

Application No : 13/04054/FULL1

**Ward:
Hayes And Coney Hall**

**Address : Hayes Court West Common Road Hayes
Bromley BR2 7AU**

OS Grid Ref: E: 540502 N: 165373

Applicant : London Square

Objections : YES

Description of Development:

Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 16 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 7 x five bedroom) with associated communal and allocated car parking and landscaping including refuse/recycling store and cycle store

Key designations:

Conservation Area: Bromley Hayes And Keston Commons
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Urban Open Space

Proposal

Permission is sought to demolish a section of the Statutory Listed Building, along with associated outbuildings, change the use of the Listed Building from office (Class B1) to residential (Class C3) to form 8 residential units. The proposal also includes the erection of 16 detached and mews houses within the grounds of Hayes Court with associated communal and private car parking, landscaping and refuse/recycling/cycle stores.

A Listed Building Consent application (ref. 13/04055) accompanies the application on this agenda.

The full details of the proposal are as follows:

- Retention of the main Grade II listed house and demolition of the three-storey 1980's extension, the two-storey 1940's extension, the 1920's extension, the various outbuildings and part of boundary wall.
- Alterations to the main Grade II listed house to provide a new entrance feature and general renovation of the building. Conversion of the building to 1 x one bedroom and 7 x two bedroom flats.

- The proposal includes 9 mews houses, 6 detached two storey dwellings and 1 detached gate house dwelling.
- The scheme proposes a total of 24 residential units with 125 habitable rooms in the converted main building and new detached and mews-style dwellings with a range of one, two, three, four and five bedroom units. The scheme proposes a density of 9 unit per hectare.
- All detached and mews style dwellings are proposed and will be two storeys in height. There will be 9 mews houses to the east of the Listed Building, four detached 'Villas' to the west of the Listed Building, two detached dwellings to the north east of the Listed Building and 9 mews dwellings to the east of the Listed Building that will be sited closely similar to the positions of the existing wings of the Listed Building.
- Car parking provision comprising 2 private car parking spaces and space for visitors within the curtilage of each house; and 2 private car parking spaces per apartment and 2 additional spaces for visitors in a shared parking area. The communal car park will be sited adjacent to the north of the mews, to the north east of the Listed Building. This area will include a sub-station, refuse/recycling and bicycle stores.
- Landscaping improvements will be made which will reduce the existing level of hardstanding and increase the amount of soft landscaping that currently exists on site. This comprises a larger area of grass to the north of the Listed Building to replace some of the existing hardstanding along with more formal flower beds and planting in close proximity to the Listed Building. Tree planting will be included to the west of the Listed Building.
- Storage within the private garages of the 16 new residential dwellings will be available for cycling parking. A total of 20 cycle parking spaces are provided for the 8 apartments alongside the car parking area. This equates to 2 spaces per flat and 4 visitor spaces.
- The existing northern entrance and driveway will be retained in its current form, with the existing southern entrance to the site utilised to provide access to the Mews dwellings.
- The proposal comprises 100% market housing at submission stage. The applicant advises that the site can viably support a S106 contribution for affordable housing along with contributions for health and education. A Financial Viability Assessment has been submitted and independently assessed on behalf of the Council.

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Landscape Statement
- Heritage Appraisal

- Energy statement
- Transport Statement
- Statement of Community Involvement
- Surface Water Run-Off and Flood Risk Statement
- Tree Survey, Arboricultural Report and Tree Protection Plan
- Preliminary Ecological Appraisal
- Archaeological Desk-Based Assessment
- Interim Site Investigation Report
- Structural Feasibility Report
- Office Marketing Report and Local Office Market Report
- Financial Viability Assessment

The application is accompanied by Planning and Design and Access Statements which make the following points in support of the application:

