

SECTION '2' – Applications meriting special consideration

Application No : 11/01168/EXTEND

Ward:
Copers Cope

Address : Land Rear Of 86 To 94 High Street
Beckenham

OS Grid Ref: E: 537366 N: 169537

Applicant : London And Quadrant

Objections : YES

Description of Development:

Extension of time limit for implementation of permission ref. 04/02976 granted for demolition of warehouse building and erection of three/ four storey building comprising 5 one bedroom and 34 two bedroom flats with 32 car parking spaces and bicycle parking

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Tree Preservation Order

Joint report with application ref. 11/02100

Proposal

Application ref. 11/01168

The applicant is seeking an extension of the time limit for implementation of outline planning permission granted at appeal in May 2006 for a three/four storey building comprising 5 one bedroom and 34 two bedroom flats with 32 car parking spaces.

The site will be regraded onto one level and a U shaped block will be erected with a courtyard garden at the rear. The site will be served by the main eastern access which will also be regraded onto one level. There will be car parking in a covered garage area adjacent to the northern boundary which will house 31 cars. The block will rise up to three storeys on the southern wing and up to four storeys on the eastern and northern wings, with the latter being built above the covered garage area.

The application is accompanied by the following documents:

- Bat Survey
- Initial Badger Survey
- Code for Sustainable Homes Ecological Assessment
- Archaeological Desk-Based Assessment
- Flood Risk Assessment.

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The proposed scheme changes the layout of the development previously allowed on appeal and incorporates units into 3 separate four storey blocks. The development will incorporate 9 one bedroom flats, 32 two bedroom flats and 3 three bedroom flats, including 15 affordable housing units (3 one bedroom and 2 two bedroom shared ownership flats and 1 one bedroom, 6 two bedroom and 3 three bedroom affordable rent flats). There will be communal amenity space around the blocks and private terraces and balconies with under-croft car parking for 31 cars plus 10 additional car parking spaces within the east of the site.

The application is accompanied by the following documents:

- Ground Investigation Report
- Servicing Management Plan
- Code for Sustainable Homes Ecological Assessment
- Arboricultural Impact Appraisal and Method Statement
- Flood Risk Assessment
- Financial Viability Appraisal
- Renewable Energy Demand Assessment and Feasibility Proposals
- Highway Statement
- Travel Plan
- Archaeological Desk-Based Assessment
- Statement of Community Involvement.

The application is also accompanied by a Design and Access Statement which includes the following points:

- site is ideally located for residential development being close to amenities and transport and surrounded by residential development
- proposal aims to provide a more appropriate form of development than previously permitted and to address shortcomings of the earlier scheme
- London and Quadrant are a Bromley development partner and have received a wide range of awards acknowledging their dedication to quality development
- site includes the mews area at the rear of the High Street which is poorly maintained and has been the location for anti-social behaviour - flytipping occurs regularly and the area is not secure
- locals complain that the site is used for access between Church Avenue and the High Street and to communally owned woods to the west

- current access is split onto two levels and is poorly configured and dangerous
- accesses form a significant hole in the otherwise well defined edge to the High Street
- development of new proposals for the site should recognise that the existing permission is not popular with local residents
- there are opportunities that the existing permission did not address, primarily related to massing
- residential development is appropriate given history of the site and pressing requirement for new homes
- surrounding development is largely 3 to 4 storeys and it is reasonable to restrict the development to this height
- density of the development should reflect rare opportunity of a previously developed site with exemplary accessibility and should provide as many homes as possible compatible with surrounding uses and occupants, thus reducing need for inappropriate sites to be brought forward
- nature of the site and its location is ideal location for smaller families and couples
- following significant issues were identified in the design of the scheme previously granted consent:
 - o lack of daylight and sunlight penetration
 - o lack of views through the site
 - o loss of TPO trees
 - o poor quality internal environment
 - o small homes not compliant with standards
 - o quality of the architectural design
 - o lack of affordable provision
- public exhibition was held in May 2011 and most widely held concern was security of the site and surrounding properties - this has been addressed as part of the proposals
- layout of the new development is intended to allow light into the heart of the scheme and to be visually permeable - views are now possible through the site from the High Street entrance, from the rear of the High Street towards the north and from the rear of Church Avenue towards the south
- configuration of the buildings also allows opportunity for light to penetrate the scheme towards surrounding properties
- development will have less visual impact on the surrounding properties than existing scheme by placing the majority of the footprint of the buildings within the 'visual footprint' of the consented scheme - perceived extent of the development will be less than the current permission
- development will be as far as possible from the rear of Church Avenue homes - nearest directly visible part of the development is 48m away
- gate will fill hole in High Street frontage thus 'repairing the urban fabric'
- design of the buildings is specifically considered so that they are not visible from surrounding areas
- buildings are also designed so that they only exceed the height of the consented scheme where necessary to allow better organisation of site -

