

Application No : 14/02364/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 15 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 6 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 Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
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 15 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, 5 detached two storey dwellings and 1 detached gate house dwelling.
- The scheme proposes a total of 23 residential units with a range of one, two, three, four and five bedroom units. The scheme proposes a density of 8.85 unit per hectare.
- All detached and mews style dwellings proposed will be two storeys in height. There will be three 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. A detached gate house dwelling is proposed to the north east corner of the site.
- 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 refuse/recycling and bicycle stores. A sub-station will be provided to the eastern boundary of the site.
- 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 15 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.
- Renovation and restoration works to the existing ice well on the site, providing improvements to the curtilage listed structure and providing a biodiversity enhancement by way of a bat hibernation site.
- 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 following the recently refused scheme.
- 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 23 residential units, making a significant contribution to the Borough's annual target.
- The proposed development represents a 22% increase in built volume and a 28% increase in built footprint. When the footprint and hardstanding of the proposed scheme are considered together, they comprise only 68% 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. A 16% increase in soft landscaping will be provided and provide opportunities for ecological enhancements.
- The amount of built development has been reduced from the previous application, with the reduction in scale of the dwellings and the removal of one of the proposed western detached houses. The area of the site occupied by built development has been reduced with the set back of the development to the western side of the site so that the building line of the Listed Building is respected.
- 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 main communal car parking area has been reduced in size in order to improve the view of the Listed Building, with the sub-station sited to the rear of the two detached eastern driveway houses. This also improves the view of the Listed Building when approaching from the main access drive.
- 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.
- Following the recent planning history, the proposed site plan and drafted s106 agreement includes this public right of way along with the provision of a buffer zone around the site that will fall outside of the residential curtilages. This buffer can be included in the overall management plan for the site and will protect the existing boundary trees.

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.

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 and inadequate highway network for heavy construction traffic.
- Proposal has not been significantly reduced from the previous scheme and represents an over-development of the site.
- Expensive housing not required to assist the general housing need

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 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 three detached buildings to the west of the site would introduce a dominant and suburban arrangement that would be out of character.

The Orpington Field Club has commented on the application. The restoration of the ice house is encouraged and a fungal expert should assess the grounds in October. Local stock plants should be used and boundary shrubs prevented from spreading into the neighbouring Local Nature Reserve.

Comments from Consultees

The Council's Highways Officer raises no objections in respect of highway safety or public rights of way. Standard conditions are suggested.

Waste Services raised no objections to the previous application in regards to the layout of the site and the servicing of it.

The Council's Drainage Officer raises no objection subject to a surface water drainage condition.

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 commented that the reduction in number of units and site coverage improves the development, however the proposal would continue to cause less than substantial harm to the heritage asset and its landscaped setting. The harm should be weighed against public benefits, including securing the optimal viable use. The benefits offered are recognised, and the additional measures of restoring the ice house and reinstating the public footpath are welcomed. Should the Council be minded to grant permission, a condition is suggested for a methodology for the conservation of the ice house to be submitted and approved.

The Council's Environmental Health (Pollution) Officer raises no objections subject to a standard condition requiring soil sampling.

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 following an independent review of the Financial Viability Appraisal, its findings, which conclude that an in-lieu payment for affordable housing off site cannot be provided by the developer, is accepted in this case. A surplus payment may be possible in the future, should growth of the market occur. It is noted that the construction costs may be unusually high for such a scheme, and this may be considered to justify the position that the scheme would be unviable should a payment in-lieu be offered.

Natural England has commented on the proposal. Although no specific comment is made, Natural England recommends that the LPA takes full consideration of the environmental value of the site and assesses the impact on protected species (using the standing advice) as well as considering biodiversity enhancements. The site does not fall within any nationally designated landscape and the impact on local sites and SSSIs should also be considered where appropriate.

With Natural England's recommendations in mind, the Council has commissioned an independent review of the submitted Ecological Appraisal by an independent Ecologist. This review concluded that the previous recommendations were followed but further detail of the methodology for bat activity survey conditions and justification of the survey effort are required in order for the conclusions of the Ecological Appraisal to be relied upon. This information has been relayed back to the applicant and a further appraisal has been submitted to include further survey

activity in August. This further information has been assessed by the independent ecologist and is considered to satisfy the previous concerns, subject to the recommendations of the report.

