be sited along the side of the property, facing the communal access road leading to residential garages
- Impact of intensity of use on mental and physical health – retention of gardens is important for health and the natural environment
- Increased intensity of use would result in noise disturbance to neighbouring property
- Top floor kitchen would be adjacent to bedrooms in neighbouring property – resulting in noise and smell and increased fire risk
- Loss of privacy

Other matters (addressed at paragraph 7.6)

- Concern over burden on drainage
- Strain on local services
- Plans are inaccurate

## **6. POLICIES AND GUIDANCE**

### **National Policy Framework 2021**

#### **NPPG**

#### **The London Plan (2019)**

- D3 Optimising site capacity through the design-led approach
- D5 Inclusive design
- D6 Housing quality and standards
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking

## **Bromley Local Plan 2019**

1	Housing Supply
3	Backland and Garden Land Development
4	Housing Design
6	Residential Extensions
9	Residential Conversions
30	Parking
32	Road Safety
33	Access for All
37	General Design of Development
38	Statutory Listed Buildings
42	Development Adjacent To a Conservation Area
73	Development and Trees
77	Landscape Quality and Character
116	Sustainable Urban Drainage Systems (SUDS)
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## **Supplementary Guidance**

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

National Design Guide - (September 2019)

## **7. ASSESSMENT**

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

#### **Principle of built development**

- 7.1.1 Planning permission was granted under reference 21/03860/FULL6 for householder development comprising part one/two storey rear extensions to the host dwelling. This permission has not, to date, been commenced, but remains capable of implementation for a period of 3 years from the decision date (15<sup>th</sup> October 2021). A Lawful Development Certificate was granted under reference 21/02429/PLUD for the construction of a loft conversion including hip-to-gable and rear dormer extensions.
- 7.1.2 The images below show the approved extension development (amalgamating the permission granted for the part one/two storey rear extension with the lawful development certificate development) compared with the currently proposed physical extensions:



**Figure 10 Approved/granted development (planning permission and lawful development certificate)**



**Figure 11 Proposed side elevation (current application)**



**Figure 12 Approved/developed floor plans (planning permission and lawful development certificate)**



**Figure 13 Proposed floor plans**

- 7.1.3 As can be seen, the physical bulk and footprint of development capable of being constructed at the property, to the existing host dwelling, would be identical to the current proposal's scale, bulk and massing. The differences between the cumulative approved/permitted development schemes and the current proposal are limited to the alteration of the roof profile at first floor level and the repositioning of the side window adjacent to the access.
- 7.1.4 It is therefore considered that the principle of the resultant building's scale, bulk and massing has been established. In the assessment of this proposal therefore the main outstanding principle to be considered relates to the intended conversion of the resultant dwelling into 2 separate self-contained flats.

### **Principle of residential conversion**

- 7.1.5 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.1.6 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.1.7 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.1.8 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

7.1.9 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.1.10 This application includes the conversion of the building from one to two residential dwellings and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.1.11 Policy 9 of the Bromley Local Plan states that a proposal for the conversion of a single dwelling into two or more self-contained residential units will be permitted subject to the (summarised) criteria:

- The proposal would not result in harm to the amenities of neighbouring residents (relating to noise, disturbance, loss of privacy, daylight or sunlight)
- The accommodation would provide a high quality living environment for intended residents
- On and off street parking resulting from the development will not cause unsafe/inconvenient highway conditions
- Character and appearance of the area is not adversely affected
- No detrimental impact on housing choice and preference given to family housing units at ground floor level with direct access to a garden
- Safe and secure access provided to each dwelling

7.1.12 The consideration of character in this case relates principally to the extent to which the formation of self-contained flats as proposed would relate to the character of the locality, which is predominantly formed within the remaining dwellings of The Drive, of self-contained single family housing.

7.1.13 The extent to which the conversion of the property would be readily appreciable from outside of the site/from the street scene, and would as a consequence impact on the character of the area, would be limited. This is particularly so given the amendment of the application to reposition the cycle storage away from the front garden with the retention only of a refuse store which would not be uncharacteristic and would have a domestic appearance appropriate to the host property.