envelope of consented scheme is only exceeded in limited areas where development is least sensitive

- height of Building A adjacent to the western boundary is 4 storeys as in this location it doesn't affect any surrounding development
- development provides a coherent architectural language that is both restrained and domestic - architecture is intended to be modestly contemporary and crisp with a simple palette of materials
- design of development aims to provide a locally distinct development that creates sense of place for the mews and rear of the High Street - it is both appropriate for its setting and of its time
- architectural resolution is derived from a concept where a hard outer skin (zinc cladding) is provided around the perimeter of the site and 'softer' glass and brick surfaces are presented to the gardens internally – language of planes and surfaces wrapping the buildings in various ways provides a unique solution for each building but within a unified language for the whole site
- balconies will be formed in opaque structural glass balustrades to prevent rash of bamboo screens and will not overlook each other or surrounding properties
- ground floor terraces are protected by planting beds of dense foliage rather than fences to ensure that flowing nature of the garden areas is maintained
- landscape is characterised by an undulating grassed surface combined with new tree planting, retention of existing TPO trees where possible and carefully considered external furniture to create a gentle but mature garden environment
- all homes designed to meet the requirements of Lifetime Homes criteria and level 4 of the Code for Sustainable Homes
- development of the site will improve security for surrounding developments, prevent anti-social behaviour and dumping problems and visually improve the site and surroundings.

The application is accompanied by a Planning Statement which covers many of the points detailed above and also includes the following additional points:

- revised scheme takes better account of the proximity of the culvert and has been adjusted to avoid the sewer exclusion zone to the north of the site
- appeal decision confirmed that the principle of loss of employment on the site was acceptable
- improved layout will also provide opportunities for increased landscaping to better integrate the development into the surrounding area
- scheme will allow more opportunities for passive surveillance to increase security within the site and will seek to include security measures to protect residents and discourage crime
- none of the proposed units are north facing and therefore the maximum amount of daylight and sunlight will be available
- Inspector concluded that there was no undue loss of privacy or outlook to adjacent occupiers and this revised scheme sits at a comparable distance from the rear of these properties

- Inspector acknowledged that the greatest impact would be on those residents of 40 and 42 Church Avenue - revised proposals move all development away from the rear of the gardens of these properties
- distance of development from the rear of the neighbouring properties is comparable to the permitted scheme
- comprehensive landscaping scheme using heavy standard and semi-mature stock will significantly enhance the contribution of this site to local amenity and more than compensate for loss of existing trees
- revised scheme offers an increased ratio of car parking spaces.

Location

The 0.33 hectare site is currently vacant following a fire which destroyed the warehouse building and it has previously been used for light industrial, storage and other uses. There is a group of sycamore trees located towards the middle of the site which are protected by Tree Preservation Order 735. There is a concrete hardstanding used for car parking to the east of the site. Access from the High Street is between Nos. 90 and 94 and at present this is at two levels, the higher route leading to the warehouse and the lower route providing rear access to premises fronting the High Street. The access road provides the main view into the site.

Surrounding development is typically comprises 3 and 4 storey commercial buildings with some residential uses on the upper floors and many of these buildings have been extended to the rear in a haphazard fashion. To the north of the site are the gardens of houses fronting Church Avenue whilst to the west is an area of undergrowth and trees which is part of the grounds of 32 Church Avenue. There is also a wooded area of designated Urban Open Space to the west of the site.