- The main house can be returned to a residential use, which is more sympathetic to its historical form. The views of the main house from the north and south lawn can be enhanced. The Listed building as it stands is in a poor condition. The overall intention is to repair and conserve the original house to make it the centre piece of the new development.
- The site has been used as offices by the trade union UNITE since 1949. Unite has gradually vacated the site since 2011 and relocated its operations to alternative premises. The building is now largely vacant.
- The proposal has evolved as a result of in-depth pre-application consultation along with a public consultation over the course of over a year. The current scheme has been revised as a result of the Planning Department's pre-application comments.
- Demand for office space in Hayes has been shown via marketing of the site to be insufficient to sustain the continued use of the site as office accommodation.
- The application proposes 24 residential units, making a significant contribution to the Borough's annual target.
- The proposed development represents a 37% increase in built volume and a 48% increase in built footprint. When the footprint and hardstanding of the proposed scheme are considered together, they comprise only 79% of the existing. The proposal will demolish inappropriate development and has been sympathetically designed to minimise the impact on the Urban Open Space. The proposal does not add a disproportionate amount of development to the site. An 11% increase in soft landscaping will be provided and provide opportunities for ecological enhancements. The proposed built volume is 137% of the existing.
- The development has been carefully designed to prevent impact on the openness of the adjoining Green Belt land. A buffer area has also been included to prevent any harm.

- The proposed scheme will preserve and enhance the listed building by repairing it and providing it with a sustainable long-term future. The proposals represent a demonstrable benefit over the existing situation and fully satisfy national, regional and local planning policy for listed buildings.
- The majority of trees on the site will be retained and new areas of soft landscaping, which will enhance the site's visual appearance and ecological value, are proposed. The character and appearance of the conservation area will be preserved and enhanced by the proposed development.
- The proposed low residential density is justified given the need to respect the historic landscaped setting of the Grade II listed building, together with the site's designation as Urban Open Space and the resultant need to preserve the open character of the site.
- The proposed mix of units provides a good variety of family (three-bed plus) and non-family (one- and two-bed) accommodation in accordance with local and strategic objectives. The units will meet the London Plan space standards. All units will have either private gardens or access to the communal lawns.
- The development will not impact on local residential amenity. To the north, the Gatehouse will be well screened from neighbouring properties and the remainder of the development is sited a significant distance from other residential properties.
- In terms of ecology, the Preliminary Ecological Appraisal predicts that, as a worst case scenario, the development is likely to result in a minor adverse ecological effect.
- The development proposals provide two private car parking spaces and space for visitors within the curtilage of each house. The shared parking area provides two parking spaces per apartment plus two visitor spaces. The level of parking provided is necessary to support the development without creating overspill car parking on the local road network and address concerns raised by local residents. A suitable amount of cycle storage is provided with waste/recycle storage.
- The development will be highly sustainable and will meet Code for Sustainable Homes Level 4 and BREEAM Very Good.
- The proposal provides an informal route through the site, improving access to the common and enhancing public views of the listed building.

A subsequent letter dated 28/02/14 has been submitted by the applicant that emphasizes the benefits that the scheme will provide.

Location

Hayes Court is sited on the western side of West Common Road. The site falls within the Bromley, Hayes And Keston Commons Conservation Area and is designated Urban Open Space. The site is surrounded to the west, east and south by Green Belt woodland. Hayes School is sited in close proximity to the north on West Common Road.

The site comprises a two storey Grade II Statutory Listed Building that has been extended to the east to provide 2 three storey wings. The building, although originally residential, is currently under office (Class B1) use and sits within a large, attractive plot served by two access driveways. The site currently has a large amount of hardstanding around the building and also possesses a group of small detached outbuildings to the north of the Listed Building.

Consultations

Comments from Local Residents

Nearby properties were notified and representations were received which can be summarised as follows:

- The road is dangerous and narrow, particularly when cars are parked along one side of the road to pick up from the school - traffic calming measures should be provided.
- Inadequate highway lighting at night.
- Visitor car parking is insufficient and will lead to parking on the highway.
- Parking control measures will be required to prevent parking on the highway that will cause highway safety issues.
- Parking in West Common Road is increasing and this may add to highway safety problems.
- The existing orange sodium lighting ruins the light quality of the area, is totally unsuitable in a Conservation Area and should be removed.
- Letter of general support for the proposal provided the highway safety implications are addressed.

The Wickham Common Residents' Association has commented that they would support the development of the Listed Building but object to the development of the grounds due to the designations of the land. The applicant provides insufficient justification to provide off-site affordable housing.

The Hayes Village Association has objected on the grounds that the proposal would over-develop the site. The buildings would also be of a design that would not be simple and would impact on the character of the original building. The four detached buildings to the west of the site would introduce a dominant and suburban arrangement that would be out of character. The demolition of the later additions, along with the restoration of the listed building, is supported.

Comments from Consultees

The Council's Highways Officer raises no objections.

Waste Services raises no objections to the layout of the site and the servicing of it.

The Council's Drainage Officer raises no objection.

