



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Jo Partridge
joanne.partridge@bromley.gov.uk

THE LONDON BOROUGH
www.bromley.gov.uk

DIRECT LINE: 020 8461 7694
FAX:

DATE: 1 November 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 9 NOVEMBER 2023 AT 7.00 PM

TASNIM SHAWKAT
Director of Corporate Services & Governance

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

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

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

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

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

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

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

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 14TH SEPTEMBER 2023**
(Pages 1 - 8)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	CRYSTAL PALACE AND ANERLEY	9 - 32	(22/03824/FULL1) - 15 Madeline Road, Penge, London, SE20 8AY
4.2	ORPINGTON	33 - 68	(23/02527/FULL1) - Pavilion and Public Conveniences, Goddington Park, Goddington Lane, Orpington, BR6 9DH
4.3	BICKLEY AND SUNDRIDGE	69 - 86	(23/02774/NDFLAT) - Summerfield, Freelands Road, Bromley, BR1 3AG.
4.4	KELSEY AND EDEN PARK	87 - 94	(23/01152/TPO) - 1 Kelsey Way, Beckenham, BR3 3LP
4.5	HAYES AND CONEY HALL	95 - 102	(23/02995/TPO) - 54 Baston Road, Hayes, BR2 7BE

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

6 **TREE PRESERVATION ORDERS**

NO REPORTS

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

PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 14 September 2023

Present:

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

Also Present:

Colin Brand—Director for Environment and Public Protection

27 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Cllr Sam Webber and Cllr Julie Ireland attended as substitute.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

29 CONFIRMATION OF MINUTES OF MEETING HELD ON 25th MAY 2023

The minutes of the meeting that took place on 25th May 2023 were agreed and signed as a correct record.

30 PLANNING APPLICATIONS

30.1 BROMLEY COMMON & HOLWOOD;

(23/01969/FULL1) 26 Copthorne Avenue, Bromley, BR2 8NN.

The proposed development was for the erection of a detached dwelling house with lower ground and ground floor accommodation on land at rear of 26 Copthorne Avenue with associated vehicular access from Knowle Road. The application had been called in by Councillor David Jefferys. The application was recommended for permission.

The Planning Officer stated that the application was considered acceptable, subject to conditions, and that a refusal of the application would not be justified. It would make a small contribution to the housing supply and there were no adverse impacts.

An oral representation in objection to the application was received at the meeting and information from the objector had been disseminated to the Committee.

Councillor Dean expressed the view that as this proposal replicated a scheme for which planning permission was allowed on appeal previously, he would move that the application be approved and this was seconded by Councillor Joel.

A vote was taken for Permission which was agreed by 7 votes in favour and none against.

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives as set out in the report of the Assistant Director of Planning, following amendments to conditions 4, 5, 8,9,10, and 13 and additional condition 14.

4. No development shall commence above ground level until details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

i) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include a minimum of 30% native plant species and no invasive species.

ii) Proposed hardstanding and boundary treatments (to include hedgehog hole (s).

iii) A schedule detailing sizes and numbers of all proposed trees and plants

iv) Specification of maintenance to secure establishment and survival of new planting

v) External lighting

vi) Position and number of artificial bat and bird boxes.

There shall be no excavation or raising or lowering of ground levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

The site shall be landscaped in accordance with the approved details in the first planting season after completion or before the development is first occupied, whichever is the sooner.

Any new trees or plants that die, are removed or become severely damaged or diseased within a period of five years from planting shall be replaced with trees or plants to a similar specification as approved.

Reason:

In the interest of the appearance of the site and nature conservation/biodiversity enhancement, and the visual amenities of the area, to accord with Policies 3, 4, 37 and 77 of the Bromley Local Plan

- 5. No development shall commence above ground level until details of the parking and turning area within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the siting of an active Electric Vehicle Charging Point. The parking and turning area and EVCP shall be provided as approved before first occupation of the dwelling and thereafter retained.**

Reason:

To accord with Policies 30 and 32 of the Bromley Local Plan and to secure satisfactory parking and turning arrangements within the site.

- 8. No development shall commence on site (including demolition) until such time as a**

Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) Details of any artificial lighting used during construction, which should be kept

to a minimum and angled away from trees, woodland and hedgerows.

(h) Confirmation that all holes, pits, etc will be covered overnight and at weekends to prevent animals such as hedgehog and badger falling in them and becoming trapped.

(i) The development shall be undertaken in full accordance with the details approved under Parts a-h

Reason:

In order to comply with Policies 30, 31, 32, 69, 70, 72 and 119 of the Bromley Local Plan to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and in the interests of the wildlife and ecological value of the site.

9. Notwithstanding the Surface Water Management details prepared by Ark Environmental Consultancy Ltd, prior to commencement of the development hereby approved (excluding any ground clearance or demolition) additional information which provides details of rainwater harvesting, and/or blue roofs for irrigation for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(a) 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:

To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy SI 13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, AA, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason:

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

11. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.

Reason:

To minimise the effect of the development on local air quality, to accord with Policy SI1 of the London Plan.

13. The recommendations outlined within the Preliminary Ecological Appraisal, including the suggested biodiversity enhancements including bat, bird boxes and bug hotels, shall be incorporated into the permission hereby granted.

Reason:

In order to comply with Policies 70, 72 and 73 of the Bromley Local Plan and in order to preserve and enhance the biodiversity value of the site.

14. Prior to the commencement of above ground works, details of green technologies to be used in the development shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be completed in complete accordance with the approved details and shall be permanently retained as such thereafter.

Reason:

Details are required prior to the commencement of development in order to limit carbon dioxide emissions, to ensure a sustainable design and construction can be achieved and to comply with policy 123 of the Bromley Local Plan

**30.2
BROMLEY TOWN;**

**(23/02946/ADV) - Churchill Court Masons Hill,
Bromley, BR1 1DP**

This was an application for the installation of 5 x non-illuminated 'Bromley Civic Centre' lettered fascia signs. The application was made by the London Borough of Bromley and it was recommended that advertisement consent be granted.

The Chairman commented that the proposed signage seemed unambitious.

It was noted that a late representation had been received.

The LBB Director for Environment and Public Protection explained that the move of LBB into Churchill Court was scheduled to take place around four phases. LBB would move into phases 1 and 2 in 2024 which was where the signage being applied for would be located.

Phases 3 and 4 would be subject to commercial rent. It was anticipated that this being the case, other organisations would want to display their own signage and so LBB have steered away from those areas that other companies may like to rent. LBB was considering a secondary signage strategy over the coming months. The Director said that the reason that the current application was not for illuminated signage was because the full M&E survey had not yet been completed and it was not yet known where all the ducting and cabling was located.

A vote was taken it was voted unanimously that advertisement consent be granted subject to the conditions in the report.

The meeting ended at 7.38 pm

Chairman

Agenda Item 4.1

Committee Date	09.11.2023		
Address	15 Madeline Road Penge London SE20 8AY		
Application Number	22/03824/FULL1	Officer - Lawrence Stannard	
Ward	Crystal Palace and Anerley		
Proposal	Demolition of existing 5 bedroom three storey detached house and erection of detached building for 6 self-contained flats over four storeys with associated parking and amenity spaces		
Applicant	Agent		
Mr Yogesh Patel	AA Drafting		
15 Madeline Road Penge London SE20 8AY	3-7 Sunnyhill Road London SW16 2UG		
Reason for referral to committee	Call-In		Councillor call in
			Cllr. McGregor Reason - Loss of light to adjacent properties.

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Adjacent – Metropolitan Open Land Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Renewal Area Smoke Control SCA 6 Views of Local Importance</p>

Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 6th October 2022.
Total number of responses	7

Number in support	0				
Number of objections	7				
Residential Use					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	4	1	1	0	6
Affordable (shared ownership)					N/A
Affordable (social rent)					N/A
Total	4	1	1	0	6

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	3	+2

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character of the area or visual amenities of the street scene.
- The development would not result in an unacceptable impact upon the amenities of neighbouring residential properties.
- The development would provide a suitable standard of accommodation for future occupiers.
- The development would not result in an unacceptable impact upon highways matters.

2 LOCATION

2.1 The application site hosts a two storey detached dwelling located on the south-eastern side of Madeline Road.

- 2.1 It currently comprises a period style Victorian era building arranged over three floors (lower ground to first floor). The building is located towards the front of the site and predates its neighbours which are of the post war era and of a lower height. To the south west No17 (detached property) is set back within its plot with its front elevation approximately aligning with the original rear elevation of the existing building. To the north east No 1 (part of a 3 unit terrace of post war properties) is set approximately 2.2m forward of the existing site building. It is noted that the topography of the site slopes to the rear with a lower ground level of approximately 2.7m between the front and rear elevations of the existing building.
- 2.2 The site lies within areas considered views of Local Importance, including from Crystal Palace Park and from Addington Hills, and within the Crystal Palace, Penge & Anerley Renewal Area.
- 2.3 The site is not located within a conservation area nor is the building listed.



Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The application seeks permission for the demolition of the existing 5 bedroom three storey detached house and erection of a detached building for 6 self-contained flats over four storeys with associated parking and amenity spaces.



Figure 2: Existing Front Elevation

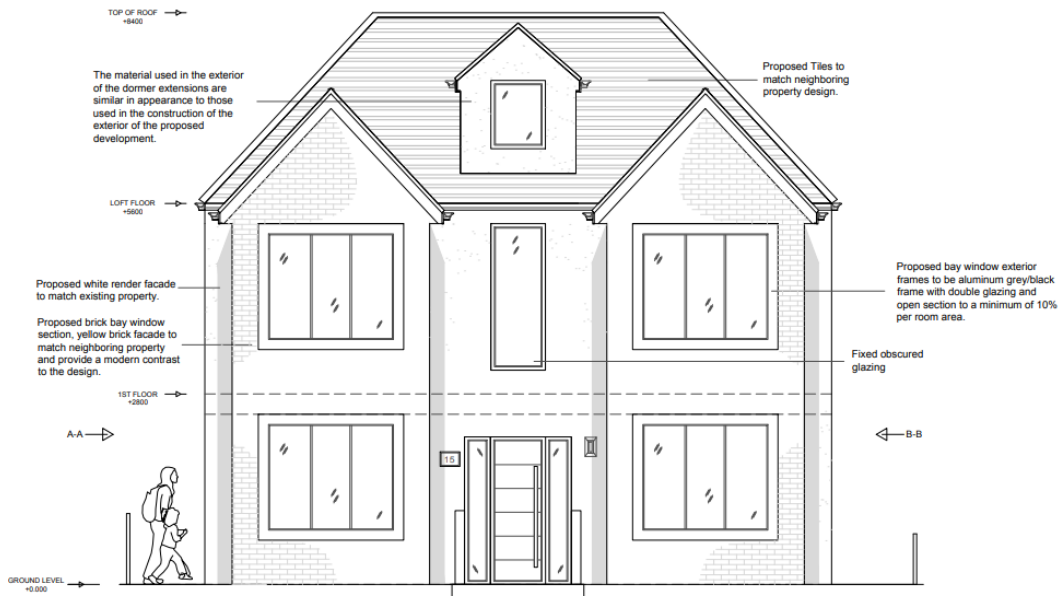


Figure 3: Proposed Front Elevation



Figure 4: Existing rear elevation

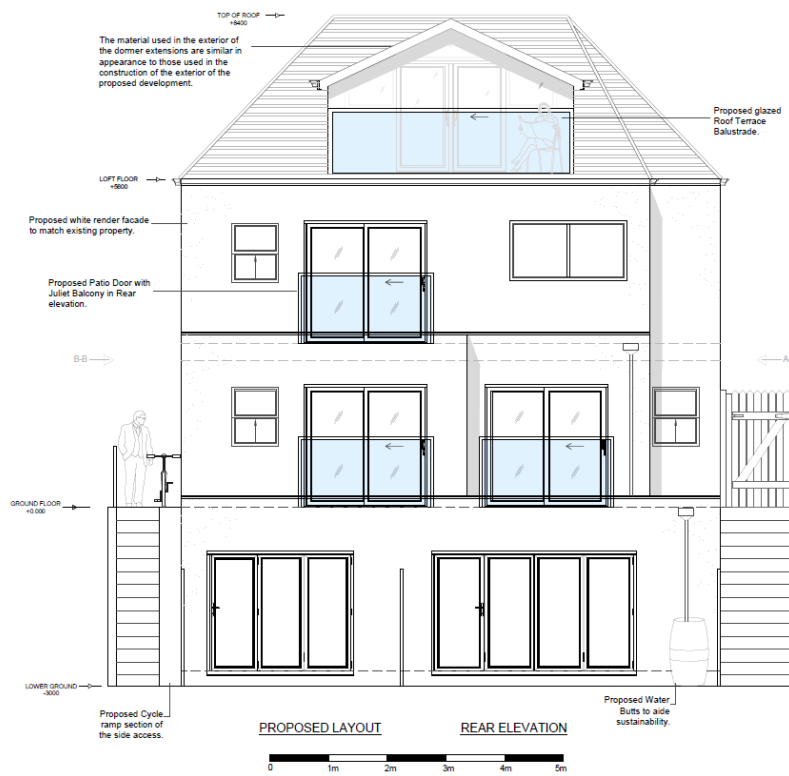


Figure 5: Proposed Rear Elevation



Figure 6: View Towards No. 17 From Rear Garden of Site.



Figure 7: View Towards No. 11 From Rear Garden of Site.

