

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

**Application No :** 16/02119/FULL1

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Forest Lodge Westerham Road Keston  
BR2 6HE

**OS Grid Ref:** E: 541976 N: 164318

**Applicant :** Millgate Developments Limited

**Objections :** YES

### **Description of Development:**

Erection of detached building comprising 6 No two bedroom flats.

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Areas of Archaeological Significance

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Sites of Interest for Nat. Conservation

Smoke Control SCA 22

### **Proposal**

Members will recall that this application was originally due to be presented to the Plans Sub Committee held on the 28th July 2016. The application originally sought permission for the construction of a block of 6 two-bedroom flats. This has been substantially reduced by way of revised plans and has been amended to 5 two bedroom units.

The applicants have indicated as follows:

(1) The scale of the proposal has been further reduced in order to address the concerns expressed in the original Officer Report about the scale of the building.

(2) The number of apartments has been reduced from six to five and the height of the eastern half of the building (the front element) has been further reduced by about 3.1 metres by the removal of the sixth apartment. The removed section is shown on drawing P-P02.

(3) The view of the building from the Pond (west) and from the entrance road (east) would be significantly reduced and the relationship of the proposed built form with the existing buildings would be much more subservient.

(4) Also the relationship with adjoining residential properties would be further improved, although this was not a matter of concern with the officers on the Application scheme.

(5) The overall height has now been reduced from 13 m in the previously refused proposal to 7.3 m for the eastern part (which now has the appearance of a single storey building with accommodation in the roof) and 10 m for the western part of the building.

The proposed building would be two storeys with additional habitable accommodation within the roof space. The scheme would provide 9 parking spaces and refuse storage.

## **Location**

The application site sits within the grounds of the Locally Listed Building known as Forest Lodge. Forest Lodge is a three storey building that is currently vacant but has recently been granted Prior Approval to be converted into 13 residential flats. There is a separate detached annex building to the south east which is a more modern addition to the site.

The topography of the site varies and includes a drop in ground level towards a set of ponds to the west, which sits adjacent to the site boundary. The site is located within the Bromley, Hayes and Keston Commons Conservation Area and is also adjacent to the Green Belt. The area to the north west of the site is also designated as a Site of Nature Conservation Importance.

The site is surrounded by a mix of large trees, which are subject to TPOs, and shrubs. It is bounded by the residential properties on Rolinsden Way, Poulters Wood to the north west, Fish ponds to the west and Fishponds Road to the south.

## **Consultations**

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

- Significant increase in traffic
- Highway and pedestrian safety concern at the entrance
- Harm to the Green Belt
- Would not preserve the Conservation Area
- Not in keeping with the surrounding area which is low density, with large plots and significant space around buildings
- Overdevelopment of the site
- Loss of privacy
- Loss of light
- Overlooking
- The block still remains three storeys in height.
- Human rights concerns
- Concerns about sewers and waste discharge

- Drainage not sufficient
- Adverse impact on protected trees
- Inadequate parking spaces and will result in overflow parking on Westerham Road
- Neighbours along Rolinsden Way have an access gate at the rear which leads directly on to the site which we have always understood lead onto the common land. The developers have erected a wooden fence which prevents us accessing the site. Millgate have said that neighbours would only be able to enjoy this access if there were no objections to the proposal
- Concerns about the location of the 'approximate' greenbelt boundary.
- Understand there is no shortfall in Bromley's Five Year housing supply
- Previous reasons for reason still apply. This scheme detracts, not enhances the Conservation Area
- Contrary to Conservation Area guidance. References to the extensive gardens of Forest Lodge mentioned in the SPG and a new block in this location would a destroy a key aspect of the CA.
- Within an area of Archaeological significance, particularly the linkage to Romans has not been adequately addressed. Further development will undermine the status of this designation.
- Harm to neighbouring Green Belt including its openness and visual amenity.
- Badgers within the area
- Comments on the applicant design and access statement.
- To describe the application as 'high quality' is subjective any building in this location would not enhance the locally listed building or conservation area
- No justification such as enabling development as Forest Lodge has already been converted.
- Communal bin store is inappropriately positioned and will harm neighbouring amenities by virtue of smells and vermin
- Noise
- A new building will erode the character and of the ponds and surrounding green spaces
- Harm to neighbouring Site of Nature Conservation of Importance and SSSI
- Surface water runoff into the ponds
- Support for the application provided that planting should be native species and contributions made to the community which can be used to improve other areas
- Inaccuracies within the statements provided.
- The SINC boundary is also the boundary to the Hayes and Keston Common Nature Reserve and request that some kind of barrier is installed between the Forest Site and LBB owned land east of the pond are to protect from trampling and disturbance. It is currently undisturbed and home to nesting birds during the spring and summer.
- Welcome the use of native planting close to the site boundary but concerned about inclusion of Bluebells. These must be native and not Hybrid species
- Pleased to see bird and bat boxes
- There should be no run-off from the development into the ponds

- Harm to protected trees
- Schools are already oversubscribed
- Trees do not provide adequate screening for neighbouring properties
- Properties on Rolinsden Way much lower and therefore the proposal would be much higher
- Potential for Crested Newts

Revised Plans:

- objections still stand
- impact on privacy
- impact on Green Belt and visual buffer
- negative impact of new building
- loss of views
- impact of refuse bins
- impact on Conservation Area
- increase in traffic

A letter of support has been received.

The full text of comments received is available to view on file.

**Environmental Health (Pollution)** - Have considered the above and have no objections within the grounds of consideration. The layout is not ideal designed with bedrooms sited next to living areas in adjacent flats however this would not be sufficient to object on noise grounds.