The West Kent Badger Group has not commented on the current application. Under the previous application, the group undertook a walk-over survey and concluded that the site contains an active badger sett adjacent to the southern site boundary and other signs of badger activity. It was recommended that a watching brief of the whole site be 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 that the south west housing would be too intensive on the setting of the Listed Building. The northern house should also be removed. The materials used should be London stock to complement the Listed Building. Conditions should be imposed to secure the restoration of the Listed Building and the Ice House.

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.

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.

Planning permission was refused under ref. 13/04054 for part demolition of Hayes Court (Grade II listed) and detached outbuildings on site and 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.

The refusal grounds were as follows:

'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.

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.

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.

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.

The proposal would bring built development into closer proximity to the group of off-site trees to the south, west 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.'

A corresponding Listed Building Consent application for part demolition of Hayes Court and detached outbuildings at site was refused on the following grounds:

'In the absence of a suitable planning permission for the conversion of the Listed Building, it would be premature to grant consent for the Listed Building works, thereby contrary to Policy BE8 of the Unitary Development Plan.'

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 8.85 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 28%, with a built volume increase of 22%. This remains a significant increase following the refused scheme and would not accord with the requirements of Policy G8 for the scale, siting and size of the proposal not to 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 continues to be significant, however the reductions made following the refused scheme have reduced the utilisation of undeveloped parts of the site to a degree that Members may consider retains the open nature of the site. The case must be considered with regard to the balancing of Urban Open Space policy with other material considerations. The loss of some of the currently open space would create a limited harm. It may be considered that the resulting development would not constitute a disproportionate and excessive addition to the site and would result in an acceptable harm to the open character and visual amenities of the Urban Open Space, given the balance of these other considerations.

Affordable housing provision

The scheme has been submitted making no provision for affordable housing. Following an independent review of the Financial Viability Assessment provided by the applicant, a payment of £94,000 has been offered as a payment in-lieu for the provision of affordable housing off-site along with the required education and

health contributions. The Council's Strategic Housing Manager is satisfied that this 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 were previously 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 sprawled the built development across a larger area of the site that would create a suburban effect within the setting of the Listed Building. Following the refusal, the proposed reductions continue to cause some harm to the setting of the Listed Building, however, the views of it and from it would be improved by the reductions made.

It was previously 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. This view has been improved by the reduction in size of the car park area and its associated wall to the north of the Listed building. It is acknowledged that the proposal would continue to suburbanise the site and 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. However, the case rests on the very special circumstance that the renovation of the heritage asset could not occur without other development within the grounds due to the unusually high costs of such a restoration. On balance, the scheme offers benefits for the future viability of the site and the securing of the heritage asset for the future. It is considered that in light of the reductions made to the scheme, the harm caused to the setting of the building may be considered by Members to be outweighed by the public benefits brought by the proposal and may be considered to comply with the guidance in the NPPF.

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.'

From a heritage perspective, the applicant has gone some way towards addressing concerns about the Western Housing by reducing the number of houses and their size so that the development now sits in line with the listed building. The mitigation is welcomed although it does not fully remove the harm caused. No change has been made to the driveway houses although admittedly the additional harm here is reduced by the fact that there is already development on this location. There would still be harm caused to the setting of the listed building and the conservation area, but this has been reduced to such an extent that the public benefit of reusing the listed building, landscaping, public access to the grounds and a commitment to repairing the icehouse, now means that the applicant has successfully achieved the test laid out in NPPF Para 134.

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, has been reduced from the previous proposal and preserves a larger amount of the landscaped areas of the site that contribute towards its special character. On balance, the proposal would not detract from the landscape setting of the Conservation Area, thereby preserving the special character and appearance of the site.

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 although the proposal will bring built development closer to a group of trees to the south and west of the site, the measures proposed to protect these trees, including a buffer zone outside of the proposed residential curtilages, are considered acceptable and the proposal would not impact detrimentally on the trees within and surrounding the site.

Impact on ecology and protected species

The application is accompanied by an 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. 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. A further bat survey has been 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. The Council's independent ecologist has concluded that the scheme would be acceptable subject to conditions.

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 previously surveyed the site and found an active sett and other signs of activity, and have recommended a watching brief should permission be granted. The ecological surveys have concluded that the sett is unlikely to be occupied, however. In view of the above, it can be concluded that the scheme is acceptable from an ecology point of view.

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 No. 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 acceptable in that it would not result in a significantly detrimental impact or significant harm to the openness of the Urban Open Space and would respect the setting of the Statutory Listed Building and the views to and from it within the site.

The scheme would preserve the character and appearance of this part of the Conservation Area and the rural character of the site.