7.1.14 Taking the above into account, it is not considered that the proposal would have an unacceptable impact on the character of the area. It is also considered that safe and secure access would be provided to the dwellings, in view of the use of the existing entrance to the dwelling to serve both units, with the site and access readily visible in the street scene. With regards to housing choice, the proposal would result in a



ground floor unit capable of family accommodation, with direct level access to the rear amenity space, along with a two bedroom dwelling. It is considered that the proposal would provide a suitable mix of dwellings within the converted building, and that the proposal would not result in the loss of family housing/impact on housing choice.

- 7.1.15 Taking the above into account and subject to consideration of the impact of the proposal on visual and residential amenity, and the highways impacts of the proposal, it is considered that the principle of the development as a whole would be acceptable.

## **7.2 Design – Layout, scale height and massing    Acceptable**

- 7.2.1 As previously stated, in terms of the physical scale, bulk, massing, height and layout of the development, this would represent an amalgamation of development capable of being constructed at the host dwelling – the fall-back position represented by the development granted planning permission and the permitted development granted a lawful development certificate (each in 2021).
- 7.2.2 In the assessment of the application for planning permission for part one/two storey rear extensions granted planning permission under reference 21/03860/FULL6 (which reduced the width of the proposed first floor rear extension relative to the previously refused scheme) it was noted that the ground floor extension, while deep, was similar to the cumulative existing ground floor rear extensions intended to be demolished. The depth and height of the extension was also noted to adjoin an existing linear boundary structure running along the boundary with No. 3.
- 7.2.3 Extensions to the roof, comprising the construction of a hip to gable extension to the end-of-terrace dwelling, and the rear dormer extension, was considered under application reference 21/02429/PLUD to comprise permitted development.
- 7.2.4 Where the current proposal differs from the approved/granted schemes, this is limited to the repositioning of a flank facing window (facing onto the side access track) and minor modifications to the roof extension. The proposal would also include the construction of a wooden cycle storage sheds within the private amenity space for each flat, as well as the construction of a refuse/recycling store at the front of the property. It would be prudent to impose conditions, should planning permission be forthcoming, relating to the external appearance of the refuse store as well as with regards to landscaping to the front of the site and boundary treatments to the side/rear.
- 7.2.5 It is not therefore considered that in the light of the planning history of the site, the refusal of planning permission on grounds relating to the design of the built development would be warranted.
- 7.2.6 Concern has been raised regarding the heritage impact of the proposal, in view of the siting of the property relative to the Listed cinema building and the High Street conservation area. The application site itself does not lie within a conservation area, and the building is sited approx. 50m from the rear car park elevation of the cinema and is not considered to form part of the setting of that listed building. As a

consequence it is not considered that the proposal would harm the setting of the listed building or the character and appearance of the conservation area.

### **7.3 Neighbourhood amenity    Acceptable**

- 7.3.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.3.2 The current proposal combines development previously granted planning permission (the part one/two storey rear extension) with development which was determined to be permitted under Classes B and C of the General Permitted Development Order (the roof extension). The impact of the scale, bulk and siting of the part one/two storey extension on neighbouring amenity was considered acceptable in the granting of planning permission under reference 21/03860/FULL6. While the assessment of the lawfulness of the proposed loft conversion did not include assessment of the impact of that development on neighbouring amenity (since such assessment is limited to the provisions of the relevant GPDO classes), it is noted that the neighbouring property benefits from a loft conversion, as do many other properties in the locality. As a consequence of the siting of the dormer relative to the roof slope along with the existence already of second floor fenestration within the terrace, it is not considered that the dormer would give rise to an unacceptable loss of privacy or other impact on neighbouring properties.
- 7.3.3 Where the current proposal diverges from the approved scheme(s) is in the conversion of the resultant building to form two self-contained dwellinghouses. It is noted that concerns have been expressed regarding the impact of the proposal with regards to noise and disturbance to the neighbouring property, associated with the layout of the flats internally, along with the intensification of the residential use of the building.
- 7.3.4 The applicant has confirmed that sound proofing will be provided between the individual flats within the converted dwelling. With regards to neighbouring amenity, Building Regulations approval would be required and Part E of the Building Regulations relates specifically to sound insulation/resistance to the passage of sound. The Environmental Health Officer has raised no objections with regards to the impact of the proposal on the amenities of the neighbouring property, while recommending that the use of an informative relating to legislation relative to noise and housing “health and safety” (with particular reference to the relationship between each of the proposed units, rather than with regards to that on the existing neighbouring property).
- 7.3.5 Taking into account the scope of this application, and the legislation/guidance relevant to the development outside of/beyond planning control, it is not considered that the refusal of planning permission on the basis of impact on neighbouring amenity would be warranted. While it is acknowledged that the use of the dwelling would intensify through the conversion of the property, it is not considered in light of the location and number of units proposed that the intensity of the use of the extended

building would be readily appreciable and significantly detrimental to neighbouring amenity.