The Environment Agency raises no objection to the proposal subject to conditions relating to suitable drainage, a contamination risk assessment, environmental risk and sustainable drainage.

Thames Water has raised no objections to the proposal, and standard informatives are suggested.

English Heritage (Archaeology) has raised no archaeological objection to the proposal, subject to an archaeological condition that requires the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme for investigation.

English Heritage's Inspector of Historic Buildings has raised objection on the basis of the impact of the development on the setting of Hayes Court. Concerns are raised regarding views from the Listed Building as well as the impact the scheme would have on the character and setting of Hayes Court.

The Council's Environmental Health (Pollution) Officer raises no objections subject to a standard condition requiring some basic soil sampling along with an informative.

The Metropolitan Police Crime Prevention Design Adviser has raised no objections, subject to a Secure By Design condition.

The Strategic Housing Manager has commented that there is a high demand for affordable housing within this part of the borough. As such, this is considered to be a suitable location for the provision of affordable housing. It is considered that a review of the layout, design and size of units in the proposed scheme in principle should mean that provision of on-site affordable housing is possible on the site. Following an independent review of the Financial Viability Appraisal, the Strategic Housing Manager has stated that its findings conclude that an in-lieu payment for affordable housing off site can be provided by the developer.

Natural England has not commented on the proposal.

The West Kent Badger Group has undertaken a walk-over survey and has concluded that the site contains an active badger sett adjacent to the southern site boundary and other signs of badger activity. It is recommended that a watching brief of the whole site is undertaken by an experienced badger expert should permission be granted. The area surrounding the active sett particularly should be protected from plant, materials and demolition.

The Advisory Panel for Conservation Areas (APCA) has objected on the grounds of overdevelopment of the site with an excessive number of units and footprint,

along with an unsympathetic design. The location of houses on the currently open western edge of the site is harmful to the Green Belt and the open nature of the setting of the Listed Building, along with views into and out of the conservation area. APCA would support a well-designed reduced scheme on the site of the existing buildings that are proposed to be demolished. The proposal is contrary to Policies BE1, BE8, BE13 and the Supplementary Planning Guidance for the Conservation Area.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies:

H1 Housing Supply
H2 Affordable Housing
H3 Affordable Housing
H7 Housing Density And Design
H12 Conversion of Non-Residential Buildings To Residential Use
T1 Transport Demand
T2 Assessment Of Transport Effects
T3 Parking
T5 Access For People With Restricted Mobility
T6 Pedestrians
T7 Cyclists
T18 Road Safety
BE1 Design of New Development
BE4 The Public Realm
BE7 Railings, Boundary Walls And Other Means Of Enclosure
BE8 Statutory Listed Buildings
BE9 Demolition Of A Listed Building
BE11 Conservation Areas
BE12 Demolition In Conservation Areas
BE14 Trees In Conservation Areas
BE16 Ancient Monuments And Archaeology
NE2 Development And Nature Conservation Sites
NE3 Nature Conservation And Development
NE5 Protected Species
NE7 Development and Trees
NE8 Conservation And Management Of Trees And Woodlands
NE12 Landscape Quality And Character
G6 Land Adjoining Green Belt Or Metropolitan Open Land
G8 Urban Open Space
EMP3 Office Development

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

- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

- Supplementary Planning Guidance for the Bromley, Hayes And Keston Commons Conservation Area

In strategic terms the most relevant London Plan policies are:

- 2.8 Outer London: Transport
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality And Design Of Housing Developments
- 3.12 Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design And Construction
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.1 Integrating Transport And Development
- 6.3 Assessing Effects Of Development On Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets And Archaeology
- 7.9 Heritage-Led Regeneration
- 7.13 Safety, Security And Resilience To Emergency
- 7.18 Protecting Local Open Space And Addressing Local Deficiency
- 7.19 Biodiversity And Access To Nature
- 7.21 Trees And Woodlands
- 8.2 Planning Obligations

The National Planning Policy Framework 2012 is also relevant.