Comment from Local Residents

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

Both applications

- out of character
- overdevelopment / excessive density
- excessive height / nearby properties are two storeys in height
- overlooking / loss of privacy
- loss of light
- loss of outlook
- increased noise and disturbance
- increased traffic and congestion / congestion from cars waiting to turn into site / congestion will lead to increased traffic on The Drive
- access is badly sited / too close to traffic light junction and blind corner
- inadequate car parking / no visitor parking
- increased demand for scarce on-street parking in surrounding area

- inadequate access for large vehicles and for emergency services, particularly in event of a fire in the west of the site
- fire service had difficulty accessing site during 2008 fire / fire service should be consulted / fire risk assessment should be carried out
- inadequate turning area within the site
- detrimental impact on highway and pedestrian safety
- loss of mature protected trees / loss of nesting habitat for birds
- trees provide visual amenity and a visual and sound buffer
- ecological impact / protected species on site / loss of wildlife habitat
- increased pressure on local infrastructure and services
- increased pollution
- noise, disturbance, congestion and disruption during construction
- reduced security at neighbouring properties
- secure boundary treatment should be provided around site
- insufficient information regarding boundary wall between site and 86-90 High Street
- access from the site to driveways at Nos. 32-40 Church Avenue should be restricted
- increased flood risk / impact on water table
- increased pressure on sewerage infrastructure
- impact on archaeological interest
- impact on pond, 'Monks Seat' / 'Bishop's Seat', ancient folly and disused well in garden of No. 32 Church Avenue
- 'Monks Seat' is a national and local heritage asset
- open land is a scarce, valuable resource and should be retained
- Pierluigi's Restaurant uses southern side of its site to accommodate car parking and deliveries / servicing – proposal will severely restrict restaurant's ability to provide parking and will prevent servicing and servicing from the High Street is impractical
- boundary wall will restrict access to Pierluigi's Restaurant and will harm outlook
- impact of construction on Pierluigi's restaurant
- too many flats in the area already

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- trees have grown since permission was last granted
- applicant has overseen destruction of woodland
- flooding and pollution of woodland behind site
- archaeological advice should be sought / suitable investigation should be carried out
- congestion has increased since previous grant of planning permission including through:
 - o loss of the existing parking area
 - o introduction of new pedestrian crossing on St Georges Road
 - o creation of 122 units and 129 car parking spaces at No. 1 Albemarle Road

- o introduction of central London congestion charge
 - o road works on the High Street
- access would negate benefits of making Church Avenue one-way
 - no access to site during Farmers Market
 - pedestrianisation of High Street would make access to site impossible
 - narrow access to site / demolition of a property is likely to be necessary to facilitate suitable access
 - demand for housing in area has decreased since recession
 - Localism Bill gives local people more say in the 'Big Society'
 - local opposition to proposal has increased
 - lack of wildlife / ecology study
 - contamination of river and ecological impact
 - River Beck has become more important for surface water drainage since planning permission was previously granted
 - site has significant public recreation value
 - applicant should compensate local residents for disturbance
 - residents of development would suffer from night time anti-social behaviour
 - loss of trade at local businesses during construction
 - policy has changed since previous grant of planning permission with regard to renewable energy, Code for Sustainable Homes requirements and space standards
 - no longer best practice to secure affordable housing through a condition
 - many other schemes have been refused planning permission on the site
 - affordable housing will result in undesirable residents
 - development has been made possible through acts of arson and grant of permission will reward criminal behaviour
 - bullying tactics of applicant
 - 130 High Street has been extended to rear since previous grant of planning permission
 - Council has met housing supply targets since planning permission was previously granted
 - inadequate children's play space
 - units are very small and no longer accord with Mayor of London's space standards
 - development will result in ghetto and Council will face legal challenges
 - suspicious arson attack on building within site in 2008 / 3 arson attacks on site have taken place
 - development is unsafe in area so prone to fires
 - decrease in local property values
 - Environment Agency have removed objection for their convenience – risk of flooding remains

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- increased pollution during construction
- extra storey on Block A is excessive
- visual impact / excessive bulk and massing