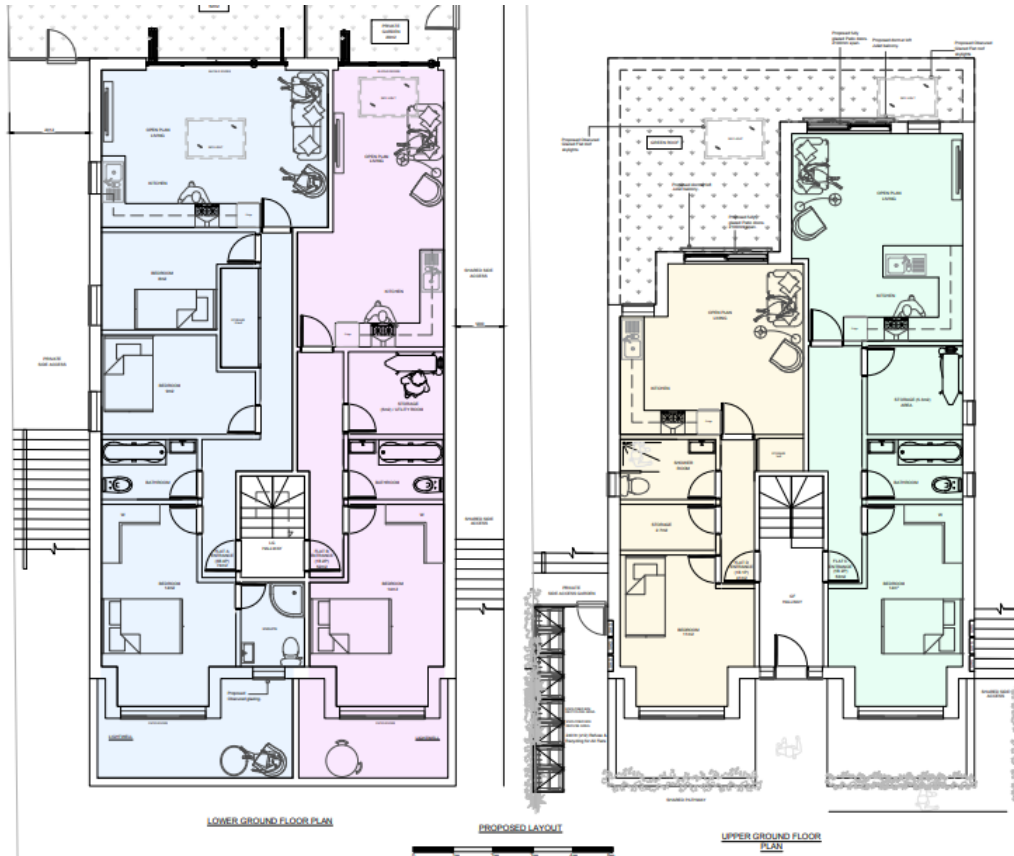


Figure 8: Proposed Lower and Upper Ground Floor Plan

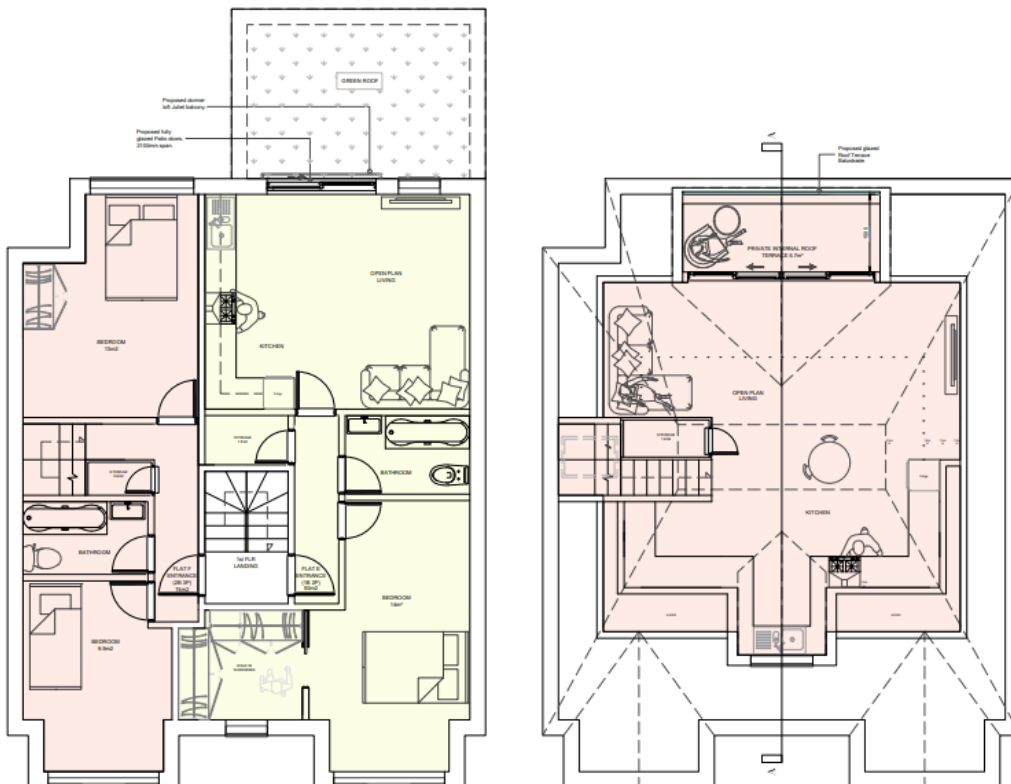


Figure 9: Proposed First and Loft Floor Plans



Figure 10: Existing Elevations

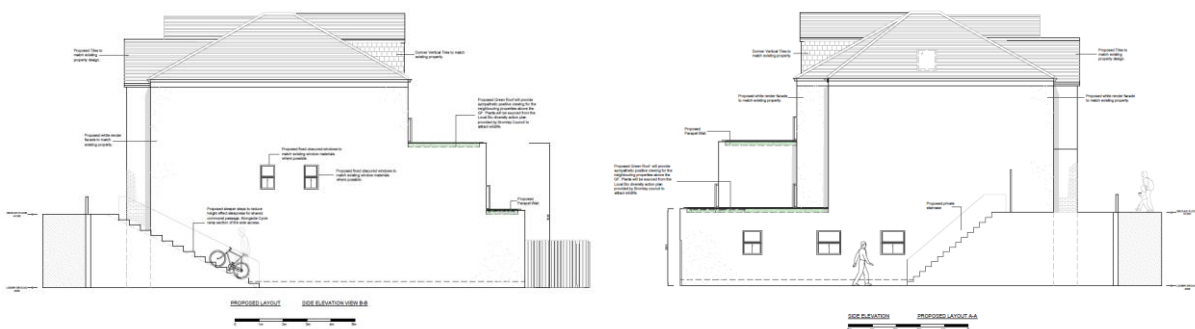


Figure 11: Proposed Side Elevations



Figure 12: Existing Site Plan

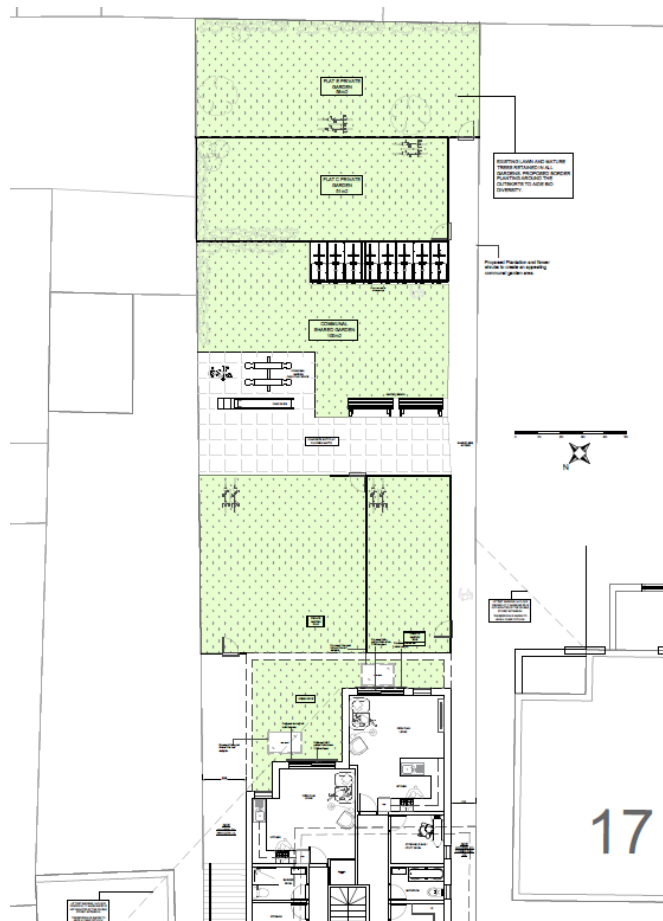


Figure 13: Proposed Garden Layout Plan

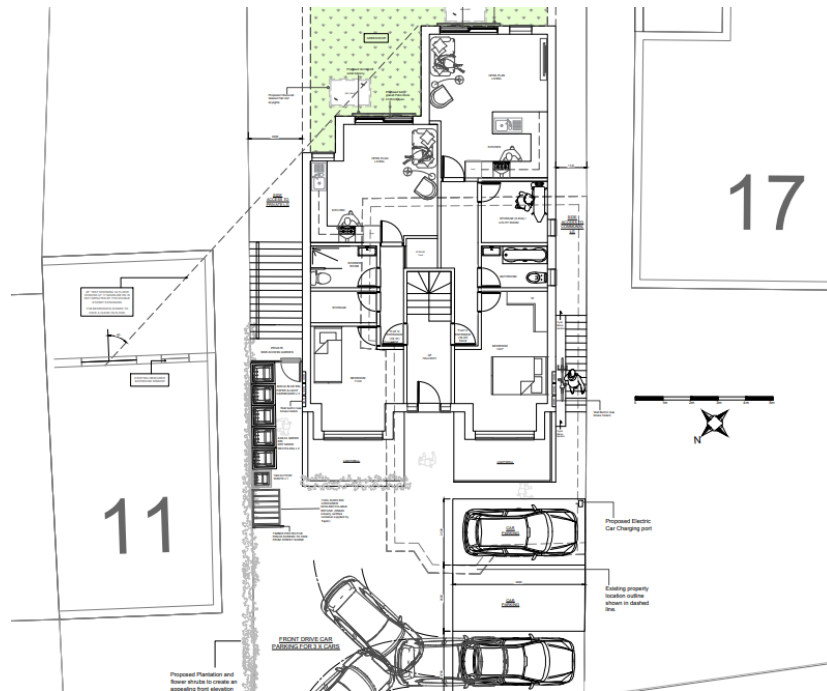


Figure 14: Proposed Front Layout Plan

4 RELEVANT PLANNING HISTORY

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

- 84/00277/FUL – Use of premises as residential accommodation for nine mentally handicapped adults – Refused

5 CONSULTATION SUMMARY

A) Statutory

Highways:

- The site is located on the southeast side of Madelaine Road, also the development is located within a PTAL area of 5 (on a scale of 0 – 6b, where 6b is the most accessible).
- Vehicular access- utilising the existing access arrangement leading to the front forecourt parking.
- Car parking- three substandard parking spaces are indicated. the applicant must be made aware that a standard bay should be 2.4m wide x 4.8m long.
- Cycle parking- indicated and acceptable.
- Bin store- indicated; however please also consult the Waste Management Team.
- Please include conditions to retain the parking and for the submission of a Construction Management Plan.

Following the submission of revised plans, Highways Officers considered that the car parking bay sizes and part cycle ramp for cycles are acceptable.

Drainage Officer:

- It is not clear what materials to be used to construct the proposed access drive and car park areas.

- We require the incorporation of permeable paving with type 3 sub-base to be part of the proposed drainage system.
- I am not imposing any condition before the above is confirmed.

Following further information submitted by the agent, the Drainage Officer confirmed no objection subject to a condition to seek detailed designs of the measures in the submitted Flood Risk Assessment Report to be approved prior to the commencement of any works on site.

Environmental Health Officer:

- No objection to the application subject to conditions and informatives.
- Provided the recommendations in the External Building Fabric Assessment report are carried out in practice I would have no concerns in relation to the impact of external noise on future occupiers.
- Informative recommended to alter the applicant to the need to consider, when choosing the sound insulation, improved sound reduction where there is the stacking of different room types.
- The premises is within an Air Quality Management Area and therefore a condition is recommended concerning Low NOx boilers and the provision of Electric Vehicle Charging Points.
- An informative is also recommended to following Bromley's Code of Construction Practice.

Thames Water:

- Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team.
- With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.
- The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."
- As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what

measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team

- Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Waste Services:

- For six flats with a shared bin area, we would recommend a minimum of:
 - 1 x 1100 Euro container for non-recyclable refuse. (Available on a hire agreement with LBB, or can be bought privately)
 - 2/3 blue wheeled bins for paper and light cardboard. (Provided free of charge by LBB)
 - 2/3 green wheeled bins for dry mixed recycling – plastic bottles, tins and glass. (Provided free of charge by LBB)
 - 1 x 140 wheeled bin for food waste. (Provided free of charge by LBB)
- Regarding the refuse container, as the flats are freehold, I presume the Developer will provider an 1100. If this is the case, we require an EN840 industry certified container. Our preferred supplier is Taylor with the spec sheet attached as this is a long lasting and robust container.
- For all private containers, we will require a private container notification form to be sent to Planning or Neighbourhood Management prior to site completion and collections going live.

B) Local Groups

No Comments were received from local groups.

C) Adjoining Occupiers

The following comments were received from adjoining occupiers (summarised);

Objections

Principle / Use (addressed in Paras 7.1 and 7.2)

- Lack of need for a block of flats in the middle of Madeline Road.
- Road has been subjected to 2 recent major developments totalling 470 new apartments.
- Looks like a House in Disproportionate Multiple Occupancy.
- No social housing provided / benefit to the local area.

Design (Addressed in Para 7.2)

- LBB refused the original planning application on the grounds of scale and design.
- Inspector said that the architect had taken a notably different design on the rear elevations which would consist of mostly large glass windows – design would lead to loss of privacy.
- More open frontage is basically a car park with 12 bins in it.
- Number of dwellings is disproportionate to the amount of space available.
- Disproportionate to surrounding homes – significant increase in footprint and volume.
- Out of character with the road.
- Massive imposing building.

Neighbouring Amenity (Addressed in Para 7.4)

- I would not object to the plan w.r.t. size of the building as a maximum. Any increase in the size would significantly restrict my daylight.
- Loss of sunlight / daylight.
- Unhygienic location for bins next to neighbours access.
- Will be overlooked by many different families.
- Increased noise levels.
- Daylight testing was done on the existing property, not proposed.

Highways (Addressed in Para 7.5)

- Pressure has already been placed on parking within Madeline Road.
- Inadequate provision for parking.
- Concerns over emergency vehicle and refuse collection truck access to the road due to parking.

Other Matters

- Concerns over impact of works in terms of timescales and health / safety.

6 POLICIES AND GUIDANCE

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

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

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

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

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

6.5 National Policy Framework 2023

6.6 The London Plan (2021)

- SD1 Opportunity Areas
- 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
- S11 Improving air quality
- S14 Managing heat risk
- S15 Water infrastructure
- S17 Reducing waste and supporting the circular economy
- S112 Flood risk management
- S113 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

6.7 Bromley Local Plan 2019

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 15 Crystal Palace, Penge and Anerley Renewal Area
- 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

6.8 Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (July 2023)

7 ASSESSMENT

7.1.1 Housing Supply - Acceptable

- 7.1.2 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.
- 7.1.3 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 7.1.4 The NPPF (2023) 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.
- 7.1.5 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.

7.1.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

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

7.2 Design, Layout, Scale – Acceptable

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

7.2.2 The existing building predates much of its surroundings and differs to the design of the adjacent properties on this part of Madelaine Road which results in it appearing somewhat as an anomaly in terms of its greater height and lower ground floor level visible to the street scene. No objection is raised to the principle of the loss of the existing building, however careful consideration is required to be given to the design and siting of the replacement.

7.2.3 In terms of the siting of the proposed building, the development would relocate the footprint of the building so that it would be set further back on its site, with its front elevation set between the front elevations of each of the adjoining neighbours to create a larger frontage. It is considered that this would improve the openness of the site somewhat and would benefit the continuity of the street scene.

7.2.4 Policy 8 of the Bromley Local Plan normally requires proposals of two or more storeys in height to have a minimum 1m space from the side boundary of the side for the full height and length of the building, and where higher standards of separation already exist a more generous side space will be expected.

7.2.5 The existing dwelling abuts the shared boundary with No.17 and would not comply with the normal requirements of this policy. The proposed replacement building would provide a 1m separation to this boundary and a minimum of 1.85m (increasing to 2m) to the shared boundary with No.11. Furthermore, the proposed building would be set back further in its plot compared to the existing dwelling. As such, it is considered that

it would comply with the requirements of Policy 8 and not harm the spatial standards of the area.

- 7.2.6 In terms of the overall scale and massing of the building, it is considered that its scale would be acceptable when viewed from the street scene. The ridge height of the building would be 8.4m from ground level when viewed from the front, compared to the existing building at 9.55m. Whilst the ridge height would extend further in its width, the reduced height would mitigate the overall visual impact of the building and it is not considered that it would appear excessive in its overall scale and bulk.
- 7.2.7 The building would feature a front dormer window at second floor level. It is noted that there are a number of other examples within the street scene of dormers within the front roof slopes and therefore it would not appear unduly out of keeping within the street scene. Furthermore, the proposed external materials including a mix of white render and brick bay windows are considered acceptable in principle subject to a condition to seek further details of these in order to safeguard quality.
- 7.2.8 The proposed development indicates that the existing lawn and mature trees would be retained in all gardens to the rear, with border planting around the outskirts to aid biodiversity. To the front, proposed planting is indicated to the front / side boundary of the site with a timber protective fence also proposed to screen the refuse storage. It is considered that the proposed landscaping and fence would not impact detrimentally upon the visual amenities of the area, however a condition is recommended to provide full details of any proposed landscaping / fencing in order to ensure that this would be the case.

7.3 Standard of Accommodation - Acceptable

- 7.3.1 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The London Plan Guidance - Housing Design Standards (June 2023) 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. The London Plan Guidance - Housing Design Standards (June 2023) and also 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.
- 7.3.2 The London Plan Guidance - Housing Design Standards (June 2023) and London Plan prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.
- 7.3.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents

who are wheelchair users. The application is supported by a M4(2) Adaptable Plans floor plan and an Accessible / Adaptable Homes Statement which outlines the 2 flats located at ground floor level provide option M4 adaptable living. It is considered that this would be acceptable in principle, but that the relevant category of Building Control Compliance should be secured by planning conditions.

7.3.4 The application proposes units consisting of the following;

- Flat A = 3 bedroom, 4 person – 74sqm GIA.
- Flat B = 1 bedroom, 2 person, 52sqm GIA.
- Flat C = 1 bedroom, 2 person, 53sqm GIA.
- Flat D = 1 bedroom, 1 person, 41sqm GIA.
- Flat E = 1 bedroom, 2 person, 50sqm GIA.
- Flat F = 2 bedroom, 3 person, 74sqm GIA.

All units are set over one floor, aside from Flat F which is set over two floors.

7.3.5 The proposed units would meet the minimum space standards set out for units and the indicated shape, room size and layout of the rooms in the proposed building are also considered satisfactory.

7.3.7 All properties would benefit from some outdoor amenity space, with four properties (Flats A, B, C and E) benefitting from private garden spaces. Flat F would benefit from an internal roof terrace and access to the communal shared garden, whilst Flat D would also benefit from access to the communal shared garden. It is considered that the properties would all benefit from suitable outdoor amenity space.

7.3.8 Furthermore, the development would include the provision of outdoor play space including a slide and soft play flooring mats. It is therefore considered that each unit would benefit from appropriate outdoor amenity space.

7.3.9 Environmental Health Officers have reviewed the submission in relation to the standard of accommodation for future occupiers. It is considered that provided the recommendations in the External Building Fabric Assessment report are carried out in practice there would be no concerns in relation to the impact of external noise on future occupiers. An informative is recommended to make the applicant aware then when choosing the sound insulation, improved sound reduction should be considered where there is the stacking of different room types.

7.3.9 The proposed replacement dwelling would therefore provide a suitable level of residential amenity for future owner / occupiers.

7.4 Residential Amenity – Acceptable

7.4.1 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.

7.4.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development

proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

- 7.4.3 With regards to the impact on No.11, the proposed building would project for a maximum of approx. 9.6m beyond the rear elevation. However, this depth would comprise the lower ground element which would be set below the neighbours due to the topography of the site and would not have a significant visual impact. Furthermore, the upper ground floor level would be stepped away from the shared boundary so that its deepest projection would be sited approx. 6.3m away from the shared boundary. The submitted site plan indicates that the upper ground floor level and the first and second floors would not project beyond the 45 degree line when taken from the rear window of the neighbouring property. Having regard to this and the minimum separation of 2m from the shared boundary, it is considered on balance that it would not result in any unacceptable loss of outlook or visual amenity to this neighbour.
- 7.4.4 The adjacent neighbour at No.17 is set back further than the existing dwelling at No.15, and the proposed replacement building would not project beyond its rear. Furthermore, whilst it would project beyond its front, the replacement building would be set further from the boundary (approx. 1m) than the existing and would not project as far beyond the front as the existing. Having regard to this, it is not considered that the development would harm the outlook or visual amenities of this neighbour.
- 7.4.5 With regards to the impact light, a daylight and sunlight assessment has been submitted to support the application. Given the orientation of the site with No.17 set to the west and the proposed dwelling not projecting beyond its rear, it is considered that the main impact would be towards No.11.
- 7.4.6 The submitted daylight and sunlight assessment concludes that there would not be any adverse impact on neighbouring residents given that all windows would retain in excess of 80% of the existing sunlight hours and that the neighbouring garden would also retain over 80% of its existing area which receives 2 hours or more of sunlight on March 21st.
- 7.4.7 It is considered that the development would have some impact on light to the neighbouring properties, in particular No.11. However, the design of the building would include the stepping away from the boundary of the upper floors so that the upper ground floor would be set significant from the shared boundary, whilst the full height of the flank wall (to include the first and second floors) would project a maximum of approx. 4.6m beyond the rear and be set a minimum of 2m from the shared boundary. On balance, given the separation distance, layout & design of the property and the details indicated within the sunlight assessment, it is considered that the development would not result in a sufficient level of harm to the light of adjoining properties as to warrant a refusal of the application on these grounds.
- 7.4.8 With regards to the impact on privacy, a condition is proposed to ensure that the flat roof of the lower ground floor is not used as a terrace. The development would include limited windows in the flank elevation. The lower ground floor windows are not considered to provide any opportunities for overlooking given the topography of the site, whilst the upper floor flank windows are indicated to be obscure glazed. Subject to a condition to ensure that the upper floor windows and rooflight are obscured glazed, it is not considered the flank windows would result in any harm to the privacy of neighbouring properties. Furthermore, the rear and front facing properties are not considered to result

in any uncommon relationship between residential properties and would not provide significant or unacceptable opportunities for overlooking.

7.5 Highways - Acceptable

- 7.5.1 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.5.2 The application site lies within an area which has a PTAL rating of 5 (on a scale of 0 – 6b, where 6b is the most accessible).
- 7.5.3 The proposed scheme would utilise the existing access arrangement which would lead to the front forecourt parking which is considered acceptable by Highways Officers.
- 7.5.4 Concerns were initially raised by Highways Officers regarding the size of the three parking spaces indicated, however revised plans were submitted to ensure that the parking spaces would comply with the standard bay measurements of 2.4m wide and 4.8m long. The provision of 3 parking spaces and the proposed layout are now considered acceptable by Highways Officers.
- 7.5.5 As such, no objection is raised from a highways perspective. A condition is however recommended for a construction management plan to ensure that the works would not adversely impact upon highways matters or neighbouring amenity. A further condition to retain the proposed parking layout is also recommended.

Cycle Storage / Refuse Storage

- 7.5.6 The proposed layout would include outdoor cycle storage space in the rear communal garden area and within the rear private garden areas. Access would be provided by a cycle ramp section to the side of the property. It is considered that the cycle storage would be acceptable in principle, though details of the type of storage provided would be sought by way of condition. It is further noted Highways Officers have raised no objection to the cycle parking.
- 7.5.7 With regards to refuse storage, this would be located to the front of the site, adjacent to the boundary with No.11 Madeline Road, and would include provision for 3x 240L paper & cardboard bins, 2x 240L mixed recycling bins, a 140L food waste bin, and a 1100L euro bin container, set behind a timber protected screen to minimise the visual impact from the street scene. The Council's Waste Service Officers have confirmed that this would provide appropriate refuse provision and that they would have no objections to the proposed siting.