With regard to trees, the Council's Tree Officer has stated that the proposal will bring built development closer to a group of trees to the south and east of the site that will interfere with root protection areas and create a post-development pressure for further works that might damage the health and long-term health of these tree. Details of a lighting scheme in order to assess the impact on bats would also be useful

From a heritage perspective, it is considered that the proposal to convert the Listed Building would be acceptable subject to conditions. The Gate House would mirror a similar structure that was present at the site in the 19th Century, and this would be a sufficient distance from the Listed Building to prevent harm to its setting. The

houses on the driveway are considered to impact detrimentally on the setting of the main building, despite the retention of the original driveway. These two houses would be constructed in a position that does not contain substantial development at present. The Mews houses are considered an enhancement of the Listed Building and would provide a small separation to it. The houses to the west of the site would harm the setting of the Listed Building and would suburbanise a currently open area of the site. The development would also impact harmfully on the character and appearance of this part of the conservation area, which comprises a highly landscaped and secluded site that acts as an important rural link between the Green Belt and the residential development to the north.

Planning History

Outline planning permission was granted under ref. 84/01473 for demolition of existing single storey buildings and erection of 3 storey extension for offices to the Listed Building. Details of this permission were subsequently permitted under ref. 85/01792.

Planning permission was granted under ref. 86/03178 for a first floor front extension to the Listed Building.

Planning permission was refused under ref. 89/00674 for a detached two bedroom bungalow and detached garage for use by security warden to the north of the site. The refusal grounds related to the harm caused to the rural character of the Urban Open Space along with the impact on the setting of the Listed Building. The application was subsequently dismissed at appeal with the Inspector considering the building appropriate within the Urban Open Space in this case but concluding that it would harm the setting of the Listed Building.

Planning permission was granted under ref. 95/02047 for a single storey extension to the Listed Building and alterations to fire escape staircase Block A.

Planning permission was granted under ref. 02/01570 for a detached single storey storage building.

Other recent planning history relates to air conditioning units on roof and louvred enclosures to conceal air handling units of the roof of Block D.

Conclusions

The main issues to be considered are:

- the loss of office accommodation
- the density and quality of the housing proposed
- the acceptability of residential development within the Urban Open Space and its impact on the Urban Open Space
- affordable housing provision
- the impact on the setting and character of the Statutory Listed Building
- the impact on the character of the Bromley, Hayes And Keston Commons Conservation Area,

- the impact on the adjoining Green Belt
- the impact on trees
- the impact on ecology and protected species
- the impact on the amenities of neighbouring residential properties
- the impact on highway safety and parking

Loss of office space

The site has been used as an office (Class B1(a)) for a significant period of time and has been occupied by the Unite trade union since the mid-20th Century. Policy EMP3 states that change of use from office to other uses will be permitted where it can be demonstrated that there is no local shortage of office floorspace, there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal. This policy is in accordance with Paragraph 22 of the NPPF which states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Policy EMP5 states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that it can be demonstrated the size, configuration, access arrangements or other characteristics make it unsuitable for uses B-Use Classes and full and proper marketing confirms the unsuitability and financial non-viability of the site or premises for those uses.

The site is currently largely vacated, with a small area used by the current occupier. Unite vacated the site in 2011 and the applicant has submitted marketing information dating back to this time. The marketing report demonstrates that in this period there were no prospective occupiers expressing an interest in the site for its continued office use. The report concludes that the demand for office accommodation in this area is weak, particularly due to its inaccessibility and nearby Bromley Town Centre, which is a more desirable office location due to its transport links. The condition of the site, layout and surrounding land uses also do not lend the site to office use in the modern climate. Hayes is not a historically strong office location, and the running costs of operating a business use for the building are considered impractical. The report concludes that the loss of Hayes Court as an office building should have no detrimental effect on the local business community nor hamper future employment prospects within the immediate or surrounding area. The Council concurs with the findings, and the fact that the site is largely vacant and isolated from other business sites means that the loss of the office use would not impact on local employment in the Hayes area. It is considered that a lack of local demand has been adequately demonstrated and the low amount of office space in Hayes and lack of prospective occupiers through long-term marketing means that the loss of the site would not create a local shortage of local office space.

Density and quality of housing

Concerning the proposed density of the development, it is proposed to provide a low-density scheme due to the Urban Open Space designation of the site. Policy 3.4 of the London Plan provides residential density ranges for residential schemes. Further guidance is provided within the Mayor's Housing SPG (2012). The scheme provides a density of development that is lower than the figure given within this guidance. The site has a PTAL rating of 1 and the London Plan density matrix suggests 35-75 units per hectare. The scheme proposes 9 units per hectare however it is important to assess all qualitative factors when considering the acceptability of residential density. In this case, the applicant argues that the designation of the site within Urban Open Space, along with the site containing an important setting of a Statutory Listed Building, would render a higher residential density wholly inappropriate. In light of the local context and low level of accessibility to public transport, the applicant argues that the density of development proposed is appropriate for the site.