#### **7.4 Highways and parking                      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 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.
- 7.4.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.4.4 The application site lies in a location with a Public Transport Accessibility Level (PTAL) of 5 and the site is considered to be highly accessible to public transport links. The proposal would retain the existing level of car parking provision (1 space at the front) while increasing the number of units occupying the application site to two.
- 7.4.5 Policy T6.1 of the London Plan relates to residential car parking and with Table 10.3 sets out a hierarchy of maximum parking standards associated with development in areas of differing levels of accessibility to public transport. The provision of car parking for the site in view of the PTAL level of 5 would technically exceed the maximum – in view of the standard set out in Table 10.3 stating that development in areas of PTAL 5-6 should be car free.
- 7.4.6 Taking into account the location of the site, the re-provision of an existing car parking facilities and the size of the units provided, it is not considered that the slight oversupply of car parking space relative to the London Plan standards would be unacceptable. While the site is highly transport accessible, it is not uncommon for parking to be provided in front of the terraced dwellings, and no technical highways objections have been raised to the proposal (with the amended block plan indicating access to the parking space as existing, at an angle from the access track rather than front on).
- 7.4.7 It is noted that limited detail has been provided regarding the size and capacity of the cycle stores, which on plan form appear to be of limited capacity relative to the requirements set out in the London Plan (Policy T5 would require 2 spaces per dwelling). However, the site at the rear is spacious, and the submitted block plan shows potential within the size of the shared amenity space beyond the private facilities, which includes an existing (retained) shed. The agent has emphasised in

response to officer queries that this land at the rear forms part of the application site and will comprise a shared garden. It is considered that a condition requiring greater detail on the size, siting and capacity of cycle storage would be appropriate and that adequate on-site cycle storage provision is achievable in the context of the size of the site.

## **7.5 Standard of outlook and amenity for future occupiers      Acceptable**

- 7.5.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
- 7.5.2 Policy D6 of the London Plan relates to 'Housing quality and standards' states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.
- 7.5.3 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers and Policy 9 requires that residential conversions provide accommodation of a high quality living environment.
- 7.5.4 Each unit would exceed the minimum space standards and would benefit from a generously-sized private rear garden. While it is acknowledged that the outlook from one of the ground floor bedrooms to Flat 1 would be across the access track (and there would also be a secondary window serving the reception space facing in the same direction), it is considered in view of the relative open aspect and the separation to the more intensely used access to the cinema car park that this would not be unacceptable.
- 7.5.6 The application drawings are annotated to indicate that the vertical wall separating bedrooms serving Flat 2 from the first floor bedroom of Flat 1 would be soundproofed, but limited information has been provided regarding sound insulation/mitigation between the floors. However, as previously stated, the construction and conversion works would be subject to Building Regulations approval, and as recommended by the Environmental Health Officer, it would be prudent to draw the applicant's attention to the requirements of the Housing Act/HHSRS.

## **7.6 Other matters**

- 7.6.1 Representations have referred to the potential that the development will place an additional strain on local services, in terms of parking demand (which has been referred to in paragraph 7.4 above) as well as upon drainage and other local authority services.
- 7.6.2 The drainage officer has raised no objections to the proposal.
- 7.6.3 The proposal would provide two self-contained dwellings (with a total of 5 bedrooms with an intended occupancy of 8 persons over the two flats). While it is acknowledged that this occupancy would be greater than that indicated in the previous applications for planning permission/lawful development certificate, it is not considered that the scale of the development would put a significant strain on local services such that would warrant the refusal of planning permission on this basis.

## **8. CONCLUSION**

- 8.1 Having regard to the above, the proposals are not considered to result in an overdevelopment of the site, nor to have a detrimental impact on the character and appearance of the surrounding area. The development would not have a significant impact on light, outlook or privacy to neighbouring residential properties.
- 8.2 It is acknowledged that concern has been raised regarding the impact of the proposal with regards to parking demand and increased pressure on local services including drainage. However, no technical objections are raised by the Council's Highways and Drainage officers in this respect.
- 8.3 The provision of 2 residential dwellings where there is at present one dwelling would make a minor contribution to housing supply. It is not considered that impacts would arise associated with the application proposal that would outweigh the benefit associated with this minor contribution to housing supply.