7.6 Drainage / Thames Water – Acceptable

- 7.6.1 The Council's Drainage Officer requested clarification on the materials used to construct the access drive and car park areas, and to ensure the incorporation of permeable paving with type 3 sub-base to be part of the proposed drainage system. The agent has confirmed by email (dated 25th October 2023) that the surface water flood risk on site will be mitigated using hard permeable paving surface for the driveway and that permeable driveway/pathways will use sub-base materials similar to 4/20 and type 3 sub-base that allows water to pass through and also provides a water buffer store.

Following this, the Drainage Officer has confirmed no objection to the development subject to a condition to seek detailed designs of the measures in the submitted Flood Risk Assessment Report to be approved prior to the commencement of any works on site.

- 7.6.2 Thames Water have reviewed the application and have not raised any objections to the proposed scheme with regards to the impact on the water network and water treatment infrastructure capacity. Furthermore, provided the developer follows the sequential approach to the disposal of surface water no objection would be raised to any surface water impacts.
- 7.6.3 However, it is noted that the development is located within 15m of a strategic sewer and therefore a condition is recommended to ensure that no piling shall take place until a piling method statement has been submitted and approved by the local planning authority.
- 7.6.4 Thames Water would also request the applicant to incorporate protection to the property to prevent sewage flooding by installing a positive pumped device (or equivalent).
- 7.6.5 Informatives are also recommended by Thames Water to ensure that the applicant is aware a groundwater risk management permit would be required, that the developer should take account of the minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute when designing the proposed development.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the proposed development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the site optimisation and unit type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the area and locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.
- 8.2 On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.
- 8.3 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Recommendation: Permission

Subject to the following conditions:

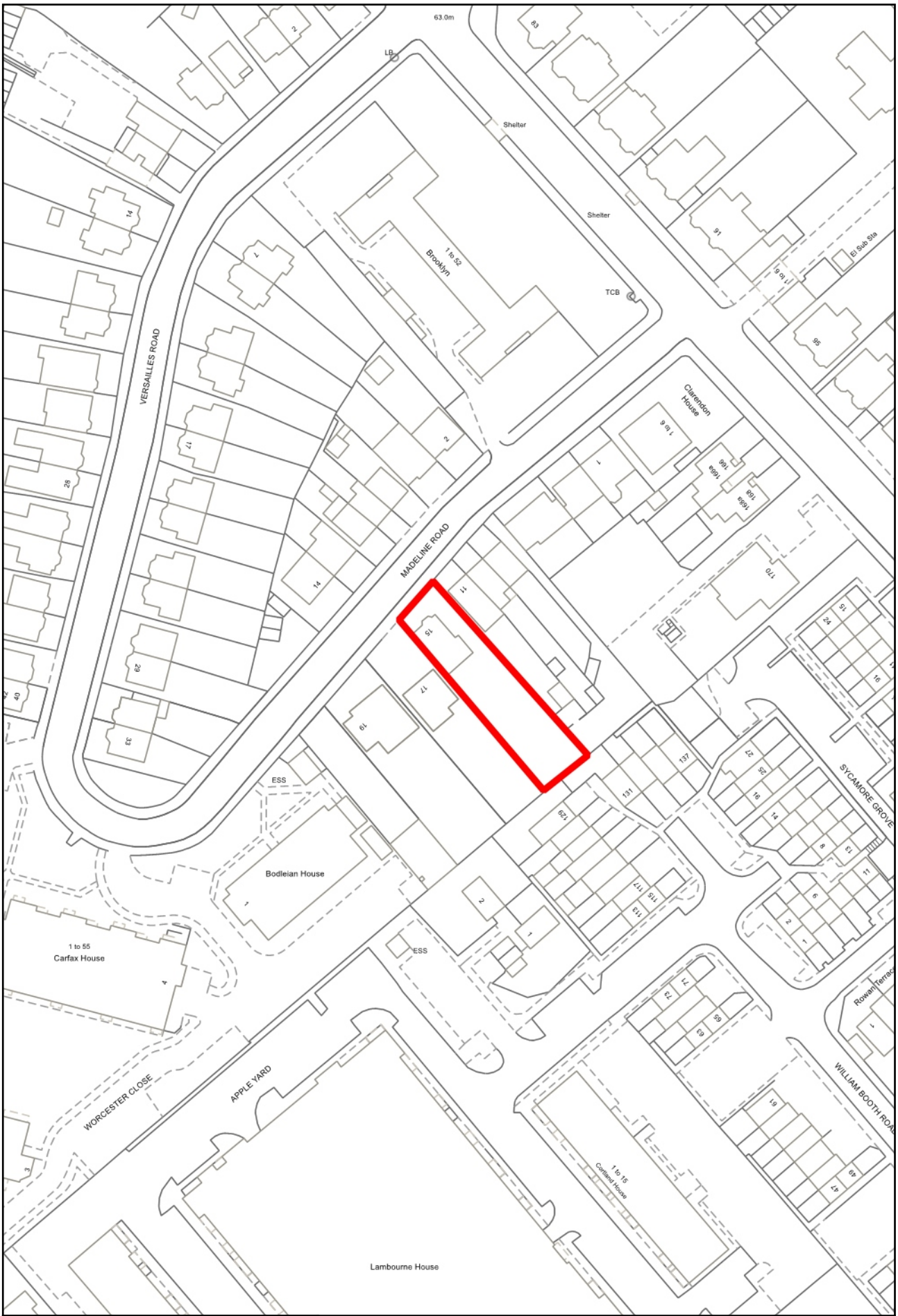
- 1. Time Period**
- 2. Compliance with approved plans**
- 3. In accordance with submitted materials**
- 4. Construction and Environmental Management Plan**

5. Landscaping Plan
6. Parking to be retained
7. Low NOx boiler
8. Piling Method Statement
9. Drainage Details
10. Obscure glazed windows to upper floor flank elevations
11. Accessible Dwelling Compliance
12. Restrict Use of Flat Roofs (not used as balcony / terrace)
13. Electric Charging Points
14. Compliance with approved refuse details
15. Cycle Storage Details


Informatives

1. Internal Noise Transmission
2. Code of Construction Practice
3. Thames Water pressure
4. Groundwater risk management permit
5. Street Naming and Numbering
6. CIL

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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Ordnance Survey 100017661.

 22/03824/FULL1



31 October 2023

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Agenda Item 4.2

Committee Date	09.11.2023	
Address	Pavilion And Public Conveniences Goddington Park Goddington Lane Orpington BR6 9DH	
Application Number	23/02527/FULL1	Officer - Robin Evans
Ward	Orpington	
Proposal	Demolition of the existing sports clubhouse. Erection of repositioned sports pavilion, external equipment store, cycle and bin store, perimeter fencing and associated works, including new access from car park and landscaping.	
Applicant Mr L Covil	Agent Mr Colin Smith	
C/o Agent	146 Brambletye Park Road Redhill RH1 6ED	
Reason for referral to committee	Call-In	Councillor call in Yes – Cllr Tunnicliffe

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> Article 4 Direction Biggin Hill Safeguarding Area Local Cycle Network Public Rights of Way Green Belt London City Airport Safeguarding Renewal Area Sites of Interest for Nat. Conservation Sites of Interest for Nat. Conservation Smoke Control SCA 31 Views of Local Importance

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

Existing	F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)	491
Proposed	F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms).	448

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	n/a	n/a	n/a
Disabled car spaces	n/a	2	+2
Cycle	n/a	Cycle store provided	increase

Representation summary	Neighbour letters sent 27.07.2023 Site notice displayed 28.07.2023 Press advertisement published 02.08.2023
Total number of responses	378
Number in support	336
Number of objections	42

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would comprise inappropriate development within the Green Belt by definition, it would be harmful to its openness and would conflict with the purposes of including land within it,
- There are no other considerations of sufficient weight and uniqueness to clearly outweigh the harm identified.

2. LOCATION

- 2.1 The application site is the sports pavilion/equipment store at Goddington Park, located on the eastern side of Goddington Lane, Orpington, close to the junction with A224 Court Road. The existing pavilion is stated to provide 4 changing rooms, 2 bathrooms, 2 storage rooms, male and female showers and a kitchenette, and a detached storage container to address a shortfall of internal storage space. The land is predominantly level with boundaries marked by trees and vegetation. The Park comprises a large main open public space providing numerous football pitches and two further fields to the east providing rugby pitches. There is a public car park and children's playground at its southwestern

corner and a sports pavilion at its south-eastern corner. To the south of the park is Orpington Sports Club which appears to be a separate and private sports club with its own car park. The application site lies within the Green Belt and Site of Importance for Nature Conservation. The site is not listed, although it does abut the Grade II listed Goddington Manor, and it does not lie within a Conservation Area or an Area of Special Residential Character.

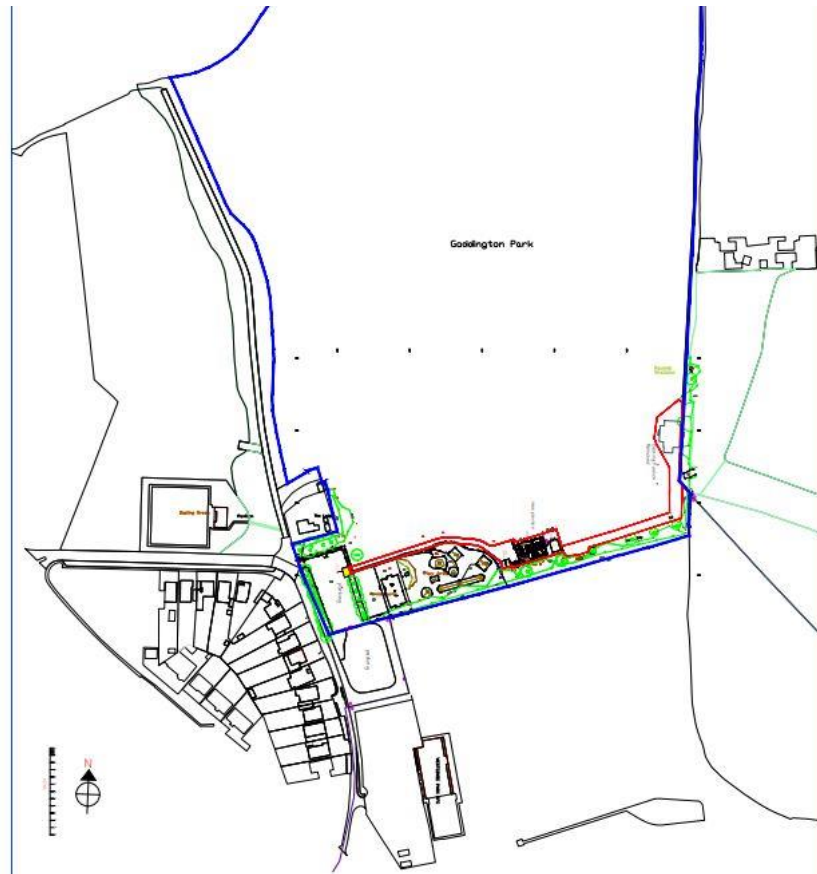


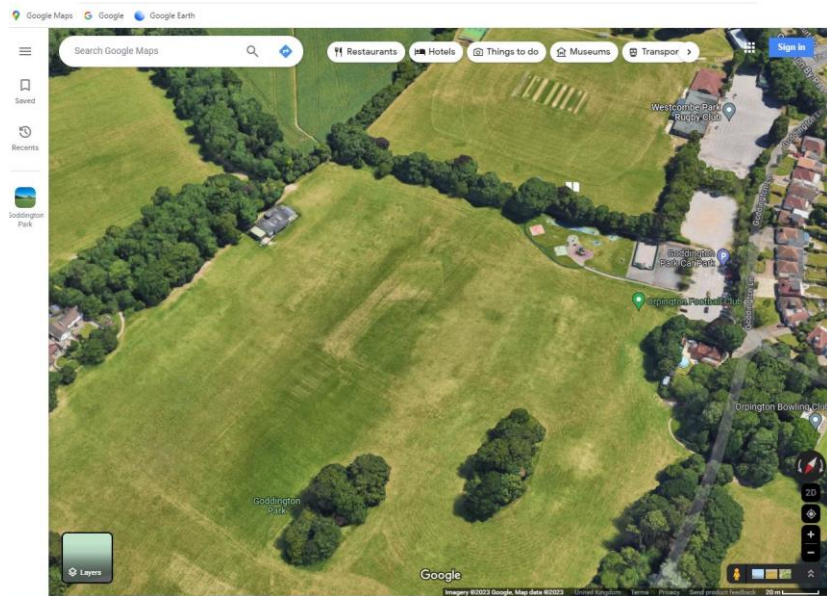
Figure 1. Site Location Plan.



Photograph 1. Proposed site location from alongside children's playground.



Photograph 2. Proposed site location from Goddington Park car park.



Aerial photograph 1.

3. PROPOSAL

- 3.1 Planning permission is sought for demolition of the existing sports clubhouse and erection of repositioned sports pavilion, external equipment store, cycle and bin store, perimeter fencing and associated works, including new access from car park and landscaping.
- 3.2 In support of and during the course of the application the Applicant provides the following further supporting details:
- Intensification of Use
 - There would be no intensification of use by the Football Club or an intention to become a semi-professional football club,
 - Additional use would be provided to the community for community benefit,
 - Highways and Car parking
 - the proposal would improve the existing facilities, additional groups using the building where it is currently under-utilised, would take place outside the normal club sessions and overall, this would not intensify the existing activities or increase transport or parking impacts,

- car parking issues raised are pre-existing issues e.g. simultaneous football and rugby fixtures and is not for this proposal to resolve,
- the access route from the car park to the pavilion is for disabled access and routine deliveries and not for general access,
- the transport issues would not be severe according to the NPPF as concluded in the previous scheme,
- Visual Impact
 - Existing pavilion is not fit for purpose, it is a poor condition, it is not large enough and it is in a poor location and would not be suitable to replace it in its current size or location and no objection to the proposed re-siting in the previous scheme,
 - Proposed pavilion whilst taller along with the landscaping to screen the security fencing would be a visual improvement,
 - Proposed pavilion siting would be more integrated with the tennis courts and playground,
 - No objection to the design rationale as concluded in the previous scheme,
- Waste collection
 - The Football Club manages any litter on the field and arranges a regular refuse collection from the existing pavilion area,
- Security
 - The building is designed to deter and resist vandalism and intrusion,
- Uses
 - Proposed hours of building use:
 - Football season (September-April) 8am to 9pm,
 - Outside football season (May-August) 8am to 1 hour after dusk,
 - Primary use is at weekends for the Football Club and its own social functions,
 - Secondary use would be for the Football Club's administrative functions e.g. meetings, presentations/prizes, social events hours to be agreed with the Council; and intended to include a maximum of 6x events per year including Christmas Social, prize giving ceremony, presentations, fund raising events, and would be similar to other neighbouring sports clubs hours of operation,
 - Other uses could include other sport and recreational activities,
 - Other users would make efficient use of the building and provide additional activity and natural surveillance,
 - The Football Club does not intend to hire the venue out for weddings and parties,
 - Noise issues raised are pre-existing such as arising from other sites e.g. the rugby club, this proposal would not intensify the use of increase noise,
- Other matters
 - The identity of commenters and their location are redacted and cannot be verified,
 - The proposal would not harm the existing park, landscaping or biodiversity,
 - The construction period can be managed by a Construction Management Plan.

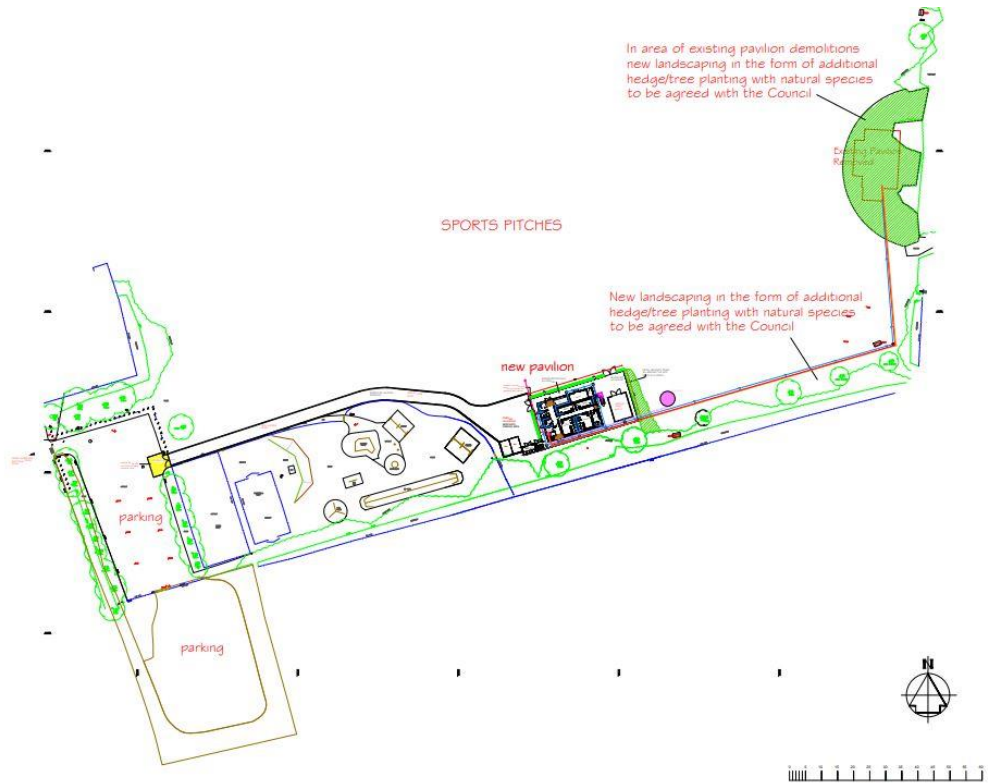


Figure 2. Proposed site layout plan (23/02527/FULL1).