London Plan Policy 3.8 states that residential developments should provide a range of housing types. Policy 3.5 states that housing developments should be of the highest quality in context with their surroundings, with Policy H7 of the UDP stating that developments should be designed to a high quality as well as recognising and complementing the qualities of the surrounding area. The proposal will provide a mix of 1 bed flats, two bed flats and larger family dwellings. This is considered to be a good mix of accommodation that would be supported by the local and strategic housing objectives.

London Plan Policy 3.3 sets out minimum space standards and the units would all provide a suitable internal layout in this regard. Most of the detached residential development will be sited a significant distance from neighbouring dwellings and the family homes proposed will all be provided with suitable private amenity spaces. All of the houses will be provided with a greater area of private amenity space than the minimum requirement. The constraints of converting the Listed Building means that no private amenity areas can be provided for the future occupants. However they will have easy access to a large amenity area to the front and rear of the Listed Building. In general, it is considered that the amenity spaces in and around the site are suitable to provide future occupants with suitable recreational and open space.

Impact on the Urban Open Space

The site lies within Urban Open Space and the Council will seek to resist development that would have a harmful impact on the visual amenities and openness of the area. Policy G8 of the UDP states:

'Proposals for built development in areas defined on the Proposals Map as Urban Open Space (UOS), will be permitted only under the following circumstances:

- i) the development is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use); or
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- (iii) any replacement buildings do not exceed the site coverage of the existing development on the site.'

It is important that development does not unduly impair the inherent open nature of the site. Policy G8 of the UDP provides three scenarios where development will be permitted within Urban Open Space, none of which include residential development specifically.

The proposed development does not fall within any of these scenarios, but does attempt to address clause (iii) which advises that any replacement buildings should not exceed the site coverage of existing development on the site. However, para 8.36 makes clear that criteria (iii) only applies where existing school or sports buildings have become redundant or no longer meet the standards of facilities expected by users and therefore the proposal is contrary to Policy G8.

The Council's emerging Local Plan proposes to retain an Urban Open Space policy for the purposes of protecting the Borough's existing open spaces, which are considered to contribute positively to the character of the Borough. With the exception of school extensions, this policy will reflect the current wording of UDP Policy G8.

Policy G8 does not provide a mechanism for residential development to be constructed on UOS land, however it is considered that a limited amount may be acceptable in principle due to the desire to renovate the listed building and regenerate the site. The site coverage of buildings on the site will increase by around 48%, with a built volume increase of 37%. This remains a significant increase and would not accord with the requirements of Policy G8 for the scale, siting and size of the proposal should not unduly impair the open nature of the site.

In this case the proposal would increase the amount of built development on the site significantly, and spread the envelope of development over a wider area of the site which is currently open, thereby suburbanising the site and impairing its openness. The proposal will introduce detached two storey dwellings to the west and north of the Listed Building. Although the development of the part of the site that currently accommodates the wings to the main building may be considered sympathetic, the remainder of the proposal will provide two storey development on areas of the site that are currently undeveloped or that are developed with modest single storey outbuildings. In this case, the increase in the amount of built development along with the spreading of built development across the wider site is considered to be disproportionate and excessive, harming the open character and visual amenities of the Urban Open Space.

Affordable housing provision

The scheme originally made no provision for affordable housing. Following an independent review of the Financial Viability Assessment provided by the applicant, a figure of £275,000 is offered as a payment in-lieu for the provision of affordable housing off-site. The Council's Strategic Housing Manager is satisfied that the figure is suitable, given the viability and constraints of the site.

Impact on the Statutory Listed Building

The proposal seeks to renovate the main Listed Building, converting it to form 8 flats, whilst removing the two existing wings of the building, which are later additions. In principle, it is considered that the renovation of the Listed Building would be welcomed, securing the long-term future of the building. The renovation would significantly improve the external appearance of the building, with a limited space around the building created by the removal of the two wings, which are at odds with the architecture of the main building. The scheme allows for a large amount of landscaping around the building and would create a new glazed entrance and link to the front elevation. It is considered that the Listed Building works, subject to conditions, would enhance and preserve the heritage asset.