- close proximity of blocks to adjacent buildings
- scheme is driven by profit
- no need for housing / previous permission was never implemented
- applicant has not presented compelling argument that benefits of scheme outweigh additional harm from increased height
- Highways Statement and Archaeological Assessment are misleading
- Ecological Statement is misleading / inaccurate
- Statement of Community Involvement is misleading / comments have been omitted
- inadequate consultation
- applicants have ignored local feedback following pre-application consultation
- increased anti-social behaviour / occupants will be undesirable
- social housing should not be located close to bars and clubs
- damage to community spirit
- inadequate affordable housing
- inadequate disabled provision
- motorcycle parking should be provided
- site is unsuitable for soakaways
- application should be invalidated because site includes wall at rear of No. 42 Church Avenue
- site should provide shops / mews of artists studios / small boutique shops / nursery
- developer is seeking to purchase No. 32 Church Avenue to create an additional access
- occupants will be affected by noise, smells and pollution from bars and restaurants
- Council incompetence and corruption led to previous decision
- applicant wants to develop woodland to the west of the site
- no provision for construction workers car parking
- London and Quadrant are in debt and could be declared bankrupt leaving development unfinished.

A petition signed by 63 local residents objecting to traffic, parking, noise and overdevelopment has also been submitted.

The applicant has submitted a response to various points raised in the objection letters.

Comments from Consultees

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Metropolitan Police Crime Prevention Design Adviser - no objections

English Heritage (Archaeology) – no objections

Housing – no objections

Highways – no objections

Environment Agency – no objections

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Drainage – no objections
Metropolitan Police Crime Prevention Design Adviser - no objections
English Heritage (Archaeology) – no objections
Housing – no objections
Environmental Health – no objections
Environment Agency – no objections
Thames Water – no objections
Waste Advisers – no objections.

Any further responses to consultations, including highways comments on the revised scheme, will be reported verbally at the meeting.

Planning Considerations

The proposals falls to be considered primarily with regard to the following policies:

UDP

T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T7 Cyclists
T11 New accesses
T17 Servicing of Premises
T18 Road Safety
H1 Housing Supply
H2 Affordable Housing
H7 Housing Density and Design
H9 Side Space
NE7 Development and trees
BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE16 Ancient Monuments and Archaeology
EMP5 Development outside business areas
ER7 Contaminated Land
IMP1 Planning Obligations

London Plan

2.7 Outer London Economy
2.15 Town Centres
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and Young Peoples Play and Informal Recreation Facilities
3.8 Housing choice
3.9 Mixed and balanced communities
3.13 Negotiating affordable housing on individual private residential and mixed use schemes

- 3.14 Affordable housing thresholds
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.21 Contaminated Land
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland
- 8.2 Planning Obligations.

The Communities and Local Government guidance document 'Greater Flexibility for Planning Permissions' sets out the details of the procedure for assessing applications for extensions for the time limit for implementing planning permissions. The document states at paragraph 23 that:

'In current circumstances, LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.'

A legal agreement will be prepared to secure the affordable housing and a financial contribution to address the impact of the proposal on local education infrastructure. There is sufficient healthcare infrastructure in the surrounding area and a financial contribution to address healthcare impacts will not be required.

The Inspector's decision establishes that the loss of the protected trees to facilitate development of the site is acceptable.

The density of the previously consented scheme will be approx. 118 dwellings per hectare and the density of the revised scheme will be approx. 133 homes per hectare.

Planning permission was granted under application ref. 08/00979 for a two storey rear extension to No. 130 High Street to create 4 new one bedroom flats at second and third floor levels. At the time of writing an application to amend this permission to include a mansard roof extension is pending consideration.

Planning History

Outline planning permission was refused by the Council in March 2005 for 38 units with 32 car parking spaces (ref. 04/02976) on the following grounds:

- loss of protected trees and the probable difficulty in securing suitable replanting within the site unacceptably reducing the visual amenity provided within this part of the town centre by the protected trees
- rearward projection adjacent to the northern boundary and the probable massing and height of the block in this position resulting in overbearing impact upon the nearest gardens in Church Avenue causing undue loss of light at the bottom of these gardens, harmful to the amenities that these occupants should reasonably expect to be able to continue to enjoy
- unacceptable loss of commercial premises in this town centre location
- unacceptable overdevelopment and overintensive use of the site due to the amount of site coverage by buildings and hardstanding resulting in little amenity space provision
- lack of on-site affordable housing units to accord with the Council's standards.