The proposal would safeguard the future health of protected trees on and surrounding the site, and would preserve the health of any protected species at the site.

It is therefore recommended that Members grant planning permission.

The scheme includes a S106 legal agreement for health and educational provision, a payment in-lieu for off-site affordable housing, public access to the site, a landscaped buffer falling outside of the residential curtilages with associated site management plan and restoration works to the Ice House.

Background papers referred to during the production of this report comprise all correspondence on files refs. 13/04054, 13/04055, 14/02364 and 14/02410 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 | ACB18 | Trees-Arboricultural Method Statement | | |
| | ACB18R | Reason B18 | | |
| 4 | ACC01 | Satisfactory materials (ext'n'l surfaces) | | |
| | ACC01R | Reason C01 | | |
| 5 | ACC02 | Sample brickwork panel | | |
| | ACC02R | Reason C02 | | |
| 6 | ACC03 | Details of windows | | |
| | ACC03R | Reason C03 | | |
| 7 | ACC08 | Satisfactory materials (all surfaces) | | |
| | ACC08R | Reason C08 | | |
| 8 | ACD02 | Surface water drainage - no det. submitt | | |
| | AED02R | Reason D02 | | |
| 9 | ACH04 | Size of parking bays/garages | | |
| | ACH04R | Reason H04 | | |
| 10 | ACH12 | Vis. splays (vehicular access) (2 in) | 2.4m x 90m | 1m |
| | ACH12R | Reason H12 | | |
| 11 | ACH16 | Hardstanding for wash-down facilities | | |
| | ACH16R | Reason H16 | | |
| 12 | ACH18 | Refuse storage - no details submitted | | |
| | ACH18R | Reason H18 | | |
| 13 | ACH22 | Bicycle Parking | | |
| | ACH22R | Reason H22 | | |
| 14 | ACH23 | Lighting scheme for access/parking | | |
| | ACH23R | Reason H23 | | |
| 15 | ACH29 | Construction Management Plan | | |
| | ACH29R | Reason H29 | | |
| 16 | ACH32 | Highway Drainage | | |
| | ADH32R | Reason H32 | | |
| 17 | ACI01 | Restriction of all "pd" rights | | |
| | Reason: In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site. | | | |
| 18 | ACI20 | Lifetime Homes Standard/wheelchair homes | | |
| | ADI20R | Reason I20 | | |
| 19 | ACK01 | Compliance with submitted plan | | |
| | ACK05R | K05 reason | | |
| 20 | ACK05 | Slab levels - no details submitted | | |
| | ACK05R | K05 reason | | |
| 21 | ACK09 | Soil survey - contaminated land | | |
| | ACK09R | K09 reason | | |
| 22 | No loose materials shall be used for surfacing of the parking and turning area hereby permitted. | | | |
| | Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of highway safety. | | | |
| 23 | No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological strip-map-and-record | | | |

in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing. Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation in accordance with a Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

24 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition will achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

25 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) An updated preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and within SPZII. It is understood that the site has potentially contaminative uses (workshops, hydrocarbon storage).

26 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

27 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

28 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

29 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface

water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield in line with policy 5.13 of the London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

30 The development permitted by this planning permission shall not commence until a methodology for the proposed conservation of the ice house, including measures to be taken to secure its future use as a bat roost, has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: In order to preserve and enhance the existing heritage assets at the site.

31 No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with drawing 8113/02 Rev A, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

32 If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

33 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with drawing 8113/02 Rev A before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

34 The development hereby permitted shall be carried out in complete accordance with the survey, mitigation and biodiversity enhancement recommendations outlined in the Ecological Appraisal (updated August 2014) document accompanying the application. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

35 Details of a lighting scheme for the development designed to minimise where possible the impact on biodiversity in accordance with current or other appropriate guidance

http://www.bats.org.uk/pages/bats_and_lighting.html, in particular avoiding any lighting of the surrounding vegetation of Hayes Common, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall be completed in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

36 The lawns shall be assessed by a fungal expert in late autumn and should any important species be found, the lawns shall be managed and treated without the use of chemicals.

Reason: In order to protect the health of any important species present at the site.

37 Prior to the commencement of the development hereby permitted, a watching brief shall be undertaken over the whole of the site by an experienced badger expert in order to assess for badger activity. The results of this watching brief shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The area where the current sett is sited should be protected from plant, materials and demolition.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of protected species present at the site.

38 Any cornicing revealed following the removal of the suspended ceilings shall be preserved in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest on the preservation of the Statutory Listed Building.

