

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/04872/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** Workshop Rear Of 38 Palace Road  
Bromley BR1 3JT

**OS Grid Ref:** E: 540602 N: 169742

**Applicant :** Mr P Griffin

**Objections :** YES

### **Description of Development:**

Demolition of existing garages/workshops and construction of a single storey 2 bedroom dwelling with associated car parking.

Key designations:

Biggin Hill Safeguarding Area  
Bromley Town Centre Area Buffer 200m  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

Planning permission is sought for the demolition of existing garages/workshop and construction of a single storey 2 bedroom dwelling with associated car parking.

The maximum height of the building will be 3m with a green roof. 2 parking spaces are provided for the new dwelling and one space for No.38 Palace Road.

### **Location**

The subject site is occupied by an existing workshop and garage. The workshop has not been in use for a number of years. An accessway to the site runs between No.38 and 39 Palace Road.

The site is not located within a Conservation Area.

### **Consultations**

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

- o Unacceptable in the way it presumes the removal of a cherry tree in neighbouring garden. At less than 1.3m away from the proposed building

- and given the root architecture of the Wild Cherry it is likely that substantial part of the system extends into the area proposed for excavation.
- o Elevational drawing is misleading in relation to neighbouring tree
  - o Existing structures are not legal. Structures were erected in the 1970s without planning permission. (It should be noted that building/uses on land for more than 10 years may become lawful)
  - o Proposed development is at odds with the nature of the space behind the existing houses in Palace Road, gardens enjoyed younger families and older long terms residents
  - o The proposed dwelling would be building a property in peoples back garden. This is not a good utilisation of space.
  - o No means of additional space for refuse or cycle storage.
  - o Garages are currently used by their neighbours and concern over parking spaces.
  - o Concern about construction
  - o Existing problems with drainage and an additional property would be detrimental to the existing drainage system
  - o If asbestos is present would like detailed information on how it will be removed.

Highways - No objections subject to conditions, however the position of the refuse store is some distance from the highway and Council's refuse department should be consulted.

Drainage - No objection subject to SUDS condition

Tree officer - There are no significant trees within the site address or within neighbouring land that would warrant the making of a Tree Preservation Order (TPO). Trees located close to the boundary are equally of limited value. The tree survey has categorised the false acacia as C, which I do not contest. The cherry tree located close to the rear boundary would not form a development constraint. As arboricultural input has been provided in support of the application, I would recommend a condition to comply with the report.

Environmental Health - no objection subject to conditions

Refuse: No objection

### **Planning Considerations**

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking

## T7 Cyclists

### London Plan (July 2015)

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

### London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

#### Relevant planning history

A previous application for the construction of 2 x two bedroom dwelling house, parking, refuse storage and cycle storage was withdrawn in 2015.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

## **Principle of Development**

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is surrounded by residential properties. Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore a residential unit on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

### **Design, Siting and Layout.**

Policy 3.4 of the London Plan 2011 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The proposed new dwelling will be single storey at a maximum height of 3m. The proposed footprint of the new dwelling is considered to be comparable to the footprint of the existing garage and workshop on site but in a different layout and form. Whilst it is accepted that the surrounding properties do have the benefit from longer gardens, and this proposal will be an infill development, the subject site is not part of an existing garden. The site is already a hardstanding with built form and therefore the introduction of a single dwelling is not considered to be out of character. When viewed from the access entrance on Palace Road, the dwelling will not be overly visible given its setback of 4.2m from the northern boundary. Furthermore, landscaping is provided to the northern and eastern boundaries which would improve the character and appearance of the current site.

### **Standard of Residential Accommodation**

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The proposed dwelling will be 82m<sup>2</sup> which exceeds the minimum standard for a two bedroom unit set out in the London Plan. All rooms will receive a good level of outlook and daylight/sunlight. Two amenity space areas are provided, a total of 60m<sup>2</sup> which is considered more than adequate for this unit.

### **Impact upon adjoining properties**

Given the single storey nature of the building, the proposal is not considered to have undue adverse impacts upon the neighbouring properties in terms of loss of outlook, daylight or privacy. Neighbours have raised concerns regarding construction issues. Whilst this is not a planning issue, a construction management plan condition can be attached to any permission.

### **Access, parking and refuse**

Following a site visit, it was apparent that there were a number of vehicles parked within the site. The applicants agent has confirmed that the application site is under a separate title and has a separate postal address to No.38 Palace Road. The existing parking spaces are available to the workshop which has not been used as a workshop for a number of years. It is understood that the current tenant of No.38

has no right to park on the site, however the owner does not object to this use. In any case, ownership of the land is not a planning consideration and is a civil matter between the parties. Notwithstanding the above, the application provides 2 spaces for the new unit and one space for 38 Palace road which is acceptable to Council's highways officers and the spaces can be successfully manoeuvred into and out of.

A refuse area is shown within the site adjacent to the northern boundary. The applicant has indicated that on bin collection day, the bins will be brought out onto the footpath adjacent to the front wall of No.38 Palace Road.

### **Sustainability and Energy**

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has submitted a number of criteria to achieve a sustainable development listed in the Design and Access Statement which outlines that it will be possible for the development to meet these objectives.

### **Trees**

Whilst representations received disagree with the findings and recommendations of the arboricultural report as stated above, Council's tree officer was consulted and states that there are no significant trees within the site address or within neighbouring land that would warrant the making of a Tree Preservation Order (TPO). Trees located close to the boundary are equally of limited value. The tree survey has categorised the false acacia as C, which is not contested. The cherry tree located close to the rear boundary would not form a development constraint.

### **Summary**

Having regard to the existing built form on site and the single storey nature of the proposed dwelling, Members may consider that, on balance, the scheme may not cause such harm to the character of the area as to warrant a planning refusal. Furthermore, Members are asked to consider that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

**1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason:** Section 91, Town and Country Planning Act 1990.

**2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**3** Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development plan and in the interest of the appearance of the development and the visual amenities of the area

**4** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development

**5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be

carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:**In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:**In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 7** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason:**In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

**Reason:**In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 9** Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.



**Reason:**In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 10** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 12** The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved 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 rates in line with the Preferred Standard of the Mayor's London Plan.

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

- 13** The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method

statement and that the correct materials and techniques are employed.

**Reason:** To maintain the visual amenity of the area. (Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

**14** No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be

carried out by contractor(s) approved in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

**15** The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan

**16** The flat roof area of the dwelling shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties

You are further informed that :

**1** You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding any of the following matters:-

- the agreement under S.38 of the Highways Act 1980 concerning the estate road (Highways Planning Section)
- the alignment and levels of the highway improvement line (Highways Planning Section)
- general drainage matters (020 8313 4547, John Peck)
- the provision of on-site surface water storage facilities (020 8313 4547, John Peck)
- the provision for on-site storage and collection of refuse (020 8313 4557 or e-mail [csc@bromley.gov.uk](mailto:csc@bromley.gov.uk))

**2** Before works commence, 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.