Despite the historical additions to the main building, Hayes Court retains a largely open and secluded area to the west and north of the site, with generally undeveloped grounds. Concerns have been raised by English Heritage that the development of two storey dwellings to the north and west of the Listed Building would be considered harmful to its setting. The layout would sprawl the built development across a larger area of the site and would create a suburban effect within the setting of the Listed Building. It is also considered that the views of the open grounds from the Listed Building itself would be harmed by the presence of this development.

However, it is considered that the two dwellings to the north of the Listed Building will block views to the Listed Building from this approach road to some degree. The main view of the Listed Building will not be clearly apparent until visitors have fully entered the site. However that is true of the present situation at the site. The provision of two storey development in this location would, however, contribute to the general impact on the open setting of the Listed Building as there has historically been no substantial development on this part of the site other than the existing collection of small single storey outbuildings. Although the increases in landscaping and reduction in hardstanding are also considered positive steps, the proposal would suburbanise the setting of the Listed Building and would constitute 'less than substantial harm' as per Paragraph 134 of the NPPF. It is not considered that the harm would be outweighed by the public benefit of the proposal. Although securing a future viable use of the asset is considered a public benefit under Para 134, in this case the impact on its inherent open setting would not be considered to outweigh this and would therefore not constitute the optimal use given the constraints of the site.

It is considered that the provision of a significant amount of development within the grounds of Hayes Court in the manner proposed cannot be considered to preserve

the setting of the Listed Building. On balance, the scheme offers benefits for the future viability of the site and the future of the Listed Building itself. However a key part of the historical and architectural importance of this heritage asset lies with the high quality and character of its setting. It is therefore considered that the importance of retaining the open nature of the setting is vital and its irreversible loss would not be outweighed by these public benefits.

Impact on the Conservation Area

The site lies within the Bromley, Hayes And Keston Commons Conservation Area. The Supplementary Planning Guidance (SPG) for this conservation area states:

'4.28 The northern parts of West Common Road are partially lined with inter war and post war suburban development. However, the southern reaches are undeveloped common land and between the two lies Hayes Court. Built in the 1760s, enlarged in the 1790s and reduced in size in the mid 20th century, it is a large rendered house with slated roof and timber sliding sash windows. It is Grade II on the Statutory Listed and was the home of the Lord Chief Justice of England, Sir Vicary Gibbs. Modern extensions of indifferent quality abut its east side, although the main elevations of the house look out into mature landscaped grounds with a sweeping tree-lined drive. To the north of Hayes Court, Hayes Grove Cottage (which is Statutory Listed) and 106 West Common Road ('Redgate Cottage') are included as good examples of local traditional buildings.'

The SPG identifies the significance of the landscape context, and states that importance is given to the rural ambience, landscape qualities and trees within the conservation area. The listed building sits comfortably in a landscaped setting and long views of the principal façade occur across lawns from the north. The overall amount of development, including development to the west of Hayes Court, is considered to detract from the landscape setting of the Conservation Area, and neither preserves nor enhances the special character and appearance of the site. The site provides a gateway to the conservation area at its southern point, with residential development only to the north of it. The suburbanisation of the site in the manner proposed would detract from the character of the conservation area.

Impact on the adjoining Green Belt

The site is surrounded to the west, south and east by Green Belt land, however the site itself falls outside of this designation. The site itself may be considered a buffer between the built development to the north and the Green Belt land surrounding it due to the preponderance of mature trees and vegetation which acts as a buffer between the Green Belt and the site. The development would therefore not encroach significantly on the views to and from the adjoining Green Belt land to the south, west and east and would retain a suitable separation from it. On balance therefore it is considered that the development would not impact harmfully on the visual amenities and openness of the adjoining Green Belt land.

Impact on trees

The Tree Officer has stated that the proposal will bring built development closer to a group of trees to the south and west of the site that will interfere with root protection areas and create a post-development pressure for further works that might damage the health and long-term health of these trees. It is considered that the proposal would result in a potential for the future decline of these trees.

Impact on ecology and protected species

The application is accompanied by a preliminary ecological study. This states that the site supports a semi-natural habitat, with deciduous woodland surrounding the site. The development of the existing lawn areas and hardstanding is therefore considered to have a limited impact on nature conservation, with the natural areas of the site largely retained. Within the structures on the site, evidence of bird roosting has been observed, however obvious bat roosts have not been discovered, and no hibernating bats found (as the survey took place during winter). The buildings do not appear to provide many openings and crevices that would be suitable for bat roosting, with one area of potential within the main building and other smaller crevices with some potential. It is recommended that a bat survey be carried out in the summer months to check for bat roosting in the main building during active periods, in line with the best practice guidelines. In light of the other concerns regarding the acceptability of the scheme, summer surveys have not been requested from the developer and these can be provided with the submission of any future application.

