

SECTION '2' – Applications meriting special consideration

Application No : 13/04190/FULL1

Ward:
Clock House

Address : Phoenix House 244 Croydon Road
Beckenham BR3 4DA

OS Grid Ref: E: 536454 N: 168706

Applicant : Mr Gerry Dowd

Objections : YES

Description of Development:

Demolition of existing building and erection of 6 x three bedroom and 2 x five bedroom dwellings

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London Distributor Roads
Open Space Deficiency

Members may be aware that the application was withdrawn from the agenda of 3rd April 2014 by the Chief Planner to await comments from the Council's Tree Officer. These comments have been received and the report has been amended accordingly.

Proposal

- The application site measures approximately 28 metres in width and approximately 72 metres at the deepest part, having an area of 0.18 hectare. The application involves the demolition of the existing building, and seeks permission for the erection of 6 x three bedroom and 2 x five bedroom dwellings.
- Units 1-6 will be 2 storey 3-bedroom semi-detached dwellings with accommodation within the roofspace that front onto Westbury Road, with the main living space at ground floor and bedrooms at first floor and within the roofspace. Parking is provided to the front of each plot, with amenity space in the form of rear gardens accessible via side paths. These properties have been designed to closely reflect the existing properties along Westbury Road.
- These properties will have small front gardens which will include area for planting and space for vehicular parking.

- Units 7 and 8 will be three storey, 5-bedroom semi-detached townhouses, with accommodation within the roofspace that front onto Croydon Road, appearing similar in appearance to the existing building on site and other properties along Croydon Road. The front elevations of these units will be built in-line with the front elevations of the adjacent properties, 1-7 Lee Mews. At ground floor there will be an integral garage, kitchen, study and wc, with living room on the first floor along with bedrooms and bathrooms on the upper floors. Both of these properties have amenity space in the form of rear gardens, accessed via side paths. The front garden area to these properties will be more generous than at units 1-6, with larger areas for grass and landscaping, providing a noticeable frontage along Croydon Road.
- At present there are two vehicular access points to the front of the site that create an in-and-out driveway, accessed via Croydon Road. The access point closest to the junction with Westbury Road is to be blocked off which will be replaced with a new access from Westbury Road and this will provide access to Plot 7, providing car parking as well as access to the integral garage. Plot 8 will retain the existing access from Croydon Road.
- There are a number of protected trees on site and the layout has been designed in order to avoid these. Units 7 and 8 have been set so as to avoid the surveyed canopy of all of the protected trees, and the dwellings fall outside of the root protections areas (RPAs) with the exception of unit 8 - this dwelling falls slightly within the RPA for T7 however an arboricultural report has indicated this will not have a detrimental effect upon the longevity of this tree.
- The driveway for units 7 and 8 will be constructed by a no-dig system to avoid impact upon the RPA of protected trees, and a standard permeable paving driveway surface is proposed for units 1-6 where there are no protected trees.
- The existing boundary walls along Croydon Road and Westbury Road are in a state of disrepair so will be rebuilt as part of the proposal, however they will be rebuilt in the same location as existing, with a low box hedge on the inside of the new wall.
- The development comprises detached and linked properties within a suburban environment along transport corridors, therefore any proposal for new development should provide between 30-65 units per hectare. This scheme, on the basis of a site area of 0.18 hectares, has a density of 44 dwellings per hectare.
- The site at present hosts a vacant office building, with a lawful use class of B2. A commercial viability assessment report has been submitted as part of the current application, which indicates that the site is no longer viable as offices.
- Storage space for refuse and recycling will be provided to the side of Units 1-7, where bins will be collected from the Westbury Road frontage. Refuse and recycling from Unit 8 will be collected from the Croydon Road frontage.
- Secure cycle storage for 2 bicycles will be provided for each unit within the sheds in the rear gardens of each property.
- Each property has been designed to comply with London Housing Design Guide as well as meet the criteria for Lifetime Homes.

Location

The site is located on the junction of Croydon Road and Westbury Road and currently hosts a large 3 storey building with roofspace accommodation which provides a rather prominent feature within the streetscene.

