

SECTION '2' – Applications meriting special consideration

Application No : 13/01670/FULL1

Ward:
Hayes And Coney Hall

Address : 1 Chilham Way Hayes Bromley BR2 7PR

OS Grid Ref: E: 540078 N: 166906

Applicant : Affinity Sutton Homes Ltd

Objections : YES

Description of Development:

Demolition of existing sheltered accommodation and erection of 26 two storey semi-detached houses (2 two bedroom, 18 three bedroom and 6 four bedroom) and 1 two storey block comprising 4 one bedroom and 4 two bedroom flats with estate road and 54 car parking spaces

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding

Proposal

It is proposed to demolish the existing sheltered housing on the site to provide a residential development comprising the following:

- 4 four bedroom semi-detached private sale houses
- 16 three bedroom semi-detached private sale houses
- 2 two bedroom semi-detached private sale houses
- 2 three bedroom semi-detached shared ownership houses
- 2 four bedroom semi-detached affordable rent houses
- 4 two bedroom affordable rent flats
- 4 one bedroom affordable rent wheelchair accessible flats.

The flats will be provided within a two storey V shaped block at the corner of Mounthurst Road and Chilham Way. There will be 6 pairs of semi-detached houses fronting Chilham Way and 7 pairs fronting a new one-way shared surface access road adjacent to the urban open space.

The development will feature two types of brickwork cladding, white render, slate roofing and zinc clad entrance canopies.

A previous application (ref. 11/02475) was refused on grounds of overdevelopment and the current scheme seeks to respond to this refusal through the following revisions:

- number of dwellings reduced from 41 to 34
- massing of houses reduced - all houses two storey with no rooms in the roof
- number of car parking spaces reduced from 70 to 54
- all houses are now semi-detached removing the need for rear access lanes
- car parking has been located to the sides of the houses where possible to allow more landscaping to the front of the dwellings
- refuse storage for flats integrated into the building or moved to the rear of flats, away from the street frontage
- comprehensive new landscaping introduced.

The application is accompanied by the following:

- Arboricultural Impact Assessment
- Sustainability and Energy Statement for Planning
- Transport Statement
- Planning Statement including a Statement of Community Involvement
- Financial Viability Assessment
- Design and Access Statement
- Affordable Housing Statement
- Landscape Management and Maintenance Plan / Specification
- Code for Sustainable Homes Report.

Location

- 0.78 ha application site is located between Chilham Way, Bourne Vale, Mounthurst Road and Farleigh Avenue
- site currently comprises 47 sheltered units arranged around a private courtyard identified by the applicant as being of an inadequate standard to meet the needs and expectations of their residents and unsuitable for refurbishment
- surrounding area comprises a mixture of predominantly semi-detached and terraced houses and there is an area of designated Urban Open Space immediately to the south of the site
- site has a low Public Transport Accessibility Level (PTAL) of 1b.

Comments from Local Residents

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

- overdevelopment / excessive density
- out of character
- increased traffic and congestion
- inadequate car parking / increased demand for on-street parking

- inadequate access arrangements, particularly for larger vehicles and emergency vehicles / roads are too narrow
- detrimental impact on highway and pedestrian safety
- Transport Statement is unrealistic / understates predicted car movements / overstates car parking in the area / traffic survey should have been carried out when TLT Academy was in session / bus service information is misleading / vehicle tracking diagram illustrates difficulty of manoeuvring a car onto Chilham Way
- double yellow lines at corners of the site would improve safety
- barrier should be provided to prevent car parking on the grassed area fronting Bourne Vale
- increased pressure on local infrastructure and services, particularly healthcare and education
- noise and pollution from construction works
- insufficient information provided by applicant during pre-application community consultation
- site is ideally suited for accommodation for the elderly and should be retained for this use
- existing buildings are in good condition and have recently been upgraded / existing development should be refurbished and retained for the elderly
- increased noise and disturbance
- loss of mature trees
- culverted stream crosses site and could cause flooding
- inadequate children's play space
- inadequate amount of affordable housing
- Hayes needs more affordable housing, flats and accommodation for the elderly
- bonfires should be banned during construction period
- existing development is an eyesore
- proposal is driven by profit
- energy statement does not account for energy used in demolition and construction.