## **RECOMMENDATION: Application Permitted**

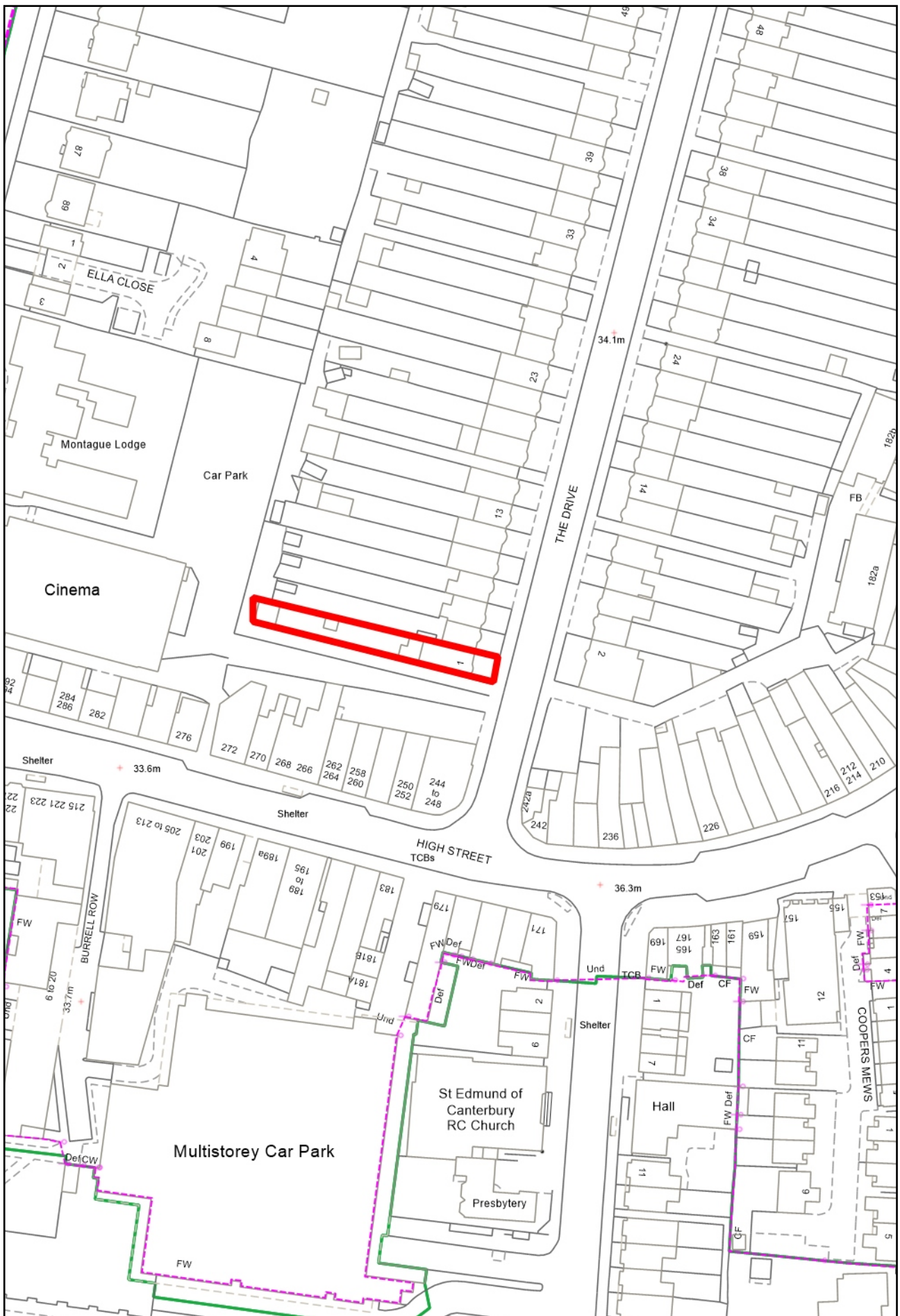
### **Subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Landscaping (hard and soft) details to be provided**
- 4. Boundary details to be provided**
- 5. Cycle storage details to be provided**
- 6. Refuse storage details to be provided**
- 7. Car parking compliance**
- 8. Materials as set out in application**
- 9. Low NOx boilers**

and delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

#### **Informatives**

- **Control of Pollution and Noise from Demolition and Construction Sites Code of Practice**
- **Sound Insulation/Housing Act/HHSRS**
- **Street naming and numbering**
- **CIL**