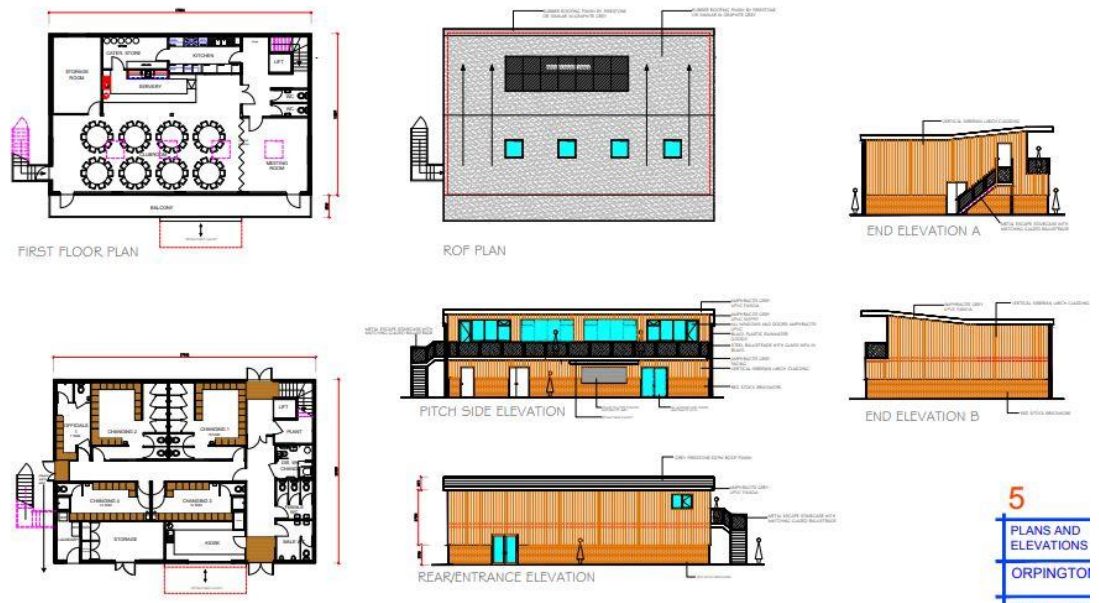


Figure 3. Proposed pavilion floor plan and elevations – current application (23/02527/FULL1).

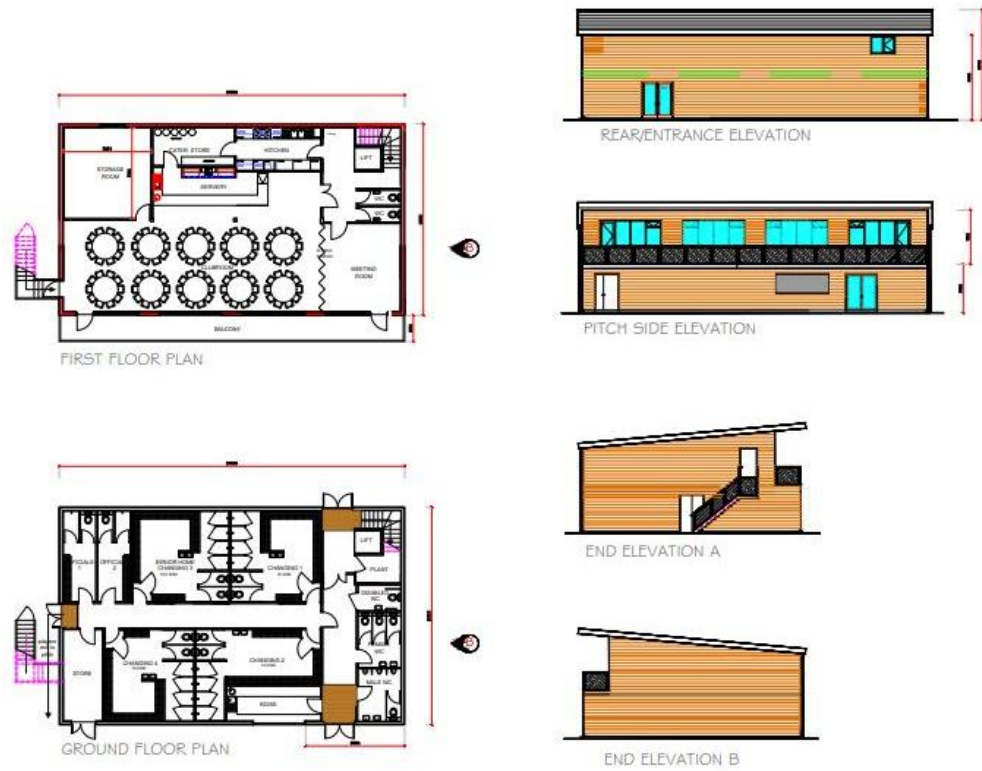


Figure 4. Proposed pavilion floor plan and elevations – previously refused application (21/05790/FULL1).

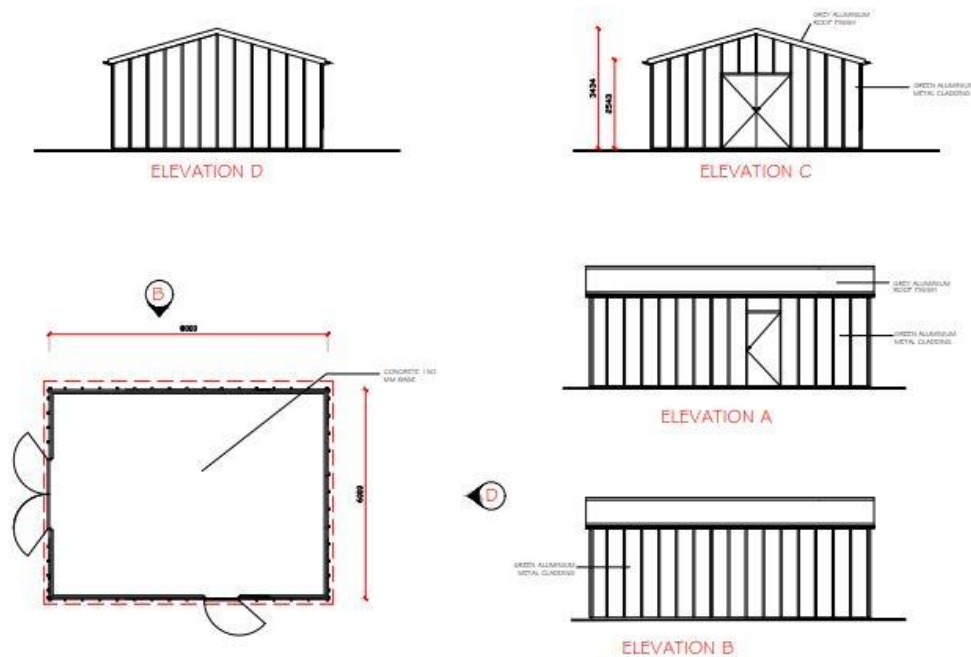


Figure 5. Proposed storeroom floor plan and elevations – current application (23/02527/FULL1).

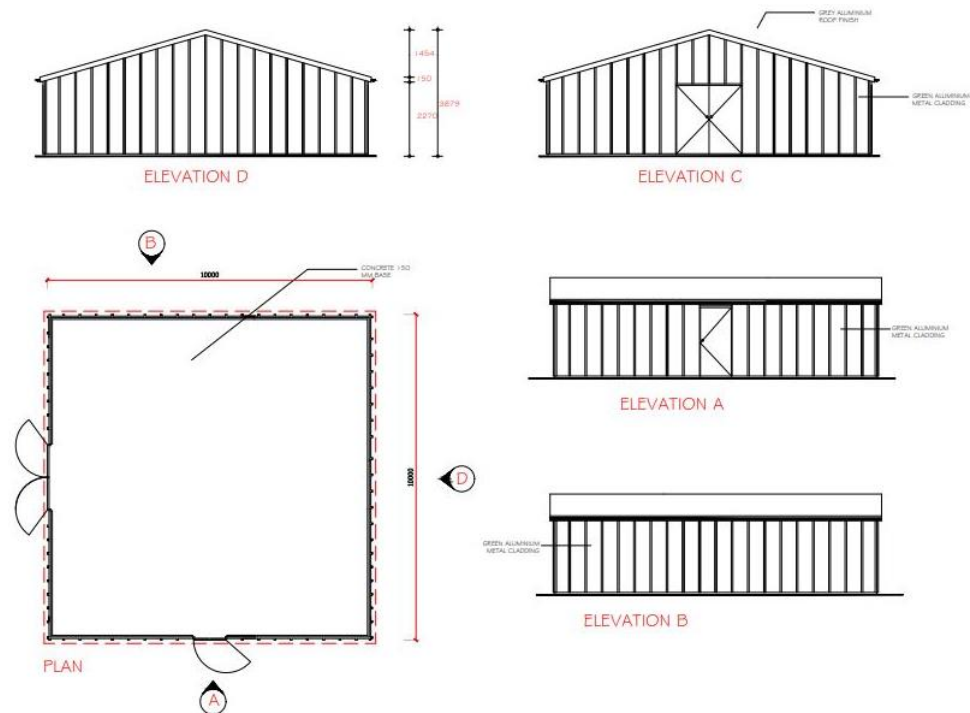


Figure 6. Proposed storeroom floor plan and elevations – previously refused application (21/05790/FULL1).

4. RELEVANT PLANNING HISTORY

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

13/03422/FULL1 – Erection of secure metal storage building beside existing pavilion and steel fencing to surround storage building and pavilion was approved on 3 December 2013 and this appears to have been implemented.

21/05790/FULL1 – Demolition of the existing sports clubhouse. Erection of repositioned sports pavilion, external equipment store, cycle and bin store, perimeter fencing, and associated works was refused on 12.09.2022 for the following reason:

1. The proposal would comprise inappropriate development within the Metropolitan Green Belt by definition, it would fail to preserve its openness, it would conflict with the purposes of including land within the Green Belt. There are no very special circumstances existing in this instance to clearly outweigh the identified harm. The proposal would conflict with Policy 49 of the Bromley Local Plan 2019 and paragraphs 149 and 150 of the NPPF 2021.

The Applicant did not appeal against the Council's decision.

5. CONSULTATION SUMMARY

A) Statutory

Highway Department: **No Objection**

The application site lies in an area with a PTAL 1a-1b rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport and therefore trips to the site would be predominantly by car. The existing pavilion building is small with limited capacity, and it is not clear whether the community uses and social events already take place although it is unlikely given the size, scale and condition of the existing building.

The submitted Transport Statement reference 200.0004/TN/4 dated October 2021 is unchanged from the previous application 21/05790/FULL1. It concludes that, although the floorspace of the pavilion will increase, the frequency of the football matches and events will stay the same and so the existing level of trips generated by the current site will remain as existing with no predicted increase in trips. A Parking Stress Survey was also included in the TS, carried out on a Saturday and Sunday in May 2021 between 08.00- 16.00. This indicates there are parking pressures in vicinity of the site particularly on a Sunday morning. The surveys were carried out in May 2021 and objections to this application state that there was not the full level of fixtures taking places at the time due to Covid-19 lockdown and being outside of the main football season and that the surveys were also undertaken before OFC had formally brought into use additional football pitches in Goddington Park. The parking surveys therefore seriously underestimate the overall impact of the proposed new facilities. The parking surveys also include some areas that unlikely to be used by people going to the park, such as the Closes off Berrylands and some other private parking areas such as the Rugby Club car park, which would not be available to members of the general public visiting the park. The Transport Statement also incorrectly labels some public car parks are labelled as the Orpington Football Club car park and overflow car park. It would appear that the parking surveys were not carried out at a time of maximum usage of the site by sports clubs on a weekend. However, if as stated in the application there would be no increase in the OFC fixtures, with or without the proposed Clubhouse, then there would in effect be no significant increase in vehicle trips as a direct result of the proposed development, whether or not the surveys were carried out at this time or if they were to be carried out again. The proposal intends to use the Clubhouse for OFC events after matches and potentially other events, possibly in the evening. This may increase in trips associated with those uses and increase in the length of time people spend in the park before and after matches.

Summary

The application site lies in a low PTAL rated area indicting a higher reliance upon private car usage by club members, players and spectators. The parking stress surveys, notwithstanding any issue in the methodology, indicate that there are parking pressures in vicinity of the site particularly on a Sunday morning. The impact of these new facilities remains a concern however there is no formal objection raised.

Sport England: **No objection**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The proposal is for the demolition of the existing pavilion building located on the east side of the playing field towards its southeast corner, and its replacement with a larger two storey pavilion building on the southern boundary of the field to the east of the existing playground. The pavilion would be reached via an access road from the existing car park into a smaller parking and loading area. An equipment store is proposed to the east of the pavilion. A 2.4m metal security fence would surround the pavilion and equipment store. The part of the playing field affected by the proposal has in the past been marked out for pitches, most notably as part of the outfield to a senior cricket pitch, that it is understood was last used in the 2018 season.

The application is broadly a resubmission of a previous proposal considered by the Council under reference 21/05790/ FULL1 to which Sport England raised no objection but that was refused by the LPA on the grounds of its impact on the openness of the Metropolitan Open Land. Subsequent to that, it is understood that the proposed building has been modified to reduce its overall footprint and massing to address those concerns.

Sport England has consulted the relevant NGBs:

The Football Foundation: The existing pavilion is known to be in poor condition, with a requirement to improve/replace to meet modern standards and requirements for ancillary facilities – in terms of safeguarding, meeting minimum standards, and providing positive experiences for local participants. The site is of strategic importance for football to support participation in this area – providing an 11-pitch site catering for 17 teams ranging from under 6s through to adults, including both male and female players. Notably, the project is included within the Local Football Facility Plan for Bromley.

The pavilion would provide two changing rooms which meet Sport England design guidance of 16 sqm open changing area (whilst the FA and Football Foundation typically recommend

18 sqm, the Football Foundation recognised the applicants desire to minimise impact on green belt by meeting Sport England's minimum requirement), whilst providing the recommended four cubicle showers and two WCs in the changing areas. Furthermore, the officials changing room meets the recommended dimensions. Where possible, the Football Foundation recommends an additional officials' changing room, however, recognises the requirement to minimise floorspace for this proposal specifically. The Football Foundation recommends that the Applicant includes access to lockers, and ensures the planned officials' changing room includes a thumb turn lock, which will allow for staggered use of changing where required (i.e. to accommodate male and female officials).

The third and fourth changing rooms are below the recommended dimensions, however, Football Foundation published guidance states as follows:

Smaller changing rooms without showers can be considered for suitable sites that need multiple changing rooms and can be included alongside a set of larger open age changing rooms. 12m² with a self-contained WC may be acceptable following user consultation.

Whilst the Football Foundation would always advocate the larger sized changing rooms to be provided where possible, from our consultation with the Applicant and given the challenges of providing suitable ancillary provision to support participation, whilst minimising the impact on open space, the Football Foundation is satisfied that this is sufficient and appropriate under these circumstances (notably, the first floor of the facility could not be utilised to provide larger facilities, as the Football Foundation would not recommend changing provision on the first floor). Inclusion of the kiosk, with an external serving hatch, is welcome – as such facilities provide a crucial opportunity for the club to generate income for more sustainable operation, whilst providing an improved offer for local residents (players, spectators etc.).

The clubroom provides sufficient space to provide for the club's needs and is appropriate level of provision – being flexible in its design and providing catering opportunity, with adequate space for refreshments, coaching and community activities – therefore also meeting current design recommendations/considerations for pavilions.

The Football Foundation and Kent FA are therefore fully supportive of the proposal – which seek to provide much-needed improvements at this location for football and have been produced to meet the recommended criteria. Whilst the Football Foundation would typically recommend larger dimensions and additional facilities in some instances, given the constraints of the site and consideration given to impact on Green Belt the Football Foundation is satisfied that the reduced provision is appropriate on this occasion.

The English Cricket Board (ECB): The site was previously used by Orpington Cricket Club and the club would have continued to play there if the quality and price of the facilities been acceptable. The proposed pavilion would adversely impact on the outfield of the former pitch however it could be relocated further to the northeast: the cricket square would require a full reconstruction. The ECB notes that the Council's Playing Pitch Supply and Demand Assessment Report identifies a substantial senior cricket pitch shortfall in the Borough amounting to 98 match equivalent sessions currently and 194 match equivalent sessions in the future. Reinstatement of the cricket square in this location, would address approximately 40% of the Saturday MES shortfall. Regarding the proposed pavilion the ECB identifies that the building would not be compliant with ECB technical specifications requiring two team changing rooms of at least 20sqm and incorporating a direct view out onto the pitch.

Having assessed the application and having taken into account both NGB's comments, Sport England is satisfied that the proposed development meets exception 2 of its playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

Specifically, the cricket pitch has not been used for a least five seasons and has not been maintained. Sufficient space would remain available on the playing field to enable a full-sized cricket pitch to be re-established if that is identified as part of the Council's strategy, to overcome identified pitch shortfalls across the Borough or in this sub area. In terms of the building size and design, it is recognised that the design is primarily driven by the Football Club's operational space requirements in consultation with the Football Foundation, and having regard to the need to reduce and minimise the impact of the proposal on the Metropolitan Open Land in which the site sits. While it is recognised that the building does not meet the technical requirements of the ECB, the proposal does represent an overall improvement in both the quality and quantity of supporting, ancillary facilities and would not adversely impact on the capacity of the site to accommodate the same number of pitches as existing or previously available. This being the case, Sport England does not wish to raise an objection to this application.

In its response to the previous planning application Sport England noted that the Council might wish to attach a planning condition requiring the reinstatement of the existing pavilion site area to playing field land. It is recognised that in this application, it is proposed that the site is alternatively, landscaped in the form of additional hedge/tree planting with natural species to be agreed with the Council. While Sport England has no in principle objection to that, any scheme must ensure that it does not adversely impact on any existing or relocated football pitch including its 3m clear safety run off areas by way of tree roots or canopy overhang and also, that this area does not adversely impact on the potential to reinstate a full-size cricket pitch with clear safety run off area beyond in the future. Sport England would welcome consultation on the details of the planting scheme before it is approved by the LPA.

Transport for London: **No objection**

A224 Court Road is part of the part of the Strategic Road Network (SRN) for which TfL is the local highway authority administering the Transport for London Road Network (TLRN). The application site is set approximately 150m away from the TLRN and TfL has no objections in terms of impacts on the TLRN or other TfL assets or services, but offers the following comments:

- TfL has a duty, shared with the Council, under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- The site has a Public Transport Access Level (PTAL) of 1b, where 0 represents least and 6b represents greatest level of access to public transport services, including one fairly infrequent bus service indicating a likely higher demand for and usage of private vehicles.
- TfL understands that the proposal entails the construction of a sports pavilion and storage building (467.8sqm GIA).