Several local objectors have suggested that the on-street car parking in the surrounding area has been overstated in the Transport Statement. Additional information has been submitted by the applicant to address the fact that due to the introduction of new crossovers it may not be possible to park on both sides of the road in some locations. The additional information has been considered by the Council's Highways Engineer.

Local residents have commented that a barrier should be erected to prevent car parking on the grassed area fronting Bourne Vale. It should be noted that this is Council owned land that does not fall within the site.

Comments from Consultees

The Metropolitan Police Crime Prevention Design Adviser has no objections subject to a standard Secured by Design condition.

There are no objections from the Council's in-house drainage consultant.

There are no objections in terms of waste collection arrangements.

There are no objections in terms of highways, subject to conditions.

Thames Water have no objections.

The proposal is considered acceptable in terms of sustainable development and renewable energy.

In terms of housing, concern has been expressed regarding the loss of the existing sheltered accommodation. The following statement has been received from the Council's Housing Division:

'The Council's Assistant Director (Housing Needs) is supportive of the affordable housing proposals. Whilst the original site was an affordable sheltered housing scheme, Affinity Sutton are not proposing to re-provide sheltered housing as part of the redevelopment. The current demand for existing affordable sheltered housing properties available within the Borough is low, whilst there is an acute shortage of rented general-needs properties of all bed sizes (particularly 2 bedroom properties). Since the recession and the introduction of welfare reforms, there is a lack of 'churn' in affordable housing stock as households do not have the means to move through the sector into private rent or home-ownership. Therefore, it is the view of the Assistant Director (Housing Needs) that general-needs housing on this site would be more useful in terms of meeting local demand and the Council's statutory housing duties.

In terms of planning policy, Bromley does not currently have a specific policy resisting the net loss of older persons' accommodation. Although none of the new properties proposed on the Hayes Place site would be specifically designated for older people in planning terms, all residents were given the opportunity by Affinity Sutton of re-housing in the new development and one resident is anticipated to return.'

Any further responses to consultations will be reported verbally at the meeting.

Planning History

Outline planning permission was refused in November 2011 for the demolition of the existing sheltered accommodation and erection of two storey block comprising 4 one bedroom and 4 two bedroom flats, and 18 semi-detached and 15 terraced houses (9 two bedroom, 20 three bedroom and 4 four bedroom), with estate road and 70 car parking spaces (ref. 11/02475). The grounds of refusal were as follows:

'The proposal, by reason of the type and number of units proposed and the amount of site coverage by hard surfaces, is an overdevelopment of the site out of character with the surrounding area thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal constitutes a cramped form of development with excessive hardstanding with a "sea of parking", lacking adequate open and amenity space, and devoid of adequate landscaping, as such conflicting with the provisions of Policies BE1 and H7 of the Unitary Development Plan.'

Planning Considerations

The proposal 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
- T12 Residential Roads
- 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
- IMP1 Planning Obligations

London Plan

- 2.7 Outer London Economy
- 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
- 5.13 Sustainable Drainage
- 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
- 7.21 Trees and Woodland

8.2 Planning Obligations.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

The following documents produced by the Mayor of London are relevant:

- Housing Supplementary Planning Guidance
- Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance (SPG)
- Housing Strategy
- Accessible London: achieving an inclusive environment
- The Mayor's Transport Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Sustainable Design and Construction SPG.

The proposal is acceptable in terms of its impact on trees.

The proposal equates to a residential density of 44 dwellings per hectare.

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site.

The affordable housing provision equates to approx. 35% by units but approx. 27% by habitable room and approx. 29% by floor area. The proposal is therefore not in compliance with the Council's affordable housing policy. The applicants have submitted a financial viability appraisal to seek to demonstrate that any higher provision of affordable housing contribution would render the development unviable. Officers subsequently commissioned external expert advice from consultants to review the appraisal. The final advice received is that the level of affordable housing proposed, in addition to a healthcare and education infrastructure payment of £335,362, is considered to be the maximum level of contributions that could viably be provided. On this basis, the affordable housing provision, although below the level sought under policy, is considered acceptable.