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# Agenda Item 4.4

<b>Committee Date</b>	25/05/2023		
<b>Address</b>	15 Heathfield Road Keston BR2 6BG		
<b>Application Number</b>	22/04378/FULL2	<b>Officer</b> - Stephanie Gardiner	
<b>Ward</b>	Hayes And Coney Hall		
<b>Proposal</b>	Conversion and alteration of rear ground floor premises from underused storage to provide a one bedroom one person apartment with rear courtyard garden and access and central courtyard garden area along with secure bin storage to rear		
<b>Applicant</b>		<b>Agent</b>	
Mr G Lancaster		Mr Peter Hadley	
15 Heathfield Road Keston BR2 6BG		Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN United Kingdom	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes - Cllr Michael Concerns about overdevelopment, parking issues and lack of amenity space.	

<b>RECOMMENDATION</b>	Permission
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<b>KEY DESIGNATIONS</b>  Conservation Area: Keston Village Areas of Archaeological Significance Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 22
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Class E	42sqm
Proposed	Class C3	42sqm

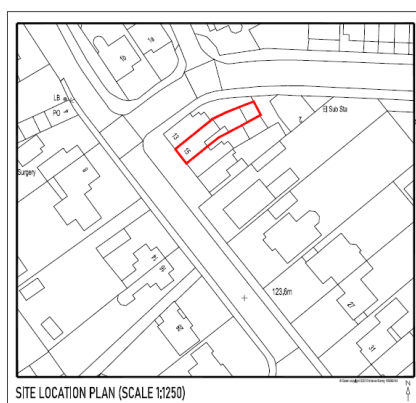
<b>Representation summary</b>	<i>Local neighbours were consulted, and a site notice was displayed at the property.</i>	
Total number of responses	2	
Number in support	0	
Number of objections	2	

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not result in harm to the character and appearance of the area, nor impact detrimentally on the amenities of neighbours.
- The proposal would preserve the character and appearance of the Conservation Area
- The highway impact is considered acceptable.
- The proposal would provide an acceptable standard of residential accommodation.

## 2. LOCATION

- 2.1 The application relates to a mid-terrace property, which includes commercial use (Class E) at ground floor with an existing residential unit above. The property is located within the Keston Village Conservation Area and is designated as a being part of a 'Neighbourhood Centre or parade'.



**Figure 1: Site Plan**

### 3. PROPOSAL

- 3.1 The application seeks planning permission for the conversion and alteration of rear ground floor premises from underused storage to provide a one bedroom one person apartment with rear courtyard garden and access and central courtyard garden area along with secure bin storage to rear.



**Figure 2: Existing Front Elevation**



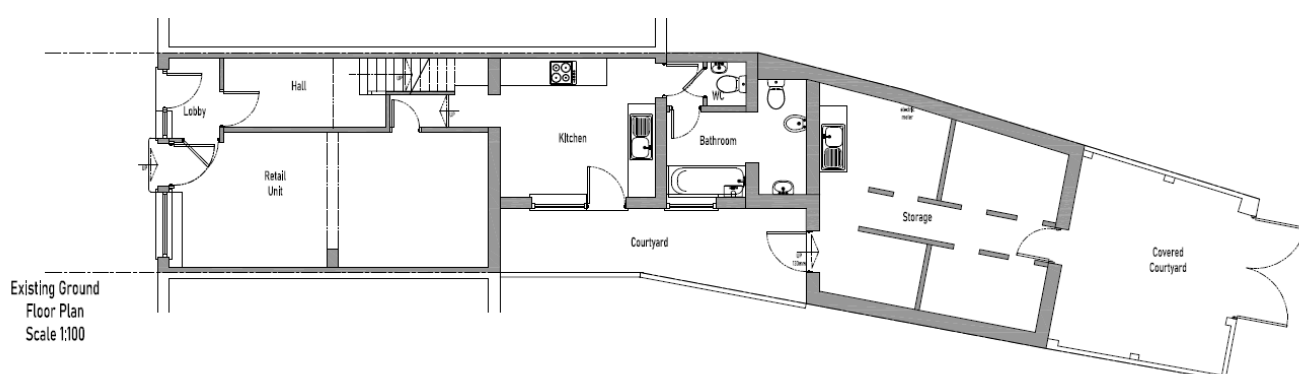
**Figure 3: View of Rear Access**

The description of development been amended since submission with the removal of the following:

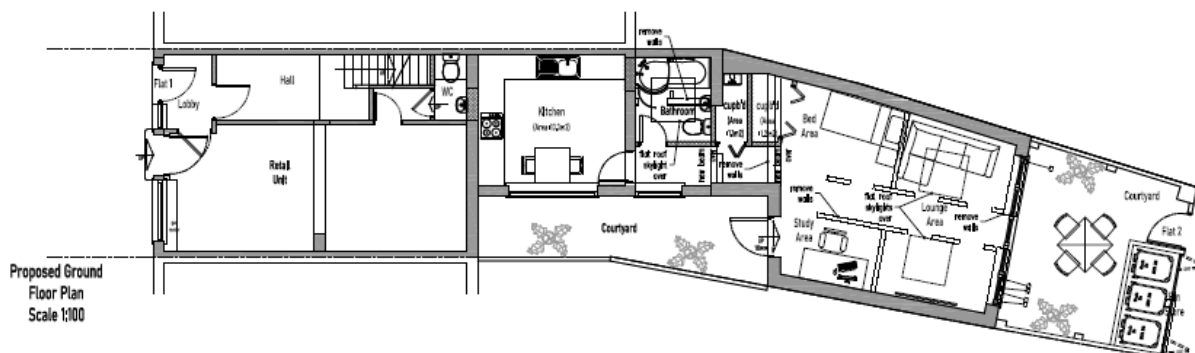
*‘Reconfiguration of ground floor accommodation to provide access to two-bedroom, three persons flat on upper floors (first and second floors) whilst retaining shop at front of premises (Class E use).’*

This is because application was submitted prior to the determination of a Planning appeal under ref: APP/G5180/W/32979 which included these works. However, this has now been determined and granted on Appeal and has therefore been removed.

- 3.2 A revised plan has also been submitted which has relocated the kitchen to be adjacent to the commercial unit.



**Figure 4: Existing Ground Floor Plan**



**Figure 5: Proposed Ground Floor Plan**

## 4. RELEVANT PLANNING HISTORY

- 4.1 22/00755/FULL1 – New shopfront and reconfiguration of the ground floor. Refused but subsequently granted on appeal under ref: APP/G5180/W/32979 on the 30<sup>th</sup> of December 2022

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

#### **Highways – No objection**

Reviewed Parking Stress survey submitted in support of planning ref: 21/02401. No objections

#### **Conservation – No objection**

Does not appear to be harmful, subject to suitable conditions to maintain the existing appearance and use appropriate heritage sourced materials.

#### **Environmental Health – No objections**

### **B) Adjoining Occupiers (addressed in Para. 7 - 8)**

- Cramped over intensive use of the site
- Flat lacks adequate facilities
- Entrance on a shared driveway use by 4 shops and Carpenters.
- Area already overcrowded since the new post office/general store has opened.
- Difficulty accessing driveway and this development will exacerbate the problem.
- Drainage issues
- Increased parking pressures

## **6. POLICIES AND GUIDANCE**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019 and again in 2021.
- 6.4 The development plan for Bromley comprises the London Plan (March 2021) and Bromley Local Plan (Jan 2019).

## London Plan (March 2021)

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security, and resilience to emergency
- H1 Increasing Housing Supply
- H2 Small sites
- H9 Ensuring the best use of stock
- HC1 Heritage Conservation and Growth
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing, and construction

## Bromley Local Plan (January 2019)

- 1 Housing supply
- 4 Housing Design
- 9 Residential Conversions
- 37 General design of development
- 41 Conservation Areas
- 96 Local Neighbourhood Centres and Parades.
- 99 Residential Accommodation
- 101 Shopfronts
- 123 Sustainable Design and Construction

## Supplementary Planning Guidance

SPG1 General Design Principles

SPG2 Residential Design Guidance

## **7. ASSESSMENT**

### **7.1 Housing Position - Acceptable**

7.1.1 The current position in respect of Bromley's Housing Trajectory, including the Five-Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on the 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications and means that the presumption in favour of sustainable development applies.