Properties along Croydon Road are on generous plots hosting large semi-detached dwellings, and immediately adjacent to the site are 1-7 Lee Mews which are 3-storey townhouses. On the opposite side of the Croydon Road and Westbury Road junction is a 3 storey flatted development with roofspace accommodation.

The properties along Westbury Road are generally 2-storey terraced properties, with a number having converted the roofspace to provide further habitable accommodation.

Comments from Local Residents

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

- parking in Westbury Road is already at a premium, the road is not wide and kerb parking already takes place in order to enable free-flow of traffic;
- few properties along Westbury Road use the garages to the rear as they are too narrow and small to accommodate modern vehicles;
- many of the properties along Westbury Road have front gardens which are cherished, it is not appropriate to remove these just to enable car parking;
- parking and access to plots 7 and 8 should both use the existing access for plot 8 - it is not practical to install another crossover in Westbury Road and remove yet another on-street parking space;
- whilst the nature of plots 1-6 seems complimentary to existing, the tiny garden, squeezed in parking space and limited rear amenity space do not;
- four paired dwellings would be more in-keeping and enable on-street parking provision to be maintained;
- street trees are an integral part of the character of the area, and the loss of further street trees along Westbury Road should be avoided;
- one of the first floor windows will serve a bathroom, and even if obscure glazed, such glazing will not provide much privacy when lit, so the design should be reconfigured;
- the period of construction will create noise, congestion and disruption;
- very small rear gardens at properties along Westbury Road - indicates an overdevelopment of the site;
- surely a renovation and conversion into flats would be more logical, and would enable the retention of this beautiful period building which adds so much character to the area;
- proposed building is out of scale and height with nearby properties;
- the Council should buy the plot and extend Balgowan School which is struggling for space;
- overdevelopment of the site;

- aware the building has not been able to attract commercial users for some time;
- local historic value of the site, having been used as a maternity home;
- one of the few remaining Victorian properties still standing along Croydon Road;
- would prefer to see conversion to flats, if necessary with a rear extension;
- properties fronting Westbury Road will be crammed onto the site, with little space between them.

Comments from Consultees

The Council's Highways Engineer stated that the proposed units fronting Croydon Road (Units 7 and 8) will be accessed via existing access arrangements leading to integral garages which is considered acceptable as there are spaces in front to accommodate the additional car parking requirement.

Units 4, 5 and 6 require two parking spaces each via new vehicular crossovers. Additional information was requested to demonstrate that Units 1, 2 and 3 can accommodate 2 car parking spaces each. This information was provided and as a result the Highways Engineer stated that the applicant should consider centralising the proposed vehicular crossover to reduce the loss of footway, however no objection is raised subject to conditions.

The Council's Drainage Engineer stated that the drainage report is acceptable. Soakaway design should be determined once a soakage test is carried out.

No concerns were raised by Environmental Health (Housing).

Planning Considerations

Concerns have been raised with regard to the well-being and retention of a number of trees on site, which are likely to suffer from development and post-development pressure. Concerns were also raised that, due to the age and design of the existing building, there may be the possibility of bats using the existing building. A scoping survey was requested.

244 Croydon Road was subject to an initial bat survey to support a planning application for the site. During the external assessment of the building a number of features of potential interest to roosting bats were identified. These included:

- missing and slipped slates.
- gaps around the soffit box.
- lifted lead flashing around the base of the chimney and around dormer window.
- holes in the soffit box
- holes in brickwork.
- gaps in brickwork above window lintels.

On the basis of the above findings, a Nocturnal Emergence and Dawn Re-entry Bat Survey was carried out and the suite of survey work undertaken on-site

confirmed that the building does not contain a bat roost. The results of this survey are valid for 12 months. If after this time no work has been carried out on site, a further study may be required to re-assess the situation.

With regard to the matters relating to trees on site, the following further information was provided:

- 1) Root Protection: a revised Tree Protection Plan and supporting statement was provided.
- 2) Impact on Yew Trees: the side facing windows to the ground floor kitchen and first floor living room have been removed to avoid any possible post development pressure. The proposed staircase landing and ground floor toilet windows will all be obscure so will again reduce any issues.
- 3) Construction Plan: a suitable Construction Plan has been provided, see drawing 4546-PD-007.