The breakdown of the healthcare and education infrastructure contributions is as follows:

<u>Education:</u>	
Pre-School	£26,936.94
Primary	£106,846.52
Secondary	£106,549.88
Further Ed	£42,713.57
Total	£283,046.92

Health: £52,315

The affordable housing and healthcare and education infrastructure contributions will be secured through a Section 106 legal agreement.

Conclusions

The main issues to be considered in this case are the impact of the proposal on the character of the area and on the residential amenities of the occupants of nearby dwellings. Particular consideration should be given to whether the revised scheme addresses the previous grounds of refusal regarding overdevelopment.

The proposal involves two storey semi-detached houses and a two storey block of flats which is broadly consistent with the type of development in the surrounding area. The design and materials will complement the appearance of nearby development. The rear gardens to the houses provide sufficient back-to-back separation and the private amenity space to the flats is considered limited but adequate. Given the nature and scale of the development, it is not considered that there will be any undue harm to the living conditions of the occupants of nearby residential dwellings.

The scheme has been significantly reduced in terms of the amount of development compared with the 2011 proposal. The number of dwellings has been reduced from 41 to 34 and roofspace accommodation has been removed. The number of car parking spaces has been reduced from 70 to 54 resulting in a welcome reduction in hard surfaces. The development will have a more spacious appearance and the application includes a comprehensive soft landscaping plan which will improve the setting and visual appearance of the scheme. It is considered that the proposal represents a significant improvement over the earlier scheme and members may agree that the previous grounds of refusal have now been addressed.

Background papers referred to during the production of this report comprise all correspondence and other documents on files refs. 11/02475 and 13/01670, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years

2	ACA05	Landscaping scheme - implementation			
	ACA05R	Reason A05			
3	ACA07	Boundary enclosure - no detail submitted			
	ACA07R	Reason A07			
4	ACB01	Trees to be retained during building op.			
	ACB01R	Reason B01			
5	ACB02	Trees - protective fencing			
	ACB02R	Reason B02			
6	ACB03	Trees - no bonfires			
	ACB03R	Reason B03			
7	ACB04	Trees - no trenches, pipelines or drains			
	ACB04R	Reason B04			
8	ACC01	Satisfactory materials (ext'nl surfaces)			
	ACC01R	Reason C01			
9	ACC03	Details of windows			
	ACC03R	Reason C03			
10	ACD06	Sustainable drainage system (SuDS)			
	ADD06R	Reason D06			
11	ACH02	Satisfactory parking - no details submit			
	ACH02R	Reason H02			
12	ACH10	Provision of sight line (3 inserts)	2.40m by 40m	new	
		access road junction with Mounthurst Road	1.05m		
	ACH10R	Reason H10			
13	ACH12	Vis. splays (vehicular access) (2 in)	3.3m x 2.4m x		
		3.3m 1m			
	ACH12R	Reason H12			
14	ACH16	Hardstanding for wash-down facilities			
	ACH16R	Reason H16			
15	ACH17	Materials for estate road			
	ACH17R	Reason H17			
16	ACH18	Refuse storage - no details submitted			
	ACH18R	Reason H18			
17	ACH22	Bicycle Parking			
	ACH22R	Reason H22			
18	ACH23	Lighting scheme for access/parking			
	ACH23R	Reason H23			
19	ACH29	Construction Management Plan			
	ACH29R	Reason H29			
20	ACH32	Highway Drainage			
	ADI15R	Reason I15			
21	ACI01	Restriction of all "pd" rights			
	Reason: To safeguard the character and amenities of the area and to comply with Policies BE1 and H7 of the Unitary Development Plan.				
22	ACI20	Lifetime Homes Standard/wheelchair homes			
	ADI20R	Reason I20			
23	ACI21	Secured By Design			
	ACI21R	I21 reason			
24	ACI22	Affordable Housing			
	ACI22R	Reason I22			
25	ACK01	Compliance with submitted plan			

- ACK01R K01 reason (insert reason)
- 26 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 27 ACL03 Site wide Energy statement
ACL03R Reason L03
- 28 No loose materials shall be used for surfacing of the parking and turning areas hereby permitted.

Reason: In order to provide suitable materials for the hardstanding that will not adversely affect the highway and to comply with Policy T18 of the UDP.