- The peak demand for the development is on a Sunday morning and therefore does not coincide with the network peak hours.
- It is understood that the frequency of football matches and events will remain the same and that the development will not generate an increase of vehicle trips and therefore TfL is satisfied that there will be no increased risk of unauthorised/overspill parking on the A224 Court Road. However, this should still be managed effectively to prevent any overspill onto the A224. Should any overspill occur on to the A224 it is a wide road with a central hatched reservation where overtaking is possible,
- As demonstrated in the Parking Survey, demand for parking currently outweighs the parking provision when the site is at its busiest. It is understood that no additional parking spaces are proposed, excluding 2 new bays for delivery and servicing vehicles, which is supported. These should be effectively managed to prevent unauthorised parking. TfL also encourage the provision of Electric Vehicle Charging facilities in line with Policy T6 of the London Plan.
- Whilst acknowledged that the proposed 6 cycle parking spaces accords with the minimum standards set out in Policy T5 of the London Plan, TfL believes that this provision should be increased given the land use and to support healthy and active travel in line with the Mayor's Transport Strategy. This would also help to reduce demand for parking and therefore reduce parking stress on neighbouring roads. All cycle parking should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS).
- All vehicles should only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

B) Local Groups

Kent County Football League – Regional Feeder League (RFL)

- the existing poor changing and facilities hinder the progress of OFC into the senior football pathways and participation in higher level sport,
- there are few RFL level sports grounds in the Borough,
- the proposal would improve the facilities for safeguarding, health and safety and disabled access,
- the proposal would encourage increased participation in a safe environment,

Westcombe Park Rugby Football Club

- no objection in principle,
- Westcombe Park RFC marshals its car park to avoid traffic and parking congestion,
- Orpington FC must commit to marshal the car park to avoid traffic and parking congestion

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

C) Adjoining Occupiers

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

Objections

Procedural matters – covered in paragraph 7.1

- The site notice states that the development is a departure from the Development Plan, and it is therefore unacceptable,
- OFC stated community engagement has not been carried out,
- Support provided by OFC members is disproportionate,
- Orpington Football Club has poor engagement with its neighbours e.g. holding events and managing its parking, unlike the rugby club,

Principle, use and design – covered in paragraphs 7.3 and 7.5

- Orpington Football Club's use of the park is disproportionate and excessive and other sports Clubs/organisations are discouraged from attending e.g. OFC taking over the other sports pitches and other organisations such as Parkrun required to divert their routes to avoid the football pitches, other Clubs avoiding the park due to the traffic/parking issues,
- Orpington Football Club is too large for the park and should find other premises for a football complex not in a public park intended for the wider community,
- The park is a public park intended for the wider community and protected by "Fields in Trust" and managed by London Borough of Bromley,
- The cricket square has now eroded due to poor maintenance and lack of use,
- Orpington Football Club is associated with Millwall Football Club, with a poor reputation, and the OFC membership would continue to grow,
- Orpington Football Club would control the use of the pavilion and could decide to restrict access for other park users,
- A pavilion should be for all park users,
- Toilets inside the fence would not be accessible 24/7,
- Toilets outside the fence, accessible 24/7, would attract crime and antisocial behaviour,
- The café would not be viable due to low footfall,
- Without the café the toilets would be unstaffed/unsupervised and therefore would not be provided to the community,
- Café and toilets for community use will not form part of the development,
- Existing pavilion provides for meetings and award ceremonies for the football club, a new pavilion is unnecessary,
- There are already function rooms/party rooms e.g. neighbouring rugby club,
- Support comments are mostly from the Football Club as encouraged by its website/social media, in support of the proposal, and not from local people,
- Other sports and facilities should be encouraged not only football,
- The proposal has not overcome the reasons for refusal of the previous scheme,

Highways and parking – covered in paragraph 7.8

- Unsustainable Green Belt location encouraging and increasing vehicle trips,
- The close proximity to the existing car park should render the access road unnecessary,
- The stated parking provision is inaccurate/incorrect; including spaces belonging to the neighbouring private Rugby Club which manages/marshals its parking to ensure sufficiency,

- The parking surveys are out of date, May 2021 during the COVID-19 lockdown when public football was not permitted and there was less traffic, and in any event outside the football season when there would be less training and matches taking place, and therefore inaccurate and should be disregarded,
- Narrow/poor access along Goddington Lane cannot accommodate existing/proposed traffic levels,
- Proposed access road to the pavilion is unnecessary, would harm pedestrian safety and children using the playground, and would further reduce parking bays in the car park,
- Increased traffic and parking close to vulnerable children's playground,
- Delivery vehicles would need to open the height restriction barrier thereby leaving the car park vulnerable to large vehicles,
- The car park should be extended rather than a new access road,
- Parking in residential roads opposite Court Road is unfeasible/unrealistic and park users will choose to park nearer and cause traffic/parking congestion, and risks pedestrian safety,
- Additional usage e.g. functions, would exacerbate traffic and parking issues,

Green Belt – covered in paragraph 7.4

- Inappropriate development in the Green Belt with no Very Special Circumstances to outweigh the harm and contrary to the Council's previous advice,
- Siting and scale would detract from the green open site and appearance of the Green Belt,
- Building is unnecessarily large e.g. excessive/duplicated facilities such as toilets on all floors, meeting room and a function room could be combined, kitchen and a canteen, laundry room is now shown,
- Access road and hard surfacing would harm the Green Belt,

Residential Amenity – covered in paragraph 7.7

- Additional functions/parties would cause noise, disturbance and antisocial behaviour, litter,
- Proposed planting/landscaping would not sufficiently screen noise,

Ecology and biodiversity – covered in paragraph 7.11

- Building would occupy potential wildlife habitat and its use, including additional lighting/noise after dark, would harm wildlife,
- Disruption during construction,

Sustainable design – covered in paragraph 7.9

- Additional traffic and trip generation would exacerbate climate change,

Support

Green Belt – covered in paragraph 7.7

- proposal comprises appropriate facilities in the Green Belt,
- proposal also has Very Special Circumstances required to outweigh any harm identified,
- located at the edge/boundary of the site would not encroach on playing fields or the Green Belt

Principle, use and design – covered in paragraphs 7.3 and 7.5

- No objection in principle to a replacement single storey pavilion only for changing rooms and equipment storage without the additional features and facilities,
- the existing pavilion facilities are not fit for purpose, poor quality construction and materials, inaccessible, and do not comply with safeguarding for all genders and SEN requirements,
- the development site is poor quality; shaded, muddy and underused, and would be better served by the proposed building,
- the proposal designed in accordance with The Football Foundation and support of local MP is the minimum necessary size to operate effectively whilst minimising impact on the environment,
- would remove the existing redundant pavilion and provide landscaping,
- the proposal would provide modern/up-to-date and fit for purpose and accessible facilities,
- would support Orpington Football Club which is cherished organisation formed of mostly local people, promoting good value sport and wellbeing, and are a valued organisation operating within the park,
- would support a healthy lifestyle, reduce obesity, loneliness and improve mental health,
- would provide activities/hobbies/youth groups; reducing antisocial behaviour and crime,
- the proposal would provide toilet facilities, refreshments; supporting park users including football club and visitors, Parkrun, dog walkers and general park users,
- would offer new opportunities community, meeting place, and sports groups, which have been lacking in the area,
- would support long-term investment in the park and encourage future upgrades e.g. children's playground,
- sustainable design/construction and ecological enhancements,
- new landscaping would improve the appearance of the park,
- traffic/construction issues would not be severe and would not significantly inconvenience residents,
- could incorporate expanded car park e.g. with the rugby club,
- could incorporate highway improvements e.g. pedestrian crossings on Court Road,

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

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

NPPG

The London Plan

GG2 Making the best use of land

D4 Delivering good design

D5 Inclusive design

D8 Public realm

S5 Sports and recreation facilities
G2 London's Green Belt
G6 Biodiversity and access to nature
G7 Trees and woodlands
HC1 Heritage conservation and growth
T5 Cycling
T6 Car parking
T6.4 Hotel and leisure uses parking

Mayor Supplementary Guidance

Bromley Local Plan 2019

20 Community Facilities
21 Opportunities for Community Facilities
26 Health and Wellbeing
30 Parking
32 Road Safety
37 General Design of Development
49 The Green Belt
57 Outdoor Recreation and Leisure
58 Outdoor Recreation and Leisure
59 Outdoor Sport, Recreation and Play
60 Public Rights of Way and Other Recreational Routes
69 Development and Nature Conservation Sites
72 Protected Species
73 Development and Trees
74 Conservation and Management of Trees and Woodlands
79 Biodiversity and Access to Nature
113 Waste Management in New Development
115 Reducing Flood risk
116 Sustainable Urban Drainage Systems
119 Noise Pollution
121 Ventilation and Odour Control
122 Light Pollution
123 Sustainable Design and Construction
124 Carbon Dioxide Reduction, Decentralised Energy Networks

Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (Bromley, 2023)
Orpington Town Centre Supplementary Planning Document (Bromley, 2023)

7. ASSESSMENT

7.1 Procedural matters – n/a

7.1.1 Notwithstanding third party comments an Applicant is entitled to submit a planning application. Indeed, an Applicant may submit a planning application seeking to overcome objection to a previous planning application or planning

appeal. A new planning application would be objectively assessed on its own merits, in light of the site circumstances and relevant planning policies and material considerations, which may include previously refused planning applications and/or appeal decisions, and the submission of a new planning application does not necessarily convey that planning permission will be granted.

7.1.2 Comments received on planning applications are carefully considered as planning applications are assessed and relevant weight is attributed to comments depending on their content and how relevant they may be to the application site and the proposed development. Furthermore, when assessing a planning application, the Council will consider all relevant/material planning considerations depending on the site circumstances and constraints issues involved relating to the merits of the application whether or not any comments are received on the application.

7.2 Resubmission – n/a

7.2.1 As mentioned above the current application follows the previous application 21/05790/FULL1 and compares/differs in ways including the following:

- siting and overall design unchanged,
- compound reduced in size from 630sqm to 497sqm,
- pavilion building reduced in size from 249sqm footprint or 498sqm floor area or 1431cubm, to 224sqm footprint or 448sqm floor area or 1241cubm,
- external garage/store reduced from 240sqm or 315cubm to 120sqm or 142cubm,

The current proposal is therefore materially different from the previously proposed scheme, and it will be assessed on its own merits.

7.3 Principle and location of development – unacceptable

7.3.1 Sport England advises that new development should not encroach upon or compromise the use of any of the sports pitches and in this particular case observes that the proposed building would not occupy the space of an existing sports pitch, or one that could not be laid out in a different way, and notes that the proposed development seeks to support the principal use of the site as a recreational ground and is laid out as a sports playing field. Sport England notes that in the current revised scheme the building has been reduced in size (to address Green Belt issues) however it would nonetheless continue to provide the necessary/relevant facilities to meet Sport England and the Football Foundation's minimum standards in terms of changing rooms/WCs etc. The Football Foundation welcomes, although does not require, features such as the ground floor serving hatch and the meeting room and refreshment facilities, and considers the proposal to be suitable given the constraints of the site; including Green Belt restrictions. The England Cricket Board notes that cricket used to take place at the site, used by Orpington Cricket Club, although ceased latterly and would require some improvement in the grounds maintenance and facilities to enable the return of formal cricket activity. The ECB identifies a substantial senior cricket pitch shortfall in the Borough and calculates that reinstating the cricket square would address approximately 40% of the shortfall. The ECB however advises that the proposed pavilion would not comply with minimum standards for cricket changing rooms etc, and it is noted that the proposal has been designed

primarily with football in mind; notwithstanding the Applicants claimed intention for its use by the wider community. Notwithstanding the absence of cricket for some years, Sport England advises that sufficient space would remain for setting out a cricket pitch if required, and notwithstanding a technical shortfall in ECB standards the proposed pavilion would nonetheless represent an improvement over the existing pavilion. Overall, Sport England concludes that the proposal would not affect the quantity or quality of playing pitches or otherwise adversely affect their use and does not raise an objection, subject to appropriate landscaping which also should not encroach upon any of the playing pitches.

- 7.3.2 It is understood that the Applicant has a lease/tenancy agreement with the Council to use parts of the park and the pavilion for football. This planning application is primarily concerned with the erection of the new building and associated facilities. The use of the parts of the park (and the existing pavilion) by the Orpington Football Club is subject to a separate arrangement/agreement with the Council as the owner/freeholder of the land and as confirmed by the Council's Parks and Estates Department the use of the new pavilion and the continued use parts of the park would be subject to a new lease arrangement/agreement, although this is yet to be drafted and agreed, and as such it is envisaged that the use of the proposed facility by the Football Club would be bound by the terms/conditions of the lease and therefore any other external use or sub-letting of the proposed facility may or may not comply with those terms and conditions. Furthermore, the activities to be carried out in the building and the hours of use, as well as the equipment/apparatus (e.g. amplified music), could also be managed by planning condition as necessary to further manage the functions and potential effects, and a Community Use/Lettings programme could also be provided to further describe and manage those functions.
- 7.3.3 Notwithstanding this, however, this application has raised some concern from local residents and park users, and reflected by the Council's Parks and Estates and Parks Maintenance Departments, over the amount and the nature of the park by the Orpington Football Club, inferring some degree of dominance by the Football Club and conflict with other park users and residents. Whilst this may have previously appeared to be a separate matter of landowner/leaseholder tenancy arrangement, the latest application brings into question the nature of the use and function of the sports club on the Council's land and this is discussed further in this assessment.
- 7.3.4 Furthermore, the Council's Policy 57 Outdoor Recreation and Leisure requires proposals for development related to outdoor recreational uses on land designated as Green Belt to be, firstly; ancillary to the sport or recreational activity, and secondly; small scale and not to adversely affect either the character or the function of the designated Green Belt areas. As such, and given this issue which has been raised by a number of key stakeholders including local park users and the Council's Parks Department(s), over the high use of the land by the Football Club, it is likely that this proposal could not be regarded as small scale and it is unlikely to be regarded as ancillary to the reasonable use of a public park and this would conflict with Local Plan Policy 57.

7.3.5 There is also some concern over how the facilities such as the toilets and café hatch would operate independently of the pavilion, thereby serving the wider community, when the Football Club is not present at the site, e.g. through the Community toilet scheme, although this could be managed through condition and/or Community Use Agreement.

7.4 Green Belt – unacceptable

7.4.1 Paragraphs 137–151 of the NPPF sets out the Government’s intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.4.2 The Green Belt is intended to serve five purposes:

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

7.4.3 Paragraphs 147–151 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSCs). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly and demonstrably outweighed by other considerations.

7.4.4 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly and demonstrably outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

7.4.5 Inappropriate development in the Green Belt is harmful by definition (in principle) and should not be approved except in Very Special Circumstances (VSCs). Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

7.4.6 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, it has been described by Appeal Inspectors as an “absence of development”, and therefore any new development, built form or a more intensive use of land in the Green Belt is likely to have a greater effect on openness than the current situation. Openness takes into account the effect of built form on the otherwise open landscape and

therefore the three dimensional mass of a building, as compared with a two dimensional form of a flat surface, is a critical element of this part of the assessment. This may be concluded to compromise openness and conflict with the purpose(s) of including land within Green Belts; in this case assisting in safeguarding the countryside from encroachment. However as mentioned above, even if there is absence of harm to openness, there may still be harm in principle to the Green Belt by reason of inappropriate development. Furthermore, it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists in the Green Belt at all is inherently harmful to openness as compared with the same land that is absent of the proposed development in question. Notwithstanding this, however, with regard to 'openness', the Supreme Court has ruled that '*matters relevant to openness in any particular case are a matter of planning judgement, not law and that "visual effects" are a relevant "material consideration"*'.

- 7.4.7 The Bromley Local Plan Policy 49 provides the same level of protection to Green Belt as the NPPF.
- 7.4.8 Whether the proposal would represent inappropriate development in the Green Belt
- 7.4.9 Paragraph 149 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, the most relevant exceptions in this case are:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 7.4.10 Paragraph 150 provides for certain other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it although these are not relevant in this case.
- 7.4.11 The existing pavilion comprises a single storey building and a detached storage container together measuring approximately 320sqm (an estimated 960cubm) within a fenced enclosure/compound measuring approximately 508sqm in total. It provides 4 changing rooms, 2 bathrooms, 2 storage rooms, male and female showers and a kitchenette and storage within the detached container.
- 7.4.12 The proposed pavilion would comprise a 2 storey building measuring approximately 224sqm in building footprint, approximately 448sqm in overall floor space, with a partially flat roof/partially arced roof, measuring approximately 5.4m high to the eaves and 5.9m in maximum height, and an estimated 1241cubm in volume. It would have a first floor external balcony measuring approximately 30sqm included in these floor space figures, and would provide:

- Ground floor: 4x changing rooms with integral WC and shower facilities, 2 officials changing rooms with integral WC and shower, separate internally accessed WCs including disabled WC, internally/externally accessed storeroom, refreshment bar with external hatch, plant room, staircase and lift,
- First floor: large club/function room, smaller meeting room, kitchen and servery, storeroom, separate WCs.

It would lie within a hard surfaced enclosure measuring approximately 497sqm, also containing a detached equipment store/garage measuring approximately 48sqm in area and an estimated 142cubm in volume, bin store measuring approximately 10sqm and cycle store measuring approximately 6sqm, and 2x disabled parking spaces. The development would be accessed via a new access track measuring approximately 660sqm.

- 7.4.13 The proposed replacement building would provide some of the features and facilities currently offered in the existing pavilion; mainly the changing and WC facilities and small kitchen area, along with a detached equipment store which directly relate to the function of the site as a sports field, and in terms of these features could be regarded as being in the same general use as the existing building and its equipment storage container. However, it would also provide a range of other features and facilities not currently found in the existing building such as club/function room, meeting room, internal storage, a larger kitchen and other separate/dedicated WCs, which do not directly relate to the function of the site as a sports field, and in respect of these features it could be regarded as not being in the same use as the existing building.
- 7.4.14 The proposed building and equipment store together would measure approximately 48sqm or an estimated 15% smaller in building footprint, approximately 176sqm or an estimated 55% larger in overall floor space and approximately 423cubm or an estimated 44% larger in volume/building mass than the existing building and existing storage container together. As such in either respect, and regardless of whether they would be regarded as being in the same use as the existing building(s), the new building(s) would be “materially larger than the one it would replace” and it would conflict with criterion NPPF paragraph 145 d).
- 7.4.15 Whereas the proposed changing and WC facilities directly related to the use of the sports field could be regarded as being appropriate facilities for outdoor sport and recreation, the other proposed items such as the club/function room, meeting room, and large kitchen element may not be directly related to outdoor sport and recreation and could be regarded as not being appropriate for outdoor sport and recreation contrary to NPPF paragraph 145 b). Furthermore, as mentioned above, the proposed facilities would not be ancillary to the reasonable use of a public park for sports and recreation, and it would not be small scale. In any event the proposed larger replacement building(s) would have a greater building footprint, floor area, two storey height, and volume than the existing building(s) and therefore regardless of whether they would provide appropriate facilities, they would not preserve the openness of the Green Belt, they would encroach

on the countryside and would conflict with the purposes of including land within the Green Belt.