Planning permission was subsequently granted at appeal in May 2006 and the following are excerpts from the Inspector's report:

'There are several oak trees either within or just outside the site and there was no dispute that that these could be retained. Within the central part of the site is a small copse of trees, which are mainly sycamores protected by a Tree Preservation Order. This group was originally larger but consent was granted to fell some of them subject to replacement planting, which has not yet been done. There was little dispute that individually these trees have limited worth. They are generally tall and rather spindly mainly as a consequence of their close proximity to each other. Even though the felling has thinned them out, the trees are still relatively closely spaced with unbalanced crown spreads. I heard expert evidence that due to the age of the trees this was unlikely to be rectified by further thinning and that, in any event, such action would be likely to make the remaining trees vulnerable to wind damage. The value of the trees is as a group but, in terms of public amenity, I consider it to be limited. There are views of the trees from public places, including between buildings in both Church Avenue and the High Street. However these are restricted and fleeting due to the height and juxtaposition of the frontage buildings. I acknowledge that there are private views and that for those living in houses in Church Avenue the trees provide a green backcloth and a continuation of the swathe of vegetation to the west. Nevertheless such benefit is limited to a relatively small number of individuals and this lowers the overall public amenity value of the trees, in my opinion.

Although the submitted plans show some of the trees to be retained, it was acknowledged by the main parties at the Hearing that most, if not all, would be unlikely to survive. This was partly because some are near the retaining wall which divides the upper and lower part of the site. In all probability this

would be demolished and replaced and the consequent root disturbance would be likely to be fatal to the health of the trees. Also, others would be very close to the new building and, even if they survived construction, in all probability there would be considerable pressure from new occupiers to fell them in order to gain more light and a better outlook. Some mitigation could be provided through replacement planting with semi-mature fastigiated trees of 8-10 metres in height. However, the number of trees that would be planted would be substantially less than what exists at present and it was indicated that it would take up to about 20 years for them to reach a similar height to the existing sycamores. I thus conclude that the proposal would result in a loss of protected trees, which would cause some harm to the visual character and amenity of the area.

Although there is some residential accommodation above the commercial premises in the High Street, I am satisfied that the distances involved are sufficient to ensure no undue loss of privacy or outlook to these occupiers. I reach a similar conclusion with regards to the property whose garden abuts the western site boundary, especially as matters such as window positions would be considered when details are submitted at reserved matters stage. Taking account of intervening development and distances, the properties that would be the most affected are 40 and 42 Church Avenue, in my opinion. The rear gardens of these houses immediately adjoin the appeal site, whereas others to the east are separated by the dance studio.

The wall along the common boundary with Nos. 40 and 42 is about 2.2 metres high on their side. The rear gardens are in excess of 30 metres in length and they slope down in a southerly direction. The building would run along the whole rear boundary of No. 42 and about half way along the rear boundary of No. 40. It is intended that it would be set down into the ground so that effectively its height at this point would be just over one storey with a step back to just over two storeys further into the site. I was invited to view the appeal site from within the house and garden of No. 42. I have no doubt that the outlook would change for the occupiers of both these houses and indeed for those occupiers of other houses in the vicinity. The existing view of open space, trees and greenery would be replaced by one dominated by buildings. However, a change of view is not in itself a harmful. I judged that the new rear wall at its nearest point would be well below the eaves level of the dance studio, which runs along part of the eastern boundary of No. 42. Taking account of the height of the existing boundary wall, the stepped back design of the new building and that any roof would slope away from the boundary, I am satisfied that the development would not be so overbearing or result in a sense of enclosure so harmful as to render it unacceptable.

The terrace would be set down well below the boundary wall and when detailed plans are submitted I would expect windows to be positioned to maintain existing levels of privacy. There is already some overshadowing caused by the existing warehouse and dance studio but I acknowledge that there would be a further loss of sunlight penetrating the rear part of the gardens of Nos. 40 and 42 especially in the early afternoon and at times of the year when the sun is low in the sky. However, this would occur at the

end of what are relatively long gardens and I do not believe that the adverse impact would diminish the enjoyment of this amenity space to an unreasonable degree. For all these reasons I conclude that the proposal would cause no undue harm to the living conditions of adjoining occupiers or conflict with the relevant policies of the development plan or its emerging successor in the respect.