The submitted survey highlights some mature trees on the site that may be suitable for bat roosting, and these are not indicated to be felled as part of the development. There are several vegetative parts of the perimeter of the site that are suitable for bird nest sites and these will also be protected where possible. With regard to protected species, the West Kent Badger Group has surveyed the site and found an active sett and other signs of activity, and have recommended a watching brief should permission be granted.

In view of the above, it cannot be concluded that the scheme is acceptable from an ecology point of view, without the submission of further information.

The site is surrounded to the west, south and east by a Site of Interest for Nature Conservation (SINC). The proposal retains a buffer area to this neighbouring land and it is considered that in line with Policy NE2, the development would not significantly affect the nature conservation interest and value of this neighbouring land.

Impact on the amenities of neighbouring residential properties

The proposed development is considered to have a limited impact on the amenities of neighbouring residential properties in terms of prospect, sunlight and daylighting. The proposed 'gate house' dwelling is located approximately 16m from Number 110 West Common Road, although it will be well separated from it and screened

by existing trees and vegetation. All other new dwellings are located to the southern end of the site and are unlikely to impact on the amenities of dwellings in West Common Road, which are a considerable distance away.

Impact on highways and car parking

The application has been accompanied by a Transport Statement that indicates that the proposed use of the site would generate a number of daily trips that would be a marked reduction from the previous office use. The site has a PTAL rating of 1; therefore it has a low accessibility to public transport. The application proposal provides two private car parking spaces and space for visitors within the curtilage of each house. The shared parking area provides two parking spaces per apartment plus two visitor spaces. The supporting information states that this level of parking on site is necessary to support the development as parking along West Common Road is difficult. On this basis it is considered that the scheme is acceptable in terms of car parking provision.

In terms of highway safety, the applicant has provided information to demonstrate the safe manoeuvring of larger vehicles within and around the site and the parking/road safety aspects of the scheme are acceptable.

The Council's Right Of Way Officer has stated that as the development appears to be gated, the permeability for the public from West Common Road to the land to the west of the site would be of limited public benefit, although this would be an attractive arrangement for future residents.

Summary

Having regard to the above it is considered that the proposal is unacceptable in that it would result in a detrimental impact on the open nature of the Urban Open Space by suburbanising the existing semi-rural nature of the site.

The proposal would impact harmfully on the setting of the Statutory Listed Building by harming the high quality environment of the site and affecting views within the site.

The scheme would impact detrimentally on the character and appearance of this part of the conservation area by eroding the landscaped and rural character of the site.

The proposal would be likely to impact on the future health of protected species in the absence of sufficient information to demonstrate otherwise

The proposal would result in a potential for post-development pressure on the group of trees to the south and east of the site that would impact on the future health of these trees.

It is therefore recommended that Members refuse planning permission.

Background papers referred to during the production of this report comprise all correspondence on file ref: 13/04054 and 13/04055, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

1. The proposed development, by reason of the scale and excessive site coverage, would result in an overdevelopment of this semi-rural site, leading to the inappropriate suburbanisation of the site and a harmful impact on the open character and visual amenities of the Urban Open Space, contrary to Policies BE1 and G8 of the Unitary Development Plan.
2. The proposed detached dwellings, by reason of their number, design and siting, would erode the open nature of the site, resulting in a detrimental impact on the character and setting of the Statutory Listed Building, contrary to Policies BE1, BE8 and G8 of the Unitary Development Plan and the guidance within the National Planning Policy Framework.
3. The proposal would fail to preserve or enhance this part of the Bromley, Hayes And Keston Commons Conservation Area by reason of the erosion of the openness and landscaped setting of the site which is considered to contribute positively to the character and appearance of the conservation area, contrary to Policy BE11 of the Unitary Development Plan and the guidance in the Supplementary Planning Guidance for the conservation area.
4. In the absence of sufficient information to demonstrate otherwise, the proposal has the potential to impact harmfully on the ecological interest of the site and the future wellbeing of protected species, contrary to Policy NE5 of the Unitary development Plan.
5. The proposal would bring built development into closer proximity to the group of off-site trees to the south and east of the site and would result in post-development pressure for further works to the trees that may impact on their long-term health, thereby contrary to Policy NE7 of the Unitary Development Plan.