- 7.4.16 Bromley Local Plan Policies 57 Outdoor Recreation and Leisure and 58 Outdoor Sport, Recreation and Play Supports the enhancement of outdoor sport and recreation facilities provided that: proposals address nature conservation, Green Belt and Open Space Policies, and activities ancillary to the use or development proposed are small scale and do not adversely affect either the character or function of the designated areas.
- 7.4.17 The existing pavilion provides facilities supporting the football and running use of the park (Parkrun on Saturdays) and the application details state that this arrangement will continue with the proposed pavilion. Furthermore, it advises that the changing rooms will be free to use for all other organisations including Parkrun, schools, other charities and sports organisations.
- 7.4.18 The Planning Statement (Appendix 1) includes email correspondence with the Football Foundation who, at the prompting of the Applicant advise that the proposal, which includes meeting room and social space, '*is the minimum the Club requires to deliver their football development and support the teams and players that the Club currently has*'.
- 7.4.19 Appendix 1 also includes Sport England Clubhouse Design Guidance which acknowledges in its Foreword that '*clubhouse buildings are often small in scale and shared on a multi-sports community basis*'. The guidance suggests a '*recommended minimum*' social space to accommodate two teams plus officials and spectators and a view of the pitch (and scoreboard if provided).
- 7.4.20 The application includes letters of support from a range of organisations indicating interest in the facilities, both the ground floor facilities (indicated as being offered for free) and the first floor as a separately accessed social space (which would provide an income to the club).
- 7.4.21 The application advises that the management of the facility is intended to be strictly controlled, however there is currently no building management model in place for the current pavilion as the only users of the existing building are the Football Club and the Parkrun.
- 7.4.22 The application advises that a formal facilities management system including a community use/letting programme will be operated '*to ensure that the types of activities, conditions of booking and groups are appropriate to operating in a building in a green space*'. However, this could facilitate a wider range of uses than the small scale ancillary uses which should not adversely affect the character or function of the designated areas, envisaged and permitted by Local Plan Policy 57.
- 7.4.23 Some of the support for the application supplied by the Applicant includes a range of potential future uses and users (e.g. company staff training client entertainment events) and the Applicant indicates hosting formal dinner type events for up to 80 people and the possible fitting out of the kitchens to be to a

commercial catering standard with appropriate ventilation. Such activities would appear to fall outside the ancillary and small scale requirements of Policy 57 and would conflict with the Applicants subsequent stated intention not to open or hire the facilities to outside events or functions but for it to be used only for the Football Clubs own social events and official functions.

7.4.24 Other harm arising from the development

7.4.24.1 In addition to harm by reason of inappropriateness it may be considered that there are a range of *other harms*, including:

- to openness & visual amenity (including but not only due to the two storey nature of the development),
- to the character and function of the park in the Green Belt resulting from the degree of activity likely to be generated (linked both to openness and Local Plan Policy 57)
- The impact of increased car journeys / parking – increased attraction for both existing and additional usage of the facility in this low PTAL area (1b)
- the impact of parking and access road - intruding into open park / Green Belt and running alongside the children's play area
- impact on cricket pitch – although note no objection raised by Sport England

7.4.25 Summary

7.4.25.1 In summary, as the built form of the proposed would be materially larger than the existing building to be replaced and as the proposal may or may not provide appropriate facilities for outdoor sport and recreation and would nonetheless not preserve the openness of the Green Belt it would comprise inappropriate development in the Green Belt by definition, it would have actual harm to the openness of the Green Belt, and would conflict with the purposes of the Green Belt contrary to Local Plan Policy 51, NPPF paragraph 149 b) and d).

7.4.25.2 It is now necessary to determine whether there is any other harm arising from the development and whether there are any Very Special Circumstances existing to clearly outweigh the harm to the Green Belt the other harm identified.

7.4.26 Very Special Circumstances

7.4.26.1 The Applicant does not consider the proposed development would be inappropriate development in the Green Belt, and therefore does not consider that Very Special Circumstances (VSCs) are required. Furthermore, the Applicant advises that even if the development were considered to be inappropriate development there would be no *other harm* resulting from the development.

7.4.26.2 Although the Applicant does not consider the proposed development would be inappropriate development in the Green Belt and does not consider that Very Special Circumstances (VSCs) are required the Applicant has nonetheless

provided some Very Special Circumstances in the event that the Council considers the development would be inappropriate development including:

- the existing building:
 - detracts from the character and appearance of the site,
 - is no longer viable to maintain,
 - does not meet the necessary health and safety and safeguarding/welfare standards for running a football club e.g. number and design of changing rooms for the relevant genders and ages,
 - lacks the social facilities required to support the needs of a sports club.
- the proposed replacement pavilion:
 - is well designed, attractive, and would improve the visual appearance of the park,
 - would provide a physical focal point and a functional hub for the park,
 - would improve accessibility to the pavilion,
 - would help the Football Club to continue serving the community including some of the neediest children and families and underrepresented groups,
 - would encourage potential partnership with Millwall Community Trust for programmes including:
 - Free HAF school Holiday Camps providing sporting activities and hot food for schoolchildren on free school meals,
 - Walking Football sessions for 45+ age group promoting physical activity in older people,
 - Downs Syndrome and other physical disabilities,
 - after school Sports Clubs.

7.4.26.3 The Applicant provides the reasons that the Football Club requires the proposed pavilion essentially relating to the poor condition of the existing pavilion, that the proposed pavilion would provide a better quality of facilities, in keeping with modern standards of health and safety and welfare/safeguarding as well as other additional features including a function room and a meeting room together with a well equipped kitchen and servery to meet the Football Club's operational and social needs. While this is noted and it is appreciated that this is likely to be of great personal importance to the Football Club it is unlikely to be unique to Orpington Football Club as numerous other sports clubs using sports and recreation grounds located in the Green Belt are also likely to desire improved facilities, and in that event this would lead to significant inappropriate development and harm to openness throughout the wider Green Belt. As such this proposal is not unique to this site or this set of circumstances and this weighs against the stated need as a Very Special Circumstance.

7.4.26.4 Notwithstanding comments received regarding the potential letting of the facilities to external events e.g. weddings and parties, the Club advises that it does not intend to hire out the building for such events as this. Instead, the Club advises that it intends to hold up to 6 events of its own per year; such as AGM, prize giving and other social/fundraising events, and suggests that this could be managed by planning condition. The stated intended use of the facilities by the Football Club appears to be quite limited in nature and amount and it is unclear

whether this level of intended activity justifies the need for a building of this size and with features including a well equipped kitchen, servery and function room, which do not directly relate to the provision of outdoor sport and recreation. Those items and features are therefore desirable features and they are not necessary or essential facilities for outdoor sport to take place. It is envisaged that many other sports clubs and organisations would have similar operational functions such as AGMs and that they would hire those facilities at that time. The application Planning Statement (paragraph 4.11) confirms that the Football Club intends to offer the facilities such as the function room for other activities such as community groups and sports/hobby classes with the funds raised reinvested in the grounds and building maintenance. Whilst this may be desirable to the wider community and may present an additional income source for the Football Club, regardless of this aspect, those indoor activities and functions would not support the outdoor sport and recreation use of Goddington Park. The Applicant's intention to hire those facilities out, during the substantial amount of time that they would not be in use by the Football Club, adds further support to the unacceptable justification put forward by the Applicant for providing a new building in the Green Belt. Those activities by those organisations could and should therefore instead take place at some location not sited within the Green Belt. As such the Applicant's offer to provide the building to those organisations and for those other purposes comprises a substantial reason for the need to construct the building, comprising inappropriate development in the Green Belt, which the Football Club itself appears to require for only a limited amount of time. The need for funding to support the ground maintenance is noted, however this should be funded from general membership income or other appropriate sources of fundraising and should not rely upon the provision of inappropriate development in the Green Belt and income raised from that inappropriate development. It is not known whether the Council, as the landowner and Licensor, itself intends to offer the building for other activities by other organisations however again this would have a similar adverse effect for justifying the need for an inappropriate development in the Green Belt.

- 7.4.26.5 Furthermore, given the standard of the building and the likely costs involved, which have not been detailed in the application, and although there is understood to be some financial contribution from the Football Foundation, it is possible that the Club may require some further financial support in the construction and maintenance of the building, and that this may involve some need to offer the building for hire. In that event having received planning permission and notwithstanding any planning condition(s) it may be difficult for the local planning authority to resist an amendment to those restrictive conditions thereby leading to and resulting in the harm envisaged.
- 7.4.26.6 The proposal may have some improvement in design and landscaping however again this is not sufficient in itself or particularly unique, as aesthetic improvements could be easily repeated elsewhere, and this does not comprise a Very Special Circumstance weighing in favour of the development.
- 7.4.26.7 It is noted that the current proposal is amended and reduced in size and scale from the previously refused scheme 21/05790/FULL1 and this is welcomed. However, the overall format and the general scale of the development would

remain the same, i.e. a compound providing a two storey pavilion with storage outbuilding served by a hard surfaced access route, which would have considerable additional built form and mass to the existing low scale arrangement, and the reduction in the footprint and floor area would have a marginal reduction to the impact on openness compared with the refused scheme

7.4.27 Green Belt – Conclusion

7.4.27.1 The improvement of sport and recreational facilities in principle is supported by the Development Plan Policies, however, this particular proposal would comprise inappropriate development in the Green Belt by definition and it would cause actual harm to its openness. Substantial weight is attributed to any harm to the Green Belt. In addition to the harm by reason of inappropriateness, the proposal would cause other harm. Inappropriate development should not be approved except in very special circumstances which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.4.27.2 The Football Club appears to be operating successfully with the existing sports ground and pavilion facilities. However, it is noted that the existing pavilion is in a poor condition and that it does not comply with the Football Foundation and Sport England standards, especially in relation to safeguarding and welfare. This proposal would offer the opportunity to maintain and enhance the outdoor and recreational use of the park and significant weight is attributed to these matters. However, the current proposal would not only provide improved, modern and up to standard changing and toilet facilities, it would provide a range of other additional and non-essential features, which all together are superfluous to the provision of outdoor sport and recreation, and in the context of this site and proposal are not concluded comprise appropriate facilities for outdoor sport and recreation. Given the significant harm to the Green Belt arising from this proposal the matter put forward as Very Special Circumstances do not clearly outweigh the harm to the Green Belt. Furthermore, Very Special Circumstances should be specific or unique to an application and an application site and there are many sports clubs which may require improved sports facilities across the Green Belt, the approval of which would have significant cumulative harm throughout the wider Green Belt

7.5 Design and landscaping – acceptable

7.5.1 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.

7.5.2 NPPF paragraph 126 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.

- 7.5.3 NPPF paragraph 130 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.5.4 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.5.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.5.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.7 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.
- 7.5.8 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.
- 7.5.9 Design is considered separately from the Green Belt although it can have inherent similarities. Development plan policies related to density and development capacity are intended to “optimise” development on a site and not necessarily to “maximise” development on a site.

7.5.10 Layout, scale height and massing

7.5.10.1 The proposed building/complex would be positioned close to the existing car park, tennis court and playground, and in this respect, it would positively relate to these existing features of the park and would provide a more coherent main complex within the park compared with the existing fragmented arrangement. The location and the provision of the pathway would also improve disabled access to the pavilion. The proposed building would be larger than the existing building, and marginally smaller than the previously refused scheme (21/05790/FULL1), however notwithstanding the Green Belt perspective it would not lead to the overdevelopment of the site and would retain sufficient space around the building/complex that it would not have a cramped appearance. According to the submitted statement the design rationale is mainly informed by the necessary space standards, and it would have a modern/contemporary design, to which there would be no objection in principle.

7.5.11 Landscaping and planting

7.5.11.1 The proposed building/complex would appear to be relatively well separated from the nearest trees however the proposal should nonetheless demonstrate that it would not have an adverse impact on the trees either during demolition, construction and once completed through a tree survey and arboricultural implications assessment; with any necessary tree protection measures and this could be managed by pre-commencement condition before any demolition/construction takes place in the event that planning permission is granted. The proposal would offer opportunities for additional planting/landscaping to soften and enhance the building in a landscaping plan which could also be managed by planning condition.

7.5.12 Secure by Design

7.5.12.1 The application details refer to previous vandalism of the existing pavilion. A new pavilion constructed to current building standards and positioned closer to the site entrance, car park and neighbouring properties would be less isolated and would improve the natural surveillance. However, it would be advisable for the new pavilion to strongly consider incorporating Secure by Design standards and to seek Secure by Design.

7.5.12.2 Although the proposal is not for Major Development and is not obliged to meet Secure by Design standards given the nature of the site and the development it would nonetheless be in the Applicant/Developer's interest to ensure that the proposal would be resistant to crime and vandalism and therefore incorporate Secure by Design features and ideally seek Secure by Design accreditation and the Metropolitan Police Crime Prevention Design Advisor recommends that that by incorporating features such as the following the proposal could potentially achieve Secured by Design Accreditation and this could be managed by planning condition in the event that planning permission is granted:

- Use of third party tested and accredited doors, windows on all openings and roller shutters, and security fence, to a recognised Secured by Design standard,

- Relevant windows positioned at high level to impede unauthorised access,
- Restrict/avoid unauthorised access to upper floor balcony terrace and any flat roofs,
- Internal access control/partitioning to restrict unauthorised access through/within the building (avoiding mechanical digi-locks where codes can be guessed or shared),
- Robust and secure equipment storage

7.6 Heritage Assets – acceptable

7.6.1 The NPPF Section 16 sets out 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.

7.6.2 NPPF paragraphs 202-203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

7.6.5 Goddington Park abuts the curtilage of Goddington Manor to the north and may have once formed part of its grounds. The historical connection is now likely to be somewhat diminished and the proposed sports pavilion would essentially replace an existing sports pavilion and notwithstanding the amended siting, size and scale it would predominantly relate to the sports and recreation function of the park and would not detract from any historical heritage connection in this respect.

7.7 Neighbouring amenity – acceptable

7.7.1 Policy 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing,

loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.7.2 As mentioned, the proposed building would be larger and bulkier than the existing pavilion and although it would be positioned closer to and would be more visible from residential properties than the existing building it would nonetheless be sufficiently well separated combined with its size and scale that it would be unlikely to detract significantly from their outlook and daylight/sunlight amenities. The main outlook would be to the front and side (balcony) towards the pitches and together with the degree of separation this would be unlikely to have significantly harmful overlooking to neighbouring properties, although some perceived overlooking may be experienced due to the relocation and generally increased activity and intensity in this part of the site as compared with the existing location on the opposite side of the park.

7.7.3 As indicated in the submitted statement the proposal would provide more suitable facilities for the club; it would be more inviting for the Club members and other users of the park and intends to encourage a more intensive use of the building than the existing pavilion. However, although the proposed building and its location is likely to be more active than the existing building the Council's Environmental Health Department advises that its location and design would not lead to unacceptable effects on the amenities of neighbouring properties by reason of noise disturbance or light spill. Furthermore, the hours of use of the building and any necessary kitchen ventilation/extraction details could be managed by planning condition as necessary if planning permission is granted. The application site is unlikely to contain contaminants potentially harmful to the occupants of the development, as set out in the submitted Preliminary Investigation Report and along with appropriate demolition/construction methods/procedures the Applicant can be reminded of these matters by planning.

7.8 Highways – acceptable

7.8.1 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.

7.8.2 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.

7.8.3 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.

7.8.4 The application site lies within a low PTAL rated 1b area indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport and therefore trips to the site would be predominantly by car. The submitted Transport Statement reference 200.0004/TN/4 dated October 2021 is unchanged from the previously refused application 21/05790/FULL1, concluding that, although the floorspace of the pavilion will increase, the frequency of the football matches and events will stay the same and so the existing level of trips generated by the current site will remain as existing with no predicted increase in trips. The Council's Highway Department notes the submitted details, including some of the limitations of the transport and parking surveys, however notes that the proposal does not intend to increase the existing football club fixtures and it would consequently not directly increase vehicle trips over and above the existing arrangement. The proposal and the improved facilities could potentially improve the attractiveness for spectators although this would not necessarily increase trips significantly in itself. The proposal may also encourage activities after matches and/or in the evenings either related to the Football Club and/or for other external activities and any such events/activities could be managed by controlling the hours of use, the activities to be carried out in the building/facilities by planning condition and/or Community Use Agreement from a planning perspective in addition to any restrictions or requirements by the lease/tenancy agreement. As such there is no objection from the Council's Highway Department subject to suitable controls. There is no objection from Transport for London.

7.9 Climate change, sustainable construction and energy saving - acceptable

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

7.9.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy S12 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.

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

7.9.4 The proposal is not for major development, where carbon dioxide saving mechanisms are required, however the comprehensive redevelopment would nonetheless offer the opportunity to incorporate energy efficient construction measures such as glazing, insulation, water supply features and renewable energy generating technology such as ground source heat pumps and solar PV panels for electricity generation and thermal panels for hot water production

which would both be beneficial to the development (given the likely electricity and hot water demand), and would reduce carbon dioxide emissions; providing cost savings to the occupants and improvements to the environment. This is most effective and best designed when integrated into the fabric of the building from the outset as compared with a scheme included at a later date or retro-fitted. These features/measures would be encouraged and whilst not necessarily obliged to, the Applicant could be advised of this by planning informative.

7.10 Drainage and Flooding – acceptable

- 7.10.1 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 but where development is necessary, 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 constitutes land within Flood Zones 2 and 3.
- 7.10.2 Policy S1 12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 7.10.3 Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.10.4 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 7.10.5 There is no objection from the Council's Drainage Engineer subject to appropriate drainage provisions which can be managed by condition.

7.11 Ecology – acceptable

- 7.11.1 Government guidance encourages Local Planning Authorities to consider the full impact of a proposal on protected species before taking a decision on a planning application. The case of *Bagshaw v Wyre Borough Council* [2014] EWHC 508) also highlights the importance of ecological assessment surveys to establish the extent of threat to protected species before taking a planning application decision. Garden land is often important for biodiversity and there is potential for the site to accommodate habitat for protected species, including commuting and foraging bats, including the dwellinghouse.
- 7.11.2 Goddington Park is a Site of Importance for Nature Conservation, and although the sports pitches are well manicured, the other parts of the park and its general proximity to trees, woodland, water bodies and the wider countryside beyond could offer suitable wildlife habitat, commuting and foraging environments. The Council's ecological advisors notes the proposal and its features including additional hard surfacing and potential lighting and advises that in the event

planning permission is granted details including hard and soft landscaping, planting, lighting, the method of demolition and construction and biodiversity enhancements in the new development could be secured by condition in the event that the application were considered acceptable overall.