In considering the application the following UDP Policies are relevant:

- H1 Housing supply
- H7 Housing density & design
- H12 Conversion of non-residential buildings to residential use
- BE1 Design of new development
- T1 Transport demand
- T3 Parking
- T5 Access for people with restricted mobility
- T7 Cyclists
- T18 Road Safety
- EMP3 Conversion or redevelopment of offices
- EMP5 Development outside business areas
- NE5 Protected Species
- NE7 Development and Trees

The following London Plan policies are relevant:

- 3.1 Ensuring Equal Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

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

- Housing Supplementary Planning Guidance
- Housing Strategy
- Accessible London: achieving an inclusive environment
- Planning and Access for Disabled People: a good practice guide (ODPM)

- The Mayor's Transport Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Mayor's Water Strategy
- Sustainable Design and Construction SPG

The National Planning Policy Framework (NPPF) is also of relevance in the determination of this application.

Planning History

There are a number of historical planning applications which were granted permission in the late 1980's-1990's. These applications varied in form from 7 four-bedroom detached dwellings (88/02078/LBB), change of use to residential care home (90/00647/LBB), change of use from D1 to A2 (90/01682/FUL), change of use from D1 to offices Class B1 (92/02241/FUL) and boundary treatments (96/02028/FUL).

The most recent application was refused under reference DC/01/02044/FULL1 for a four storey block with accommodation within roof comprising 13 two bedroom, 4 three bedroom and 1 four bedroom flats with garages and surface car parking. This application was refused on the following grounds:

1. The proposal constitutes a cramped overdevelopment of the site by reason of its height, bulk, excessive residential density and site coverage by buildings and hard surfaces, which would be out of character with the street scene and the general pattern of development in the surrounding area, thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan, and Policies H6 and BE1 of the first deposit draft Unitary Development Plan (March 2001).
2. The proposed building, by reason of its size, height, design and depth of rearward projection, would have a seriously detrimental impact on the amenities of the occupiers of adjacent properties through loss of light, privacy and prospect, and would therefore be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan, and Policies H6 and BE1 of the first deposit draft Unitary Development Plan (March 2001).
3. The proposal does not include on-site provision of affordable housing units, and would, therefore, be contrary to Policy H2 of the first deposit draft Unitary Development Plan (March 2001).
4. The proposals would result in the loss of protected trees on the site which are considered to make an important contribution to the visual amenities of the area, and would therefore be contrary to Policy G.26 of the adopted Unitary Development Plan and Policy NE6 of the first deposit draft Unitary Development Plan (March 2001).
5. The proposals would result in the undesirable loss of a business use, and in the absence of information to show that the site would be unsuitable for

continued business use, this would be contrary to Policy EMP7 of the first deposit draft Unitary Development Plan (March 2001).

6. The proposed building by being set forward at this exposed corner site will result in a development that would have an unduly prominent appearance in the street scene and would therefore be contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the first deposit draft Unitary Development Plan (March 2001).

This refusal was taken to Appeal and dismissed by The Inspectorate.

Conclusions

Members will need to carefully consider whether the proposals comply with relevant development plan policies, specifically those within the Bromley Unitary Development Plan, the London Plan and the National Planning Policy Framework.

The main issues in this case are whether residential development is acceptable in this location, particularly given the authorised office use of the building; the impact of the loss of the existing lawful use of the site for Class B1 office use; the impact of the proposals on the amenities of adjacent occupiers; the impact of the proposal upon the parking and traffic conditions in the immediate vicinity; and the visual impact of the proposal on the locality and street scene.

The site falls within a built up area of Beckenham and is not allocated for any defined use within the Unitary Development Plan (UDP), nor are there any specific policy designations restricting development on the site. Therefore in principle, the site could potentially accommodate some form of redevelopment. This would of course be subject to compliance with other relevant policies of the UDP. The residential development of this site would result in a loss of office space and a possible employment generating use, however marketing evidence has been submitted as part of the application which indicates that despite extensive marketing, this building is no longer feasible as office accommodation.