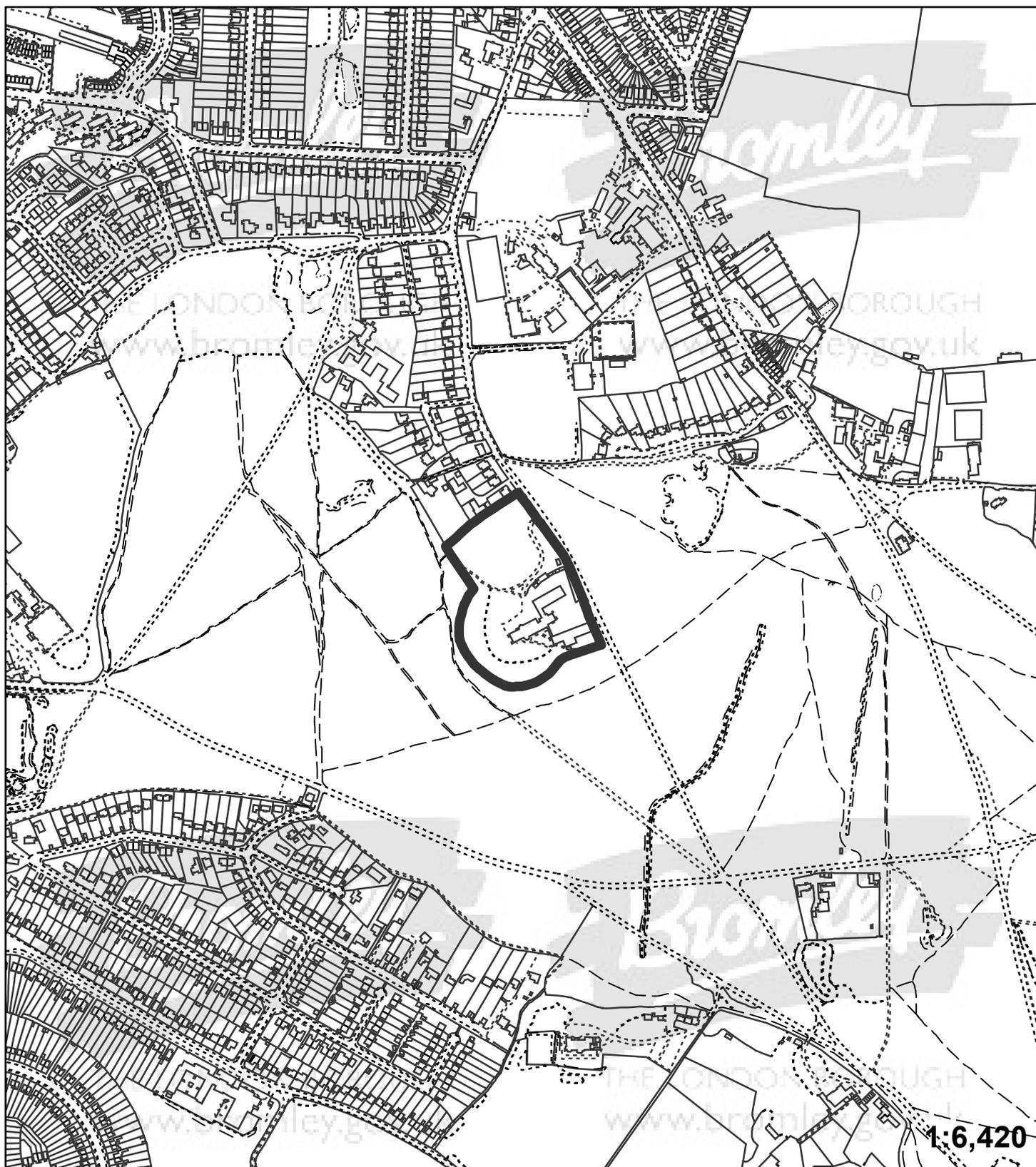
INFORMATIVE(S)

1 RDI25

Application:13/04054/FULL1

Address: Hayes Court West Common Road Hayes Bromley BR2 7AU

Proposal: Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 16 detached and mews style houses (1 x three bedroom, 8 x



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.