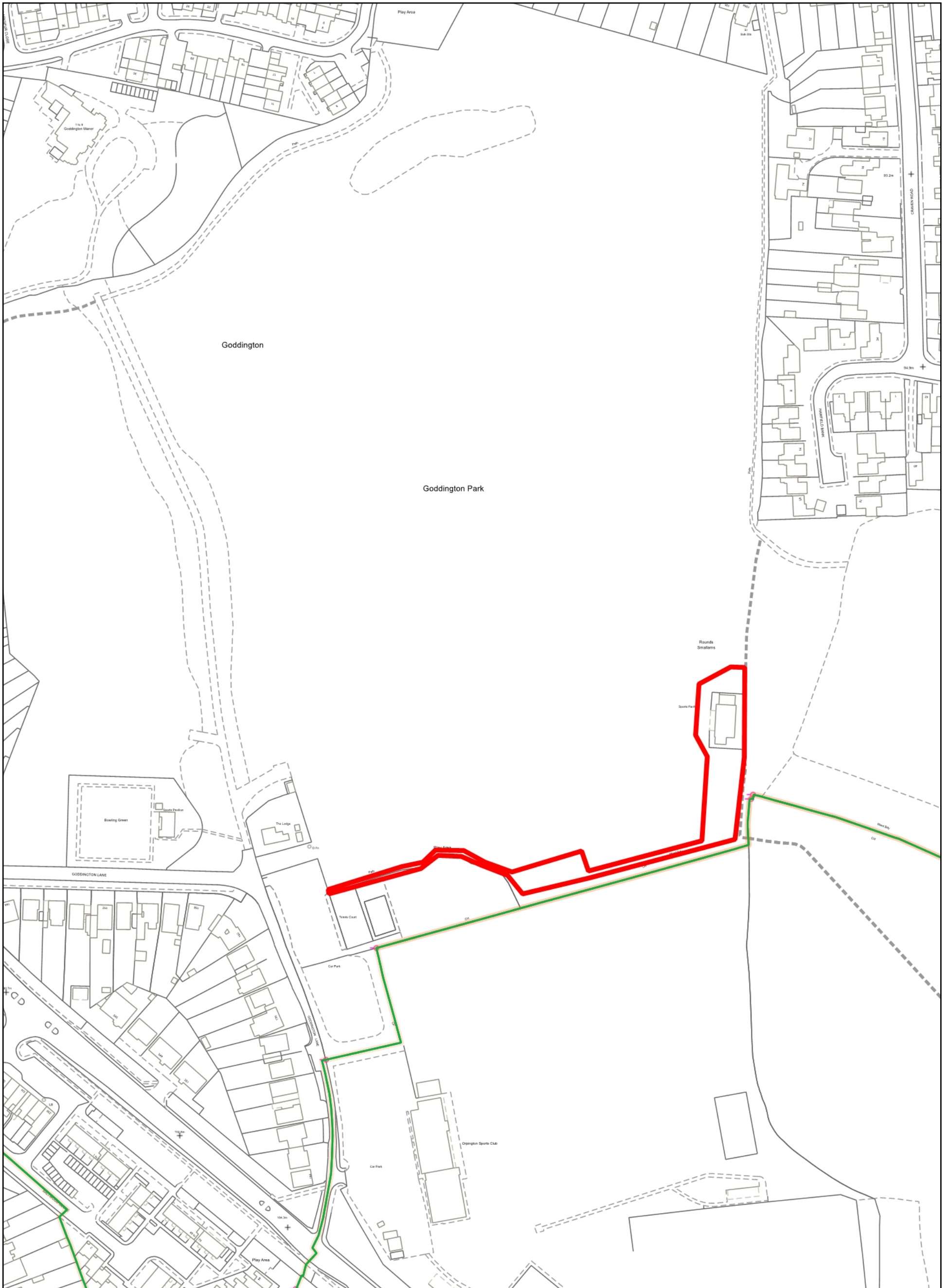
8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would comprise inappropriate development in the Green Belt by definition, it would harm its openness, and there are insufficient very special circumstances to clearly outweigh the harm identified. The current proposal has not overcome the reasons for the refusal of the previous scheme and for all of these reasons it is concluded that the application should be refused.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reason for refusal is:

- 1. The proposal would comprise inappropriate development within the Metropolitan Green Belt by definition, it would fail to preserve its openness, it would conflict with the purposes of including land within the Green Belt. It has not been demonstrated that the proposed activities would be ancillary to the use or development proposed are small scale and do not adversely affect either the character or function of the designated areas and given the nature of the development and its location in a low PTAL 1a/1b area it is likely that most participants would travel by car and therefore that the proposal would not be effectively accessible by a choice of means of transport. There are no very special circumstances existing in this instance to clearly outweigh the identified harm. The proposal would conflict with Policies 49 and 57 of the Bromley Local Plan 2019, Policy G2 of the London Plan 2021 and paragraphs 138 and 149 of the NPPF 2023.**



23/02527/FULL1

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Agenda Item 4.3

Committee Date	09.11.2023	
Address	Summerfield 3 Freelands Road Bromley BR1 3AG	
Application Number	23/02774/NDFLAT	Officer - Russell Penn
Ward	Bickley And Sundridge	
Proposal	Erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store. (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms and nationally described space standards, impact on residential amenities and protected views).	
Applicant	Agent	
Mr M Crane	Mr Peter Higginbottom	
C/O Agent London Greater London WC1X 8SL United Kingdom	12-18 Theobalds Road London Greater London WC1X 8SL United Kingdom	
Reason for referral to committee	Councillor call in	
	Call-In	Cllr Kate Lymer. Reason – Overdevelopment.

RECOMMENDATION	Prior Approval be Granted
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<p>KEY DESIGNATIONS</p> <p>Area of Deficiency in Access to Nature Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Open Space Deficiency Smoke Control SCA 10</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (use Class C3)	0 (not including lower floors)
Proposed	Residential (use Class C3)	173

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

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	16	16	0
Disabled car spaces	0	0	0
Cycle	0	4	4

Electric car charging points	0
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Representation summary	Neighbour letters were sent on 20/07/2023. Site notice for Part 20 GPDO Prior Approval was displayed 20/07/2023.
Total number of responses	26
Number in support	0
Number of objections	26

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).
- Officers raise no objections to the proposal on the grounds of consideration as detailed in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

2 LOCATION

- 2.1 The application site relates to land located on the west side of Freelands Road comprising a four storey development with 16 existing flats in total. The site is relatively level and two single storey blocks of garages are located to the rear of the site with vehicle access along the southern boundary.
- 2.2 Surrounding the site are residential blocks to the south at Vogue Court, Winston Court and Bloomsbury Mansions with principal elevations facing Widmore Road comprising three and four storey apartment blocks with flat roof arrangements. Immediately to the south of the site are a pair of two storey semi-detached properties and another garage block. Opposite the site to the east are a mix of two storey period terraced properties and semi-detached villas, the latter converted to apartments. To the rear of the site are residential period blocks surrounding The Old Courtyard. These buildings are Locally Listed.
- 2.3 The site is not within a conservation area. The current buildings on site are not listed. The site is located in Flood Zone 1. A Tree Preservation Order (TPO) is located to the in close proximity of the site boundary with No3 Esther Mews to the rear of the site.

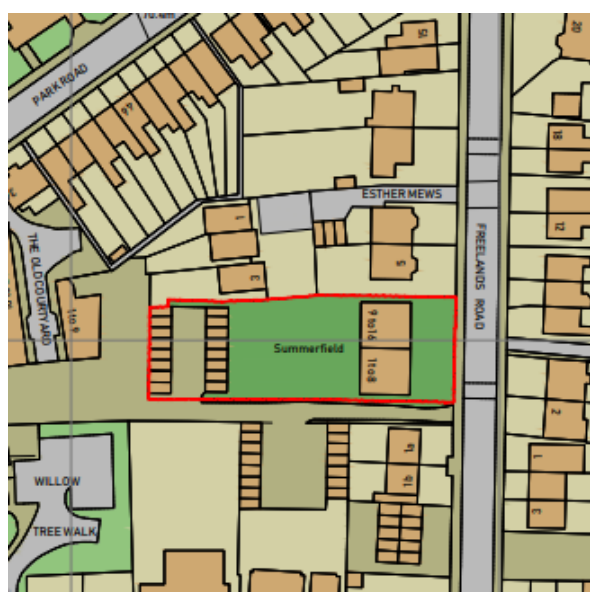


Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The proposal seeks prior approval under the permitted development provisions of Class A, Part 20 of Schedule 2 to the General Permitted Development Order (as amended) for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store.
- 3.2 The additional storey to each part of the building are shown to be set back from the perimeter walls of the building by 1m as stated on the plans. The proposed new roof height will increase the overall height of the building from 10.95m to 13.335m, to facilitate a 2.385m increase.
- 3.3 The layout plan indicates three flats comprising 2no. 1-bedroom/1-person units and 1no. 2-bedroom/3-person unit at fourth-floor level. Each of the units will have floor-to-ceiling outlook. A total of 4no. light tunnels are to replace the existing rooflights at roof level to provide daylight to the hallways of each of the existing top floor units.
- 3.4 Materials comprise a dark-coloured zinc cladding to the external elevations.
- 3.5 The application was supported by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Daylight, Sunlight and Overshadowing Assessment



Figure 2: Proposed Block Plan



Figure 3: Existing Front Elevation



Figure 4: Proposed Front Elevation



Figure 5: Artist Impression (aerial view)

4 RELEVANT PLANNING HISTORY

- 4.1 Ref: 21600 - Two blocks of 16 lock up garages. Approved 01.06.1971
- 4.2 Ref: 22166 - Block of 16 flats. Approved 02.07.1971
- 4.3 There is no more recent planning application history relating to the application site available on electronic record.

5 CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

- No objections to the proposals in principle.
- Further information is recommended to be sought by planning condition in respect of the submission of a Construction and Environmental Management Plan.
- All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area.

Highways – No objection

- The development is situated in an area with high PTAL rate of 2 and 5 on a scale of 0 – 6b, where 6b is the most accessible. Vehicular and pedestrian access would be from the existing access point from Freelands Road.
- No additional car parking would be provided. No objection is raised to the principle of a car free development. However, in order not to put pressure on the existing parking situation, future residents of the development should not be eligible to apply for parking permits.
- Cycle parking is indicated and acceptable. Refuse storage is indicated.

Drainage Officer – No objection

- No increase in footprint area. No Comment.

B) Local Groups

No comments have been received from local groups

C) Adjoining Occupiers

Objection comments:

Character (addressed in para 7.4.6)

- Extra storey to building would not be in keeping with the height of other buildings on this road.
- Extra height will be overbearing.
- Comments that the design is out of character with the existing building and degrades the streetscene.
- Preference to retain mid century character.
- Comments the materials and inset is also not in keeping.
- Design is unimaginative and unattractive to look.
- Many comments that the use of zinc cladding is not appropriate material to use.
- Out of scale, proportion and materials of adjacent buildings and areas.

Neighbouring Amenity (addressed in para 7.4.8)

- Comments regarding increased overlooking from an extra storey to neighbouring property with a resultant increased impact to neighbouring privacy.
- Comments regarding increased light pollution.
- Comments regarding impact to existing views from properties opposite.

- Concern regarding skylight replacement with light tunnel and potential lesser amount of light ingress to interior hallway. Comment that the light report is inaccurate.

Highways and parking (addressed in para. 7.4.2)

- Extra residents will increase parking congestion on local roads.
- Concerns raised that insufficient parking is provided.
- Concerns with refuse storage additional provision being inadequate.
- Loss of garden space due to bin stores and bike storage.
- Electric vehicle charging is required.
- Additional residents should be denied parking permits.

Other comments (see section 7 generally)

- Comments regarding limited consultation to residents from the developer prior to application being submitted to Council.
- Comments in respect of the impact and inconvenience of the construction process to existing residents in terms of noise/disturbance, traffic issues over a prolonged period.
- Concerns regarding impacts to residents 'working from home' during construction.
- Detailed building regulation criteria not mentioned in submission.
- Concerns regarding impact to structural integrity of the building.
- Comments that it will increase maintenance charges and resident's personal insurances.
- Comments regarding accessibility to an extra floor.
- Concerns regarding disturbing asbestos that may be present in the building.
- Comments the proposal will result in a loss of value to neighbouring property and existing residents in the building.
- Fire access would need to be reviewed.

6 LEGAL CONTEXT AND POLICY CONTEXT

6.1 The Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 20, Class A (as amended) allows for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

The formation of upwards extensions to flatted blocks is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- Transport and highways impacts of the development
- air traffic and defence asset impacts of the development
- contamination risks in relation to the building
- flooding risks in relation to the building
- the external appearance of the building
- the provision of adequate natural light in all habitable rooms and compliance with nationally described space standards of the new dwellinghouse
- impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light
- whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,
- where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,
- where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

6.2 Article 3 - Permitted Development (as amended) by SI 1243 (6th April 2021) states at section (9A) of the GPDO that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

National Policy Framework 2023

6.3 The NPPF was revised and published in September 2023 and the guidance relating to design, neighbouring amenity, to transport, flood risk, land contamination, noise and natural light in relation to quality of accommodation is a material consideration in the determination of applications for Part 20 Class A Prior Approval.

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

6.5 London Plan 2021

D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D9	Tall buildings
D12	Fire safety
D14	Noise
SI12	Flood risk management
SI13	Sustainable drainage
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential Parking
T7	Deliveries, servicing and construction

6.6 Bromley Local Plan 2019

4	Housing Design
30	Parking
32	Road Safety
37	General design of development
47	Tall & Large Buildings
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
118	Contaminated Land
119	Noise Pollution

7 ASSESSMENT

7.1 Considerations/Assessment against GPDO

7.1.1 Class B sets out the procedure for prior approvals under Part 20. Section B(3) states that the local planning authority may refuse an application where, in the opinion of the authority:

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

7.1.2 Class B(4) goes on to state that sub-paragraphs (5) to (10) and (12) do not apply where the local planning authority refuses an application under sub-paragraph (3).

7.1.3 Class A comprises: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing

topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

7.1.4 Assessment: COMPLIES.

7.1.5 The plans will affect only the communal internal stairwells on the existing third floor to provide two extended stairwells up to the new third floor. The remaining ground to third floor layouts of the existing flats would be the same. Given the limited extent of the building works to the third floor it is considered that the required engineering operations are reasonably necessary to construct the additional storey and roof structure. Therefore, the works on balance, will be immediately above the existing topmost residential storey together with engineering operations reasonably necessary to construct the additional storeys.

7.2 Considerations assessment

7.2.1 Class A.1.Development is not permitted by Class A if -

7.2.2 (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;
Assessment: COMPLIES
The building was not provided as a dwellinghouse by virtue of these Classes.

7.2.3 (b) above ground level, the building is less than 3 storeys in height;
Assessment: COMPLIES
The existing building is 4 storeys in height.

7.2.4 (c) the building was constructed before 1st July 1948, or after 5th March 2018;
Assessment: COMPLIES
Records indicate the building was constructed in the early 1970's.

7.2.5 (d) the additional storeys are constructed other than on the principal part of the building;
Assessment: COMPLIES
Having regard to the 'Interpretation of Part 20' section (C)(1) of the GPDO, the extension would be on the principal part of the building.

- 7.2.6 (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
Assessment: COMPLIES
Based on the submitted drawings the floor to ceiling height, measured internally would not exceed that of any storey of the principal part of the existing building.
- 7.2.7 (f) the new dwellinghouses are not flats;
Assessment: COMPLIES
The proposal would provide flats only.
- 7.2.8 (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);
Assessment: COMPLIES
Based on a comparison between the existing and propose drawings indicated heights the overall height would increase by approximately 2.4m as scaled from the submitted plans.
- 7.2.9 (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres
Assessment: COMPLIES
The increased height would be less than 30 metres.
- 7.2.10 (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
Assessment: COMPLIES
No support structures are shown on the submitted drawings.
- 7.2.11 (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to- (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;
Assessment: COMPLIES
No such engineering operations are indicated within the submission documents.
- 7.2.12 (k) in the case of Class A.(b) development there is no existing plant on the building;
Assessment: COMPLIES
There is no existing plant on the building.
- 7.2.13 (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
Assessment: COMPLIES
There is no existing plant on the building and no new plant proposed.

7.2.14 (m) development under Class A.(c) would extend beyond the curtilage of the existing building

Assessment: COMPLIES

The development under Class A(c) would not extend beyond the curtilage of the existing building.

7.2.15 (n) development under Class A.(d) would - (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Assessment: COMPLIES

The proposal is within the curtilage of the existing building.

7.2.16 (o) the land or site on which the building is located, is or forms part of - (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.

7.2.17 Assessment: COMPLIES

7.3 Article 3 Section (9A)

7.3.1 Article 3 - Permitted Development (as amended) by SI 1243 states at section (9A) that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

7.3.2 The Gross Internal Area (GIA) for the one bedroom one person residential units (Units A and C) are indicated as 45.5m² and 42.5m² respectively with single person bedrooms at 10m².

7.3.3 The Gross Internal Area (GIA) for the two bedroom three person residential units (Unit B) is indicated as 62m² with bedrooms at 12.2m² and 8.3m².

7.3.4 The nationally described space standard requires a GIA of 37m² for a one bedroom one person unit with a shower room and 61m² for a two person three bedroom unit. The bedroom size in each unit is compliant with the GIA standard. The floorspace provision for each of the units is considered compliant with the required standards of the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

7.4 Class A.2 (1) Conditions

7.4.1 Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:

7.4.2 (a) transport and highways impacts of the development;

Assessment: ACCEPTABLE

The Highways Officer has not raised objection to the zero provision of parking stance put forward by the developer at the site for the additional residential units. In light of the comments, Officers are of the opinion that the additional residential units would not result in a material increase to traffic or parking issues in the vicinity of the site subject to future residents of the development not being eligible to apply for parking permits. This can be secured by planning condition.

7.4.3 (b) air traffic and defence asset impacts of the development;
Assessment: ACCEPTABLE

7.4.4 (c) contamination risks in relation to the building;
Assessment: ACCEPTABLE

The development is contained within the existing footprint of the building and will not involve ground works in relation to the building.

7.4.5 (d) flooding risks in relation to the building;
Assessment: ACCEPTABLE

The application site is not within a high risk flood zone. No objections are therefore raised.

7.4.6 (e) the external appearance of the building;
Assessment: ACCEPTABLE

The interpretation of paragraph A.2(1)(e) is now an established case law principle in that assessment shall include the townscape context of the appearance of the building in the surrounding area as well as the building appearance itself.

The surrounding context comprises of a mix of 2-3 storey semi-detached houses and 3-4 storey flatted blocks. Given the mixed character of Freeland Road and the surrounding context it is considered that there is scope for a single storey upwards extension subject to detailed design considerations.

The proposed upwards extension is set in all sides to appear subservient to the existing building and to minimise the visual impact on the streetscene. The proposed height, scale and massing would not be dissimilar to flatted blocks in Widmore Road to the south of the application site and flatted blocks to the west (to the south of Park Road).

It is noted that the proposed fenestration pattern has been aligned with the positioning of the existing windows on the lower floors. The proposed zinc clad finish (with aluminium framed windows) to clearly distinguish between the 'old' and the 'new', is considered to be an appropriate design response. The quality of all external materials is recommended to be secured by planning condition. The proposed development is supported from an urban design perspective.

7.4.7 (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
Assessment: ACCEPTABLE

The proposal seeks to provide dual aspect units. All habitable rooms benefit from at least one window. It is therefore considered that the proposal would provide adequate natural light in all habitable rooms.

- 7.4.8 (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

Assessment: ACCEPTABLE

A Sunlight and Daylight report has been submitted and concludes the proposed development fully complies with BRE Guidelines and will not cause impact to daylight and sunlight access for the surrounding buildings and the amenity space within its vicinity. The report has been reviewed and the findings are supported.

Given the generous separation distances between buildings within the immediate context, it is not considered that the additional storey would result in any undue overlooking or loss of privacy to neighbouring residents. The upward nature of the extension is not considered to cause an unreasonable loss of amenity with regards to loss of privacy, overlooking or loss of outlook, overshadowing and overbearing impact at this site.

- 7.4.9 (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Assessment: ACCEPTABLE

The application site is not within one of the protected vistas set out in the London View Management Framework.

- 7.4.10 (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building;

Assessment: NOT APPLICABLE

The existing building is not 18 metres or more in height.

- 7.4.11 j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,

Assessment: NOT APPLICABLE

8 CONCLUSION

- 8.1 The application for the for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).