INFORMATIVE(S)

- 1 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 You are advised that it is an offence under Section 137 of the Highways Act 1980 to obstruct "the free passage along the highway" (which includes the footway i.e. the pavement). This means that vehicles parked on the forecourt should not overhang the footway and therefore you should ensure that any vehicle is parked wholly within the site.
- 3 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 4 Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to facilitate the forming of the vehicular access hereby permitted shall be undertaken at the cost of the applicant.
- 5 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop

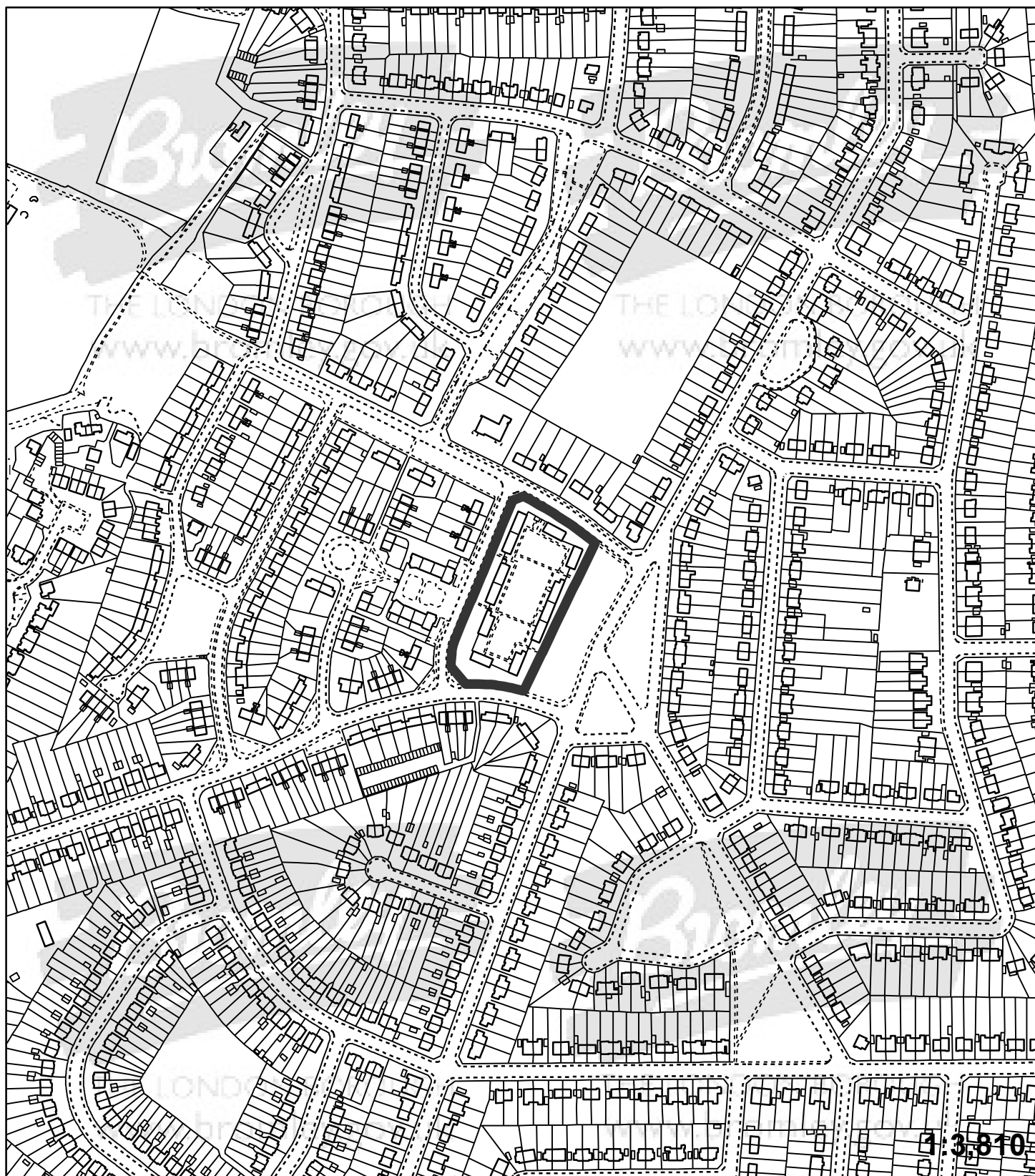
notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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