The proposal would provide a single graded access with kerb build-outs to improve visibility at the junction. Although the Council's Highway Development Engineer wished to see a wider access road with pavements along either side, I consider that the proposed arrangement would be acceptable. A raised side entry treatment table would ensure that pedestrians could easily cross the junction and the scheme would allow vehicles to access the rear of premises fronting the High Street. These matters could be dealt with by condition.

Provision would be made for 31 vehicles in a secure car park in the northern part of the building along with space for a disabled driver. Within a highly accessible location such as this I consider that the level of parking would be adequate to meet the needs of the development. I see no justification for allowing public parking within the development as some objectors have suggested. I acknowledge the concern of those living nearby that overspill parking is likely to occur in neighbouring residential streets. However, the provision of more parking would merely encourage higher levels of car use and this would clearly contravene government policy. Although the proposal may give rise to additional traffic generation there is no evidence to satisfy me that the junction would be unable to safely accommodate it or that surrounding roads would be operating beyond capacity.'

Detailed approval of the design and external appearance of the block was granted in May 2008 (application ref. 08/00834/DET).

Conclusions

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The main issue to be considered in this case is whether there have been any significant changes in planning policy or material considerations since planning permission was previously granted.

The Development Plan documents (i.e. the Bromley Unitary Development Plan and the London Plan) have changed since planning permission was previously granted in May 2006, however there have been no significant shifts in policy to suggest that the permission should not be renewed. The main material considerations relevant to the proposal are its impact on the character of the area, the impact on the amenities of the occupants of nearby properties, and the highways implications. Planning permission has been granted for the extension of No. 130 High Street to provide additional residential accommodation, however the new flats will be approx. 17m from the application building and will not face directly into it. It is considered that as far as the relevant material considerations are concerned there

have been no significant changes since May 2006 and an extension of the time limit for implementing the planning permission is considered acceptable.

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The principle of residential development on the site including the acceptability of the loss of protected trees and any loss of employment has already been established through the planning permission granted at appeal under reference 04/02976. The main issues to be considered in this case are the impact of the proposal on the character and appearance of the area and the impact on the amenities of the occupants of nearby properties. On the basis that the impacts of the scheme previously granted planning permission are considered acceptable, particular consideration should be given to the elements of the revised proposal which result in a greater impact than the previous scheme and whether these impacts are outweighed by the benefits of the revised scheme.

Whilst the previously approved scheme was considered acceptable in planning terms the applicant's assertion that it had shortcomings can be accepted. The proposal involves 3 four storey blocks whereas the previously approved scheme was predominantly 3 storeys but rising to 4 storeys at one end. The applicant argues that the scheme represents an improvement over the permitted scheme as it allows more light into the heart of the development and more visual permeability.

There will be very limited public views of the development from the surrounding area. The main public view of the site will be from the High Street entrance and whereas the view of the approved scheme will be of a substantial block the revised proposal will provide visual permeability into the site and is an improvement in this respect. The blocks will generally be no nearer to surrounding development than the previously permitted scheme and it may be considered that the visual impact of the increased height of the development will be offset by its improved design and in particular the visual permeability.

The Inspector considered that the greatest impact on properties fronting Church Road would be at Nos. 40 and 42 and the impact on the gardens of these properties has been substantially reduced. The development will feature more balconies than the previous scheme, however the orientation of the blocks and the separation to nearby dwellings should ensure that there will be no undue loss of privacy resulting from overlooking. The additional units and the increased density of development maybe considered acceptable in this accessible town centre location.

On balance, the proposal may be considered acceptable.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Should the development to which this permission relates be implemented in accordance with the details approved under planning permission reference 08/00834/DET then the development must be begun not later than the

expiration of 3 years, beginning with the date of this decision notice. Alternatively, details required pursuant to outline permission

- (i) Details relating to the
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

2 Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be fully implemented prior to the first occupation of the development and thereafter retained.