INFORMATIVE(S)

1 Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

3 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges

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

- 4 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 In order to comply with the surface water drainage condition, the applicant is required to carry out surface water design to include the following: Demonstrate how the principle of SUDS have been applied to the development identifying what techniques will be used. Estimate the greenfield discharge rate for the site. Estimate the volume of 1 in 100 year attenuation to be provided and what techniques will be used to provide the attenuation. Consider climate change in drainage scheme design.
- 7 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modifying of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 8 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)).

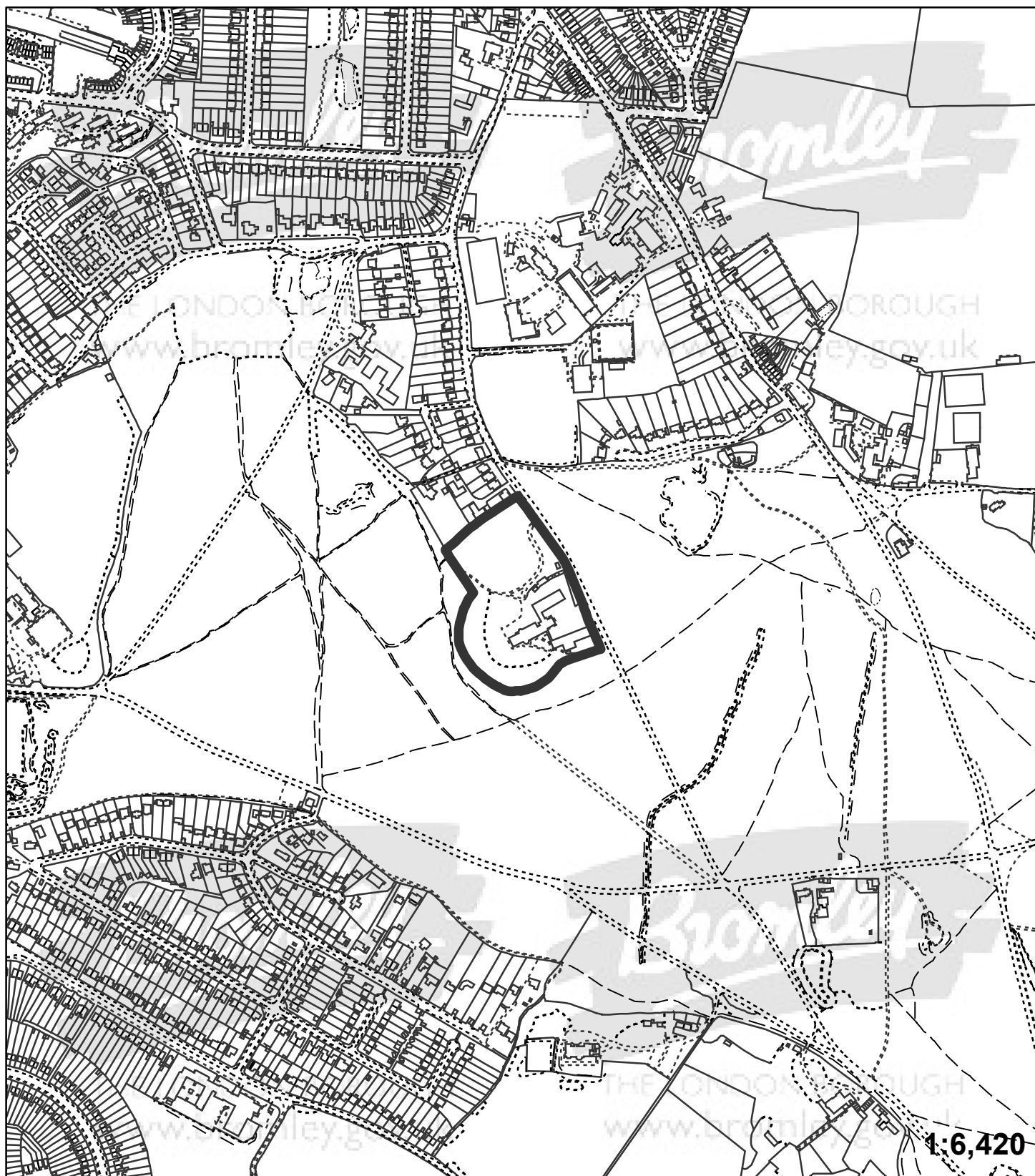
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

Application:14/02364/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 15 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"

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