Policy EMP5 of the UDP states in effect that the redevelopment of business sites outside designated Business Areas, such as this, will be permitted provided that:(i) the size, configuration, access arrangements or other characteristics make it unsuitable for B1, B2 or B8 use; and (ii) full and proper marketing of the site confirms the unsuitability and financial non viability of the site for those uses. The applicant has submitted evidence in the form of a commercial viability assessment report in order to demonstrate that these policy requirements have been met.

The area surrounding the application site consists of residential properties, therefore the principle of introducing a residential use on this site would not be out of character in the area. Given the evidence of the unsuccessful marketing of this property for continued office use, and the fact that it is not situated within a designated business area, the redevelopment of the site for residential use is considered acceptable in principle.

The number of units proposed is not considered excessive for a site in this location, with a proposed density of 44 units per hectare.

The plans associated with the application illustrate that the proposed dwellings that will front Westbury Road will be modest in size, set back from the edge of the road to provide two parking spaces per dwelling, and the overall character of design will not detract from the character of the area as they will be similar to the properties further along the road. Whilst concerns have been raised by local residents citing overdevelopment, the type of properties proposed will be in keeping with the existing character of the road and by providing 2 car parking spaces this should reduce any additional impact upon the on-street parking requirements along the road. It is however noted that the rear garden amenity space for these units, in particular Units 1-4, are small and Members will need to determine whether they are unfeasibly small or whether on balance due to the likely number of people living in these units the amenity space provided would be acceptable.

As with all cases, the design of any development should be of a scale, form and density that complements the surrounding residential environment and does not detract from the character of the nearby development. The two storey dwellinghouses will be of a similar height and scale as other dwellings in the immediate vicinity along Westbury Road, and the proposed properties that will front Croydon Road will be similar in design yet lower in height than the properties directly adjacent to the site, Lee Mews. On balance, the height and scale of the proposed development will be in keeping with existing development within the area, and when combined with the proposed development being set back from the road frontages, providing landscaping that complements the nature of the surrounding development, the proposed development will not detract from the wider streetscene.

In terms of the level of amenity space afforded to each unit, the requirements set out in Policy BE1 should be met, which seek the provision of a high standard of design and layout, with space about the building to provide an attractive setting through hard or soft landscaping. On the basis of the drawings that form part of the current application, it is considered that the layout, spatial setting and building heights as proposed are unlikely to lead to a detrimental impact upon the visual and residential amenities of the area. The amenity space afforded to each unit will need to be carefully assessed by Members in order to determine whether this is considered acceptable.

In terms of character and appearance, the construction of the proposed dwellings would not be unduly harmful to the existing development in the area. Whilst it is appreciated that the existing building is a long-standing property of historical character and its loss would be unfortunate, there is no local listing of the property and marketing evidence has been provided to indicate that the property is no longer viable as a commercial use. Therefore Members may agree that the loss of the existing building cannot be avoided.

The previously refused application 01/02044 cited reasons relating to overdevelopment of the site; impact upon the amenities of nearby properties; lack of affordable housing; loss of trees; undesirable loss of a business use; and the

location of the proposed building on the site. These matters will now be addressed in turn.

The previously refused application sought permission for 13 two bedroom, 4 three bedroom and 1 four bedroom flats with garages and surface car parking. This application therefore resulted in a residential density that was excessive for the size of the site and as a result was considered to be wholly inappropriate. The current application is providing a vastly reduced number of units, with a residential density of 44 units per hectare which is more suited to the area and is in-line with the residential density of the area. Furthermore, no technical objections have been raised in terms of the parking provision on site, or indeed any possible impact that the scheme is likely to have upon traffic generation in the area or parking within the vicinity.

The number of units proposed is 8, therefore there is no statutory requirement for affordable housing for the current development.

The previously refused scheme would have affected a number of protected trees on the site. The current application has reorganised the proposed layout of the buildings on site in order to avoid impact upon the protected trees. An arboricultural report was submitted in support of the current application which effectively states that all of the protected trees and their root protection areas will be avoided by the current layout of the buildings with the exception of the large root protection area of T7 (yew tree), however this tree will be unaffected by the construction of the new dwelling. Additional information was provided on 6th May 2014 which addressed a number of issues raised by the Council's tree officer. As a result, a revised Tree Protection Plan and supporting statement has been provided; the side facing windows to the ground floor kitchen and first floor living room have been removed from the scheme in order to avoid any possible post development pressure. The proposed staircase landing and ground floor toilet windows will all be obscure so will again reduce any issues; and a suitable Construction Plan has been provided (drawing 4546-PD-007).