8.2 Officers raise no objections to the proposal on the grounds of consideration as detailed above in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

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

RECOMMENDATION: Grant Prior Approval

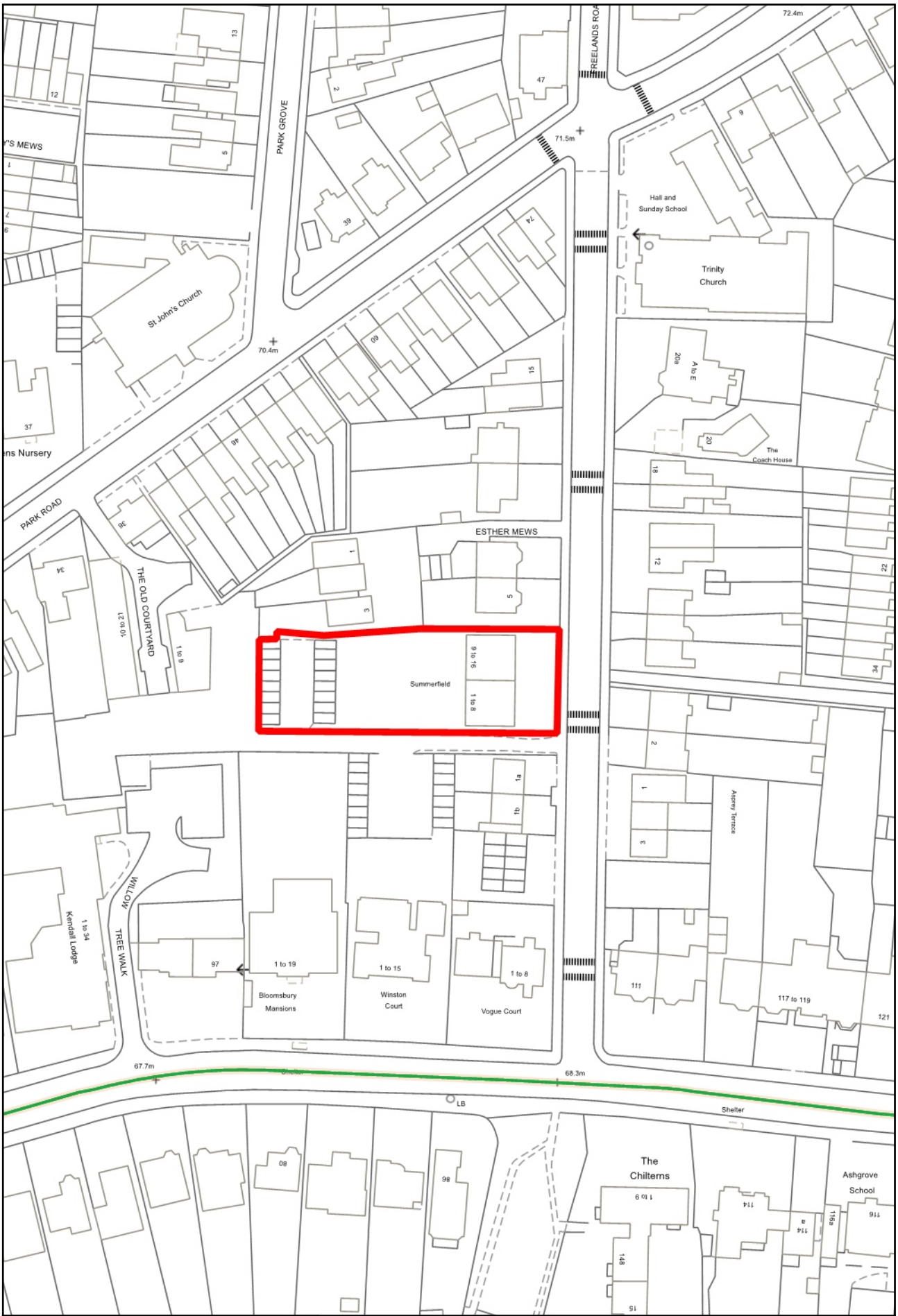
Subject to the following conditions:

- 1. Details of a Construction and Environmental Management Plan**
- 2. Details of Materials**
- 3. Details of Refuse Storage**
- 4. Details of Bicycle Storage**
- 5. Removal of Parking Permit Rights**


Informatives

- 1. Contact Naming and Numbering Officer at the Council.**
- 2. Reminder of CIL payments.**

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.



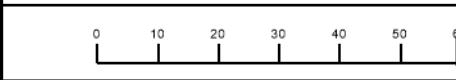
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 **23/02774/NDFLAT**



31 October 2023

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Agenda Item 4.4

Committee Date	09.11.23		
Address	1 Kelsey Way Beckenham BR3 3LP		
Application Number	23/01152/TPO	Officer - Christopher Ryder	
Ward	Kelsey And Eden Park		
Proposal	Oak tree in rear garden - Remove. SUBJECT TO TPO 2667 (27.8.2019)		
Applicant	Agent		
Mr Eoin Cosgrave 1 Kelsey Way Beckenham BR3 3LP			
Reason for referral to committee	Special Interest	Councillor call in No	

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

<p>KEY DESIGNATIONS</p> <p>Tree Preservation Order (TPO) 2667 Smoke Control SCA 18</p>

Representation summary	One objection was received		
Total number of responses	1		
Number in support	0		
Number of objections	1		

1 SUMMARY OF REPORT

- Members must determine whether to consent or refuse the proposed felling of the subject oak tree considering the supporting evidence.

2 LOCATION

- 2.1 The application site hosts a two storey detached dwelling on the southern side of Kelsey Way, close to the junction with Manor Way. There are no restrictive designations at the site and the property does not fall within adjacent conservation area.



Figure 1 – Oak (T1)

3 RELEVANT PLANNING HISTORY

3.1 The TPO was made 27.08.19 and confirmed on 04.10.19.

4 CONSULTATION SUMMARY

One supporting representation was received:

4.1 “It would be a great shame to lose such a large oak tree that has been standing for hundreds of years without making every effort to save it. A second opinion should be sought and the Council's own tree experts should visit and assess the tree, perhaps carrying out their own tests if possible. I hope some remedial action can be taken to preserve this oak. After the intense heat of last summer, perhaps it needs to be re-fertilised and extensively watered. Given that two large branches came down after the big storm in 2019, perhaps some reshaping or reduction. This oak tree is very much part of the local landscape and is only very narrowly outside the Manor Way conservation area. Please try to save it.”

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

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

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

Section 18

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

Paragraph 020 - 057

6 CONSIDERATIONS

- 6.1 Tree Preservation Order (TPO) 2667 was applied to the mature oak tree to the rear following a threat established by neighbouring residents. Since then a new owner has moved into the property and has had the tree inspected by two independent arboricultural consultants. The outcome of one of the inspections has resulted in the proposed felling to address the risks outlined within the appended report.
- 6.2 Officers made a site assessment on 11th July 2023 to carry out resistograph drill testing of the tree. The resistograph is an instrument that detects decay and cavities in trees and timber. Through resistograph technology, an arborist is able to detect wood decay, stages of rot, hollow areas, cracks and ring structure. The resistograph is an ideal device for estimating tree stability and longevity.
- 6.3 The results are consistent with the findings set out by the advising arborist, in the appended assessment report. The presence of a white rot fungus (*Grifola frondosa*) has been identified as a concern, due to the impact on the tree's structural integrity. The fungus is a slow decay fungus, but significant to the living wood. The large cavity on the Southern aspect has impacted the overall stem strength and is below the safe ratios of mechanical stress. This is demonstrated by the equations of stem diameter measured against decayed wood.
- 6.4 The tree is positioned adjacent to the rear boundary, with the neighbouring dwelling at 4 Little Acre being 1m beyond the boundary fence. The tree is leaning into the direction of the fenceline.

7 CONCLUSION

- 7.1 Considering the location and the risks quantified, the defect present poses a threat to the surroundings. The large cavity has impacted the retention span significantly. Whilst the remaining sound wood is coping with environmental stresses, there is little that can be done in remedy.
- 7.2 Reduction works would only reduce the wind sail by a degree but would impact the leaf coverage that would likely result in stress response and decline. A 4m crown reduction has been considered, but this would leave minimal growth points for response growth. The canopy has already been observed thinner than would be expected on an oak tree of normal vitality.
- 7.3 The applicant has already demonstrated responsible management by way of the survey report carried out by the advising arboricultural consultant. In this instance the Council are not advised to risk liability by refusing the application.

RECOMMENDATION: CONSENT

Oak tree in rear garden - Remove.
SUBJECT TO TPO 2667 (27.8.2019)

CONDITIONS

1. TL14 Tree Consent – Commencement

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

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

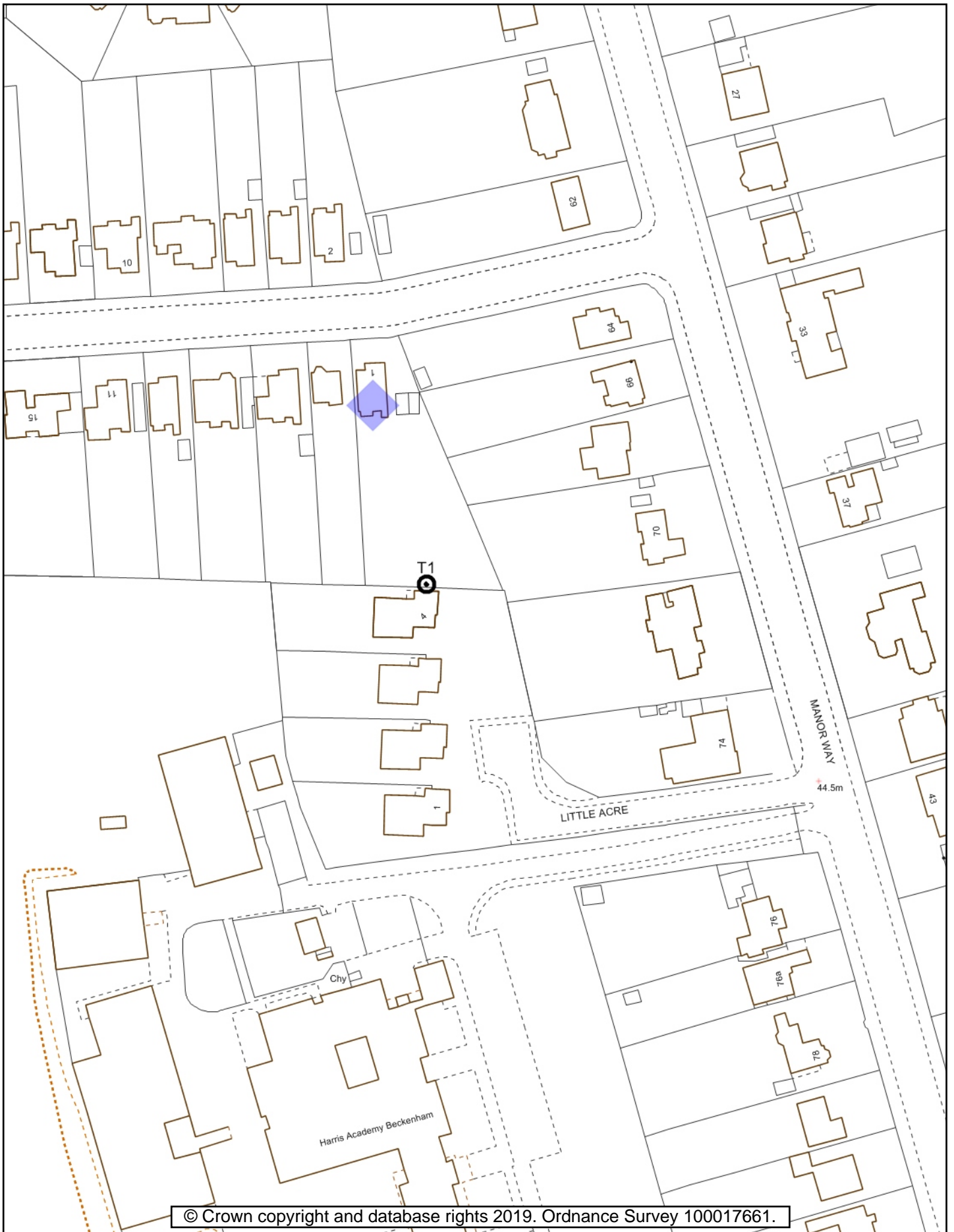
2. A replacement oak tree or trees of standard size shall be planted within 2m of T1 within 12 months of the removal of the tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

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

INFORMATIVE

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

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TOWN PLANNING

TREE PRESERVATION ORDER
 TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING
 1 KELSEY WAY, BECKENHAM, Kent



JIM KEHOE
 CHIEF PLANNER
 CIVIC CENTRE, STOCKWELL CLOSE
 BROMLEY, KENT
 BR1 3UH
 Tel: 020 8464 3333

Scale: 1:1250



22/08/2019

T.P.O. No. 2667

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Agenda Item 4.5

Committee Date	09.11.23	
Address	54 Baston Road Hayes Bromley BR2 7BE	
Application Number	23/02995/TPO	Officer - Christopher Ryder
Ward	Hayes And Coney Hall	
Proposal	Yew tree - Fell. SUBJECT TO TPO 2766 (7.1.2022)	
Applicant	Agent	
Mr David Watkins	Mr Joseph Palin	
Office Ground Floor 234 Green Lane Eltham SE9 3TL		
Reason for referral to committee	Councillor call in	
Returning Item	No	

RECOMMENDATION	Refusal
-----------------------	---------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Bromley Hayes And Keston Commons Smoke Control SCA 51</p> <p>TPO 2766</p>

Representation summary	
Total number of responses	0
Number in support	0
Number of objections	0

1 SUMMARY OF REPORT

- Members must determine whether to consent or refuse the proposed felling of the subject yew tree.

2 LOCATION

- 2.1 The Tree Preservation Order (TPO) has been applied to a mature yew tree situated in the rear garden, adjacent to the right hand boundary. The property is located on the west side of Baston Road, near the junction with Redgate Drive. The property is situated within the local conservation area, applying broad tree protection.



Figure 1 – Yew (T1)

3 RELEVANT PLANNING HISTORY

- Reduce height and spread of 1 ash tree (TREES IN CONSERVATION AREA)
Ref. No: 02/03525/TREE | Status: Decision No objection
- Intention to fell 1 lime tree in back garden TREES IN CONSERVATION AREA
Ref. No: 04/01667/TREE | Status: Decision No objection
- To crown reduce by 30% and remove 1 limb back to main trunk of 1 ash adjacent to the garage. To repollard back to previous points 1 horse chestnut and remove branches growing near to property of 1 yew both on the rear boundary. Repollard back to previous points 4 limes, fell 1 lime and remove branches extending beyond the crown and near to overhead cables to reshape the crown of 1 yew, all adjacent to Baston Road TREES IN A CONSERVATION AREA
Ref. No: 11/00225/TREE | Status: Decision No objection
- Fell 1 yew on the left hand side of the rear garden adjacent to the side gate and property.
Ref. No: 12/03628/TREE | Status: Decision No objection
- Crown reduce by 30% 1 yew in the bottom right hand corner of the rear garden adjacent to Baston Road
Ref. No: 13/00078/TREE | Status: Decision No objection
- Yew tree in rear garden, adjacent to the boundary of No. 52A - Fell.
Ref. No: 21/05452/TREE | Status: Pending Consideration
- TPO 2766 was made 07.01.22 and confirmed on 19.05.22.

4 CONSULTATION SUMMARY

One supporting representation was received:

- 4.1 “ As the owner of the adjacent property, I am in support of the application to fell the Yew tree in the rear garden of 54 Baston Road. The Yew tree is overhanging our land and we are extremely concerned about the yew berries (which are highly toxic and lethal) falling into our garden making it unusable for our young family. The ongoing maintenance, expense and future damage is a massive concern if the tree remains. We are also concerned how the tree engulfs the telephone pole and lines causing interference on calls. The tree also overhangs into Baston Road becoming a danger to high sided vehicles. I am also worried that if the tree is left as is there will be a high risk of the wall collapsing into the road and causing a severe accident.”

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment

G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas

73 Development and Trees

74 Conservation and Management of Trees and Woodlands

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

Section 18

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

Paragraph 020 - 057

6 CONSIDERATIONS

6.1 This application has been made in respect of the subject mature yew tree, located on the eastern boundary of the property. The tree was observed to be of normal vitality and free of defects.

6.2 The proposed felling is to enable essential wall repairs. The condition of the wall has been raised as a safety concern by the applicant. A support statement from an engineer has been appended to the application.

7 CONCLUSION

7.1 A technical solution has not been explored and is not ruled out as being unfeasible.

7.2 Alternative boundary materials/design have not been reviewed. Where boundaries are no longer suited to the surrounding, established landscape, boundary alterations are considered the first consideration. The removal of protected trees should be a last resort and be satisfactorily mitigated.

- 7.3 In the absence of a cost appraisal, the Council remain uninformed of the cost implications of wall repairs, incorporating a technical solution. There is no supporting information that would indicate a change in boundary material would be more expensive than wall repairs. The current proposal would incur costs of wall repair and the tree removal.
- 7.4 Clearance pruning for both the public highway traffic and the neighbouring property may be addressed by sensitive pruning. This could be addressed via the application process.
- 7.5 Hazardous branches may either be addressed under exemption or as part of a general application for tree works.
- 7.6 The wall repairs are clearly required to prevent continued displacement and future risk of the public highway. Repairs have taken place along the boundary wall, as is visible in the brickwork. The footings of the wall would need to be substantial to cater for a replacement wall of circa 2m height. The boundary material is therefore challenged. The wall has been constructed within the yew tree's lifespan and would therefore have been a consideration for subsidence or displacement. The replacement of the boundary wall with a less invasive fenestration is considered an alternative solution.
- 7.7 As a mature yew tree, highly visible in the public street scene and a historic feature of the conservation area, high amenity value is awarded. The Council have a duty and policy to preserve such assets.
- 7.8 Members are recommended to refuse the application to defend the implicated trees at this stage. Further detail would be required to address the concerns raised in this report. Members should consider the value of the trees against the costs of repairs in this case. Should consent be granted, it will be necessary to apply planning conditions in mitigation to require replacement planting.

RECOMMENDATION: REFUSAL

Yew tree - Fell.

SUBJECT TO TPO 2766 (7.1.2022)

Reason:

The application has failed to acknowledge the construction design, technical repairs and alternative solutions. The tree felling would be harmful to the character of the area. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy G7 of The London Plan (adopted March 2021).

INFORMATIVES

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

2. Further appraisal of alternative solution must be presented, should a further application be lodged.



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TOWN PLANNING

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
CONCERNING

54 Baston Road, Hayes, Bromley, BR2 7BE



Tim Horsman
Assistant Director (Planning)
Planning Division
London Borough of Bromley
Stockwell Close, Bromley BR1 3UH

Tel: 020 8464 3333

Scale: 1:1250



29.12.21

T.P.O. No. 2766

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