ACA07R Reason A07

3 The plans and particulars submitted in accordance with the condition 1 above shall include:

- i) a plan showing the location of which trees are to be retained and the crown spread of each retained tree or tree overhanging the site;
- ii) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any overhanging tree on land adjacent to the site;
- iii) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree, or tree overhanging the site, from damage before or during the course of development.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

ACB03R Reason B03

4 No bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree shown to be retained or of any overhanging tree on land adjacent to the site.

ACB03R Reason B03

5 No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by or on behalf of the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

ACC01R Reason C01

- 6 Details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory implementation of the foul and surface water drainage proposals, and comply with Policies 5.13 and 5.14 of the London Plan.

- 7 Details of the provision for the parking of cars and bicycles, including circulation and turning areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be carried out before any part of the development hereby permitted is first occupied and thereafter retained for the intended purpose.

ACH02R Reason H02

- 8 Details of the ground floor slab levels of the building and the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

ACK05R K05 reason

- 9 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i) the numbers (being 35% of the total number of habitable rooms), type and location on the site of the affordable housing to be made;
- ii) the timing of the construction of the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

ACI22R Reason I22

- 10 Development shall not begin until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the occupiers of the building when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.

ACK09R K09 reason

- 11 The development shall not be occupied until the new junction has been provided in accordance with Figure 4 in Appendix A to the Highway Statement by Stilwell Partnership dated December 2004.

ACH01R Reason H01

12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

ACK08R K08 reason

13 The minimum finished floor levels of all new dwellings shall be set no lower than 34.82 m AOD, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of flooding to the new dwellings and comply with Policy 5.12 of the London Plan.

14 Details of works and structural loadings within 10m of the 2 river culverts on the site (based on an assessment of their structural strength) shall be submitted to and approved in writing by the Local Planning Authority before any work commences. Works within 10 metres of the culverts shall then only proceed in accordance with the approved details.

Reason: To prevent an increased risk of damage to the river culverts and of flooding, and comply with Policy 5.12 of the London Plan.

15 Details of compensatory flood storage works in accordance with those set out in the Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority and implemented in full as part of the development.

Reason: To prevent an increased risk of flooding to the development and elsewhere due to a loss of flood storage capacity and to comply with Policy 5.12 of the London Plan.

16 The buildings shall be constructed no closer than 2.7 metres measured horizontally from the extent of the river culverts.

Reason: To retain access to the culvert for future works and to comply with Policy 5.12 of the London Plan.

17 Details of foundations and a trench support structure beneath the edge of the building to facilitate any future works to the culverts shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To minimise the risk of damage to the culverts and facilitate any future works and to comply with Policy 5.12 of the London Plan.

18 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion, and subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system and to comply with Policy 5.12 of the London Plan .

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Bromley Unitary Development Plan and the London Plan:

UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T11 New accesses
- T17 Servicing of Premises
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and trees
- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE16 Ancient Monuments and Archaeology
- EMP5 Development outside business areas
- ER7 Contaminated Land
- IMP1 Planning Obligations

London Plan

- 2.7 Outer London Economy
- 2.15 Town Centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.13 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.14 Affordable housing thresholds
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.21 Contaminated Land
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland

8.2 Planning Obligations.

The development is considered to be satisfactory in relation to the following:

- (a) the relationship of the development to adjacent property
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the safety and security of buildings and the spaces around them
- (d) accessibility to buildings
- (e) the affordable housing policies of the Development Plan regarding
- (f) the policies of the Development Plan regarding planning obligations
- (g) the design policies of the development plan
- (h) the transport policies of the development plan
- (i) the energy efficiency and sustainable development policies of the Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the River Beck main river. Contact Robert Williams on 0207 091 4016 for further details.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845850 2777. Reason – to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- 4 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations,

basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

5 Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/ washing/ repair facilities. Failure to enforce the effective use of petrol/ oil interceptors could result in oil-polluted discharges entering local watercourses.

6 Thames Water recommend 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application:11/01168/EXTEND

Address: Land Rear Of 86 To 94 High Street Beckenham

Proposal: Extension of time limit for implementation of permission ref. 04/02976 granted for demolition of warehouse building and erection of three/ four storey building comprising 5 one bedroom and 34 two bedroom flats with 32 car parking spaces and bicycle parking