7.1.2 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a

development accords with an up-to-date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.1.3 According to paragraph 11(d) of the NPPF in the absence of a 5-year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. 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 regarding the types of locations where new housing delivery should be focused.

7.1.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.1.6 This application includes the provision of 1 additional dwelling which would represent a very minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development and the location of the site within the Keston Village Conservation Area, which is an area or asset of particular importance for the purposes of applying Paragraph 11.

## **7.2 Principle of Development - Acceptable**

7.2.1 The application property is designated as being a 'neighbourhood centre or parade.' It relates to an existing commercial unit on the ground floor which includes a storage area at the rear. The ground floor unit would be severed with the rear part of the building converted into residential accommodation. The front section of the commercial unit facing onto Heathfield Road would be retained. The size and shape of this commercial unit appears large enough to still be viable commercially and it is not considered that the conversion would conflict with Policy 96 or 99 of the BLP,

which seek to protect small parades and shops that make an important contribution to local communities.

### **7.3 Design - Acceptable**

- 7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.2 Policy 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, are of a high-quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy 41 states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Proposals for new development, for engineering works, alteration or extension to a building or for change of use of land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by:
- Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
  - Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance, or historic value of the area; and
  - Using high quality materials.
- 7.3.3 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.3.4 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.3.5 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.



- 7.3.6 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.
- 7.3.7 The case officer has assessed the proposal against the above-mentioned policies in terms of its impact on the character and appearance of the Conservation Area, about the requirement for the development to preserve or enhance its character and appearance.
- 7.3.8 The proposed works include the removal of a pitched roof/cover above the existing rear courtyard and amendments to the fenestration comprising new windows and doors within the side and rear of the existing rear addition. These amendments would be mostly hidden from the public realm. They are considered modest alterations and no objections have been raised from a heritage perspective. The proposal would therefore preserve the character and appearance of the Conservation Area.

#### **7.4 Standard of Accommodation - Acceptable**

- 7.4.1 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.
- 7.4.2 The proposal is for a 1b 1 person unit. It would have a GIA of 42sqm. The layout would be a studio arrangement which complies with the above standards. The habitable living area would have an acceptable level of light and outlook. Private amenity space would also be provided at acceptable level. Additionally, the kitchen would be located adjacent to the commercial unit and so it is not considered the proposal would be subjected unacceptable levels of noise and disturbance. No objections have been raised to the arrangement by the Council's Environmental Health Team. The proposal would therefore provide a satisfactory standard of accommodation.

#### **7.5 Neighbouring Amenity - Acceptable**

- 7.5.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

- 7.5.2 The site is located within a commercial parade, however there are residential properties within the locality including directly above the site. Given the location and scale of the development it is not considered that one residential unit or the physical changes to the building would harm neighbouring residential amenities.

## **7.6 Highways - Acceptable**

- 7.6.1 No objections have been raised from a highway perspective. The highways team have referred to a Parking Stress survey carried out under ref: 21/02401 at 19 Heathfield Road. This is adjacent to the site and the findings of that report are still considered relevant. When having regard to that report, together with the size of the proposed unit it is not considered that the scale of the development would result in an unacceptable parking demand or highway impact in respect of servicing and delivery.
- 7.6.2 A representation has been received relating to restrictions to the common driveway/access, however the development is within the confines of the site. The access already appears to be used by the unit, so any issues relating to unauthorised parking or neighbours restricting the access are a civil matter that must be dealt with by the interested parties and fall beyond the scope of this assessment.

## **7.7 CIL**

- 7.7.1 The Mayor of London's CIL and the Borough CIL is a material consideration. CIL is payable on this application.

## **8. CONCLUSION**

- 8.1 In relation to the benefits of the development, the proposal would provide 1 additional residential unit, which is a modest contribution to the boroughs housing provision. Having It is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to residents or result in an unacceptable highway impact, in addition it would preserve the character and appearance of the Conservation Area.
- 8.2 In respect of the Council's 5-year housing land supply and the current position outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, when weighing up benefits of the development and the current undersupply of housing, it is considered that any harm arising from the proposal would be minor and would not significantly and demonstrably outweigh the benefits of the development. Therefore, the proposal is acceptable.