The previously refused application did not provide sufficient information to demonstrate that enough marketing had been carried out to support the loss of the business use on the site. The current application has involved a commercial viability report and marketing of the site as a continued commercial use, and the report concluded that the continued use of the site as offices is no longer viable. On this basis, the loss of the commercial office space on site cannot be seen as a justification to refuse planning permission, as the submission of the viability report is in-line with the requirements of Policy EMP5.

It is noted that the overall footprint of the current proposal is larger than the scheme previously refused, with the main issue previously being the siting of the scheme in relation to the Croydon Road frontage. However, as can now be seen, the front elevation of the proposed building facing Croydon Road will be set slightly further back than the previous scheme and as a result of the reduction in the number of units, the overall height and bulk has been greatly reduced; therefore although the siting is similar, the overall bulk and prominence of the current scheme along Croydon Road has been reduced in a sufficient manner so that it

would no longer be considered to have an unduly prominent appearance in the street scene and has overcome the previous refusal ground relating to this matter.

On balance the proposal to develop the site for residential use is acceptable in this location and will not cause demonstrable harm to the amenities of the occupants of surrounding residential properties; the level of development proposed is suitable in terms of density for this area, and as a result the proposed residential development will not be detrimental to the character of the streetscene or wider area. As such the scheme is worthy of permission being granted on the basis of the plans and associated documentation submitted as part of the application.

Background papers referred to during production of this report comprise all correspondence on the files refs. 01/02044 and 13/04190, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 04.02.2014 27.02.2014 06.05.2014 14.07.2014

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
- 4 ACB02 Trees - protective fencing
 ACB02R Reason B02
- 5 ACB04 Trees - no trenches, pipelines or drains
 ACB04R Reason B04
- 6 ACB18 Trees-Arboricultural Method Statement
 ACB18R Reason B18
- 7 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 8 ACC03 Details of windows
 ACC03R Reason C03
- 9 ACD02 Surface water drainage - no det. submitt
 AED02R Reason D02
- 10 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 11 ACH18 Refuse storage - no details submitted
 ACH18R Reason H18
- 12 ACH22 Bicycle Parking
 ACH22R Reason H22
- 13 ACH32 Highway Drainage
 ADH32R Reason H32
- 14 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In order to prevent overdevelopment of the site in future, to protect the amenities of future residents and nearby residents, and to comply with Policy BE1 of the Unitary Development Plan.

- 15 ACI15 Protection from traffic noise (1 insert) road
ADI15R Reason I15
- 16 ACI12 Obscure glazing (1 insert) in the flank elevations
ACI12R I12 reason (1 insert) BE1 and H7
- 17 ACI17 No additional windows (2 inserts) flank units
ACI17R I17 reason (1 insert) BE1 and H7
- 18 ACI21 Secured By Design
ACI21R I21 reason
- 19 ACK01 Compliance with submitted plan
ACC01R Reason C01
- 20 Details of the glazing and ventilation to be installed (to achieve compliance with the recommendations of Clement Acoustics report 8993-NEA-1 of 20th February 2014) shall be submitted to the Local Planning Authority for approval. Once approved the scheme shall be fully implemented prior to the use commencing and permanently maintained thereafter.

Reason: In order to comply with London Plan Policy 7.15 and in the interest of the amenities of the future occupiers of the site.

- 21 In order to check that the proposed storm water system meets requirements, the Council require that the following information be provided:

A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways;

Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365;

Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

Reason: In order to comply with London Plan Policy 5.14.

INFORMATIVE(S)

- 1 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.
- 2 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

- 3 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 4 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.

Application:13/04190/FULL1

Address: Phoenix House 244 Croydon Road Beckenham BR3 4DA

Proposal: Demolition of existing building and erection of 6 x three bedroom and 2 x five bedroom dwellings



"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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