**RECOMMENDATION: Application Permitted**

**Subject to the following conditions:**

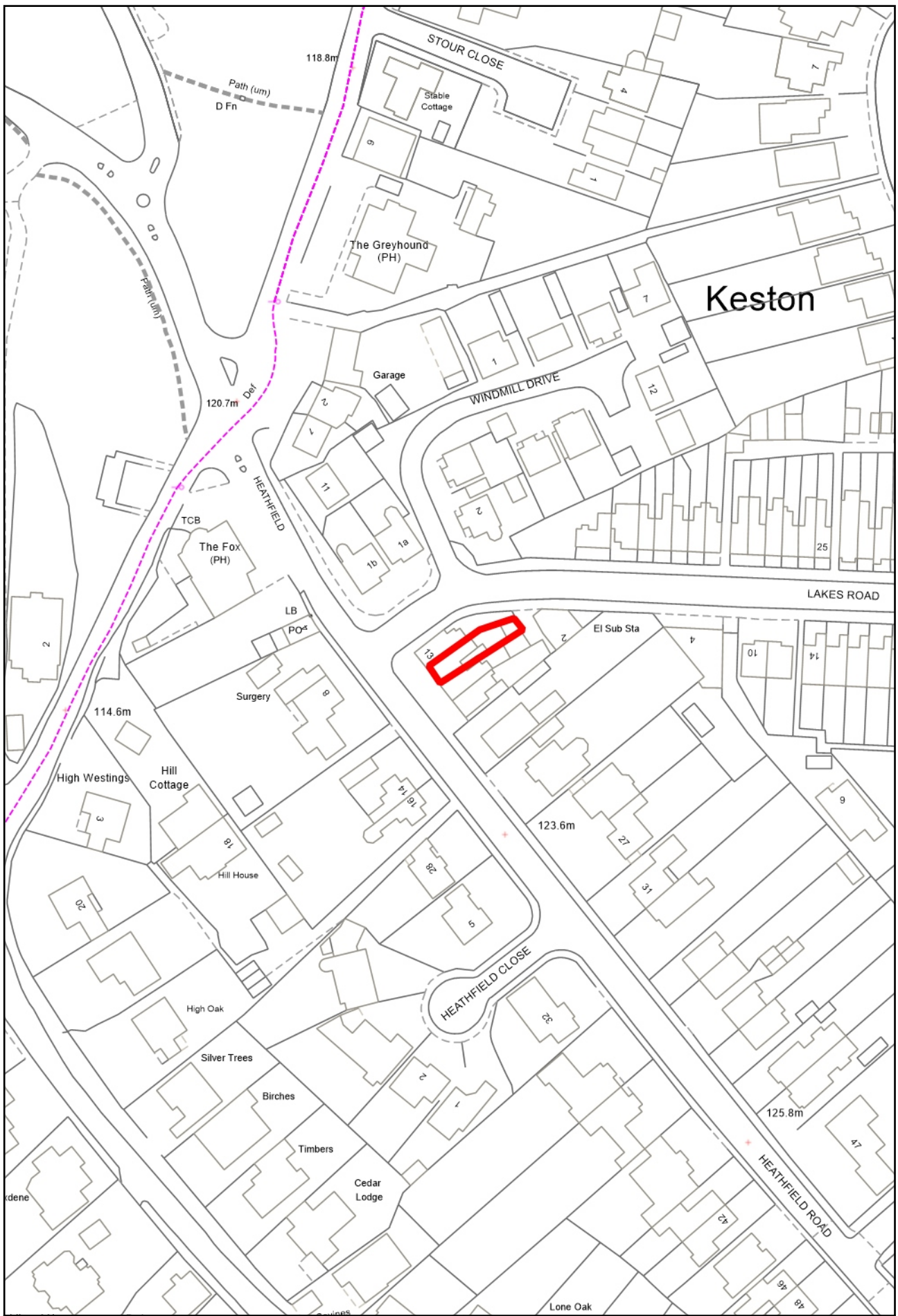
- 1. Time limit**
- 2. Approved plans**
- 3. Refuse storage provision.**
- 4. Materials in accordance with the plans**

**and delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.**

**Informatives**

- Street naming and numbering**
- CIL**

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