The following informative are attached:

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.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

**Highways Engineer** - The site has a PTAL rating of 1b which is "poor" within the PTAL system. I have seen the transport assessment which suggests that the resulting traffic activity would be significantly lower than that generated by the offices.

Parking provision for the new apartment block will comprise of retaining the existing tarmac hard standing, currently providing twelve spaces. Nine number parking spaces will be retained which is satisfactory.

A securable Cycle store structure and a new 'Pergola' Bin Store are proposed which is satisfactory. Please consult LBB Waste Service regarding size of the refuse storage. Please include the following with any permission:

Condition

H03 (Satisfactory Parking)

H22 (Cycle parking) @ 2/unit

H23 (Lighting scheme for access/parking)

H27 (arrangements for construction period)

## **Natural England**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 8th December 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments received in respect of the previous application: Statutory Nature Conservation Sites - No objection. In respect of protected species refer to standing guidance

## **Thames Water - Waste Comments**

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

## **Surface Water Drainage**

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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

## **Water Comments**

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. 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.

### **Drainage Officer**

Please advise the applicant that contrary to his answer to the question on the form there is no public surface water sewer near to this site. Surface water will therefore have to be drained to soakaways.

The site is within the area in which the Environment Agency Thames Region requires restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries. Please impose standard condition D02 on any approval. This site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water.

Please impose Standard Condition D06 on any approval to this application.

### **Historic England**

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

In returning the application to you without comment, Historic England stresses that it is not expressing any views on the merits of the proposals which are the subject of the application.

It is noted that additional comments were received from the archaeological team at Historic England in respect of the previous application. The following comments were provided and are still considered relevant:

The property is situated within an area of known archaeological potential as defined by borough policy. It is recommended that on this occasion a condition would enable archaeological Observation and Recording of the ground disturbance works. This should be attached with the following condition:

1. A) 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 mitigation in accordance with the 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 in writing by Local Planning Authority in writing.

B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological mitigation in accordance with a written Scheme of Investigation.

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

## **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  
BE10 Locally Listed Buildings  
BE11 Conservation Areas  
BE14 Trees in Conservation Areas  
BE16 Ancient Monuments and Archaeology  
H1 Housing Supply  
H7 Housing Density and Design  
NE1 Development and SSSIs  
NE2 Development and Nature Conservation Site  
NE 5 Protected species  
NE7 Development and Trees  
NE8 Conservation and Management of Trees and Woodland  
G1 Green Belt  
G4 Extensions, Alterations to Dwellings in the Green Belt or on MOL  
G6 Land adjoining Green Belt or MOL  
ER10 Light pollution  
T3 Parking  
T7 Cyclists  
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles  
SPG No.2 - Residential Design Guidance

Bromley, Hayes and Keston Commons Conservation Area SPG.

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 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 7.8 Heritage Assets and Archaeology  
7.16 Green Belt  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (2015)

National Planning Policy Framework (NPPF) - Relevant chapters include Chapters 7, 9, 11, 12 and Paragraphs 203-206 of the NPPF

## **Planning History**

85/02816/OUT: Two storey rear extension outline – Permission 08.12.1986

87/02717/FUL: Three storey extension to existing offices – Permission 26.10.1987

89/03318/FUL          Formation of car park extension for 14 additional cars Refused  
- 11.12.1989

96/01101/FUL          Formation of car park comprising 10 spaces and replacement  
garden store - Refused 04.07.1996

15/03876/RESPA      Change of use of the main building and annex from Class B1  
(a) office to Class C3 dwellinghouses to form 13 two bedroom flats (56 day  
application for prior approval in respect of transport and highways, contamination  
and flooding risks under Class O Part 3 of the GPDO) - Granted 09.11.2015

15/04968/FULL1      The erection of a detached building comprising 7 no. two-  
bedroom and 2no. three-bedroom flats - Refused 09.02.2016

Refused for the following reasons:



1. The proposed development by reason of its location, size, scale and bulk on land adjacent to the Green Belt, would not maintain the visual buffer, openness, spatial qualities or undeveloped nature of the site, harmful to the character and visual amenity of the Green Belt contrary to Policies H7 Housing Density and Design, G6 Land adjoining the Green Belt of the Unitary Development Plan (2006) and National Planning Policy Framework (2012).
2. The proposed development by virtue of its siting, scale, design, bulk and location is considered to be harmful to the special character and setting of the neighbouring Locally Listed building, and character and appearance of the wider Conservation Area contrary to Policies H7 Housing Density and Design, BE1 Design of New Development, BE10 Locally Listed Building, BE11 Conservation Areas of the Unitary Development Plan (2006); Policies 7.4 Local Character and 7.8 Heritage Assets and Archaeology of the London Plan (2015) and the Bromley, Hayes and Keston Commons Conservation Area SPG and Supplementary Planning Guidance No 1 General Design Principles.
3. The proposed development, by virtue of its siting, scale, layout and intensification of the site would result in overlooking and a loss of privacy for neighbouring residential properties contrary to Policy BE1 Design of New Development of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles.

15/03876/CONDIT Details of conditions submitted in relation to planning permission ref: 15/03876/RESPA,  
 Condition 2 (Bicycle parking)  
 Condition 3 (Light scheme)  
 Condition 4 (Site Accommodation)                      Decision 03.03.2016

16/00863/FULL1 Proposed minor alterations and additions to main building and annex building. Demolition of non-original single-storey front and rear extensions - Permission 22.04.2016

## **Conclusions**

The main issues to be considered in respect of this application are:

- Principle of Development
- Design/Impact on the character and appearance of the wider CA and adjacent Greenbelt
- Standard of Residential Accommodation
- Ecology and Trees
- Highways and Traffic Issues
- Impact on Adjoining Properties

Consideration should also be given to previous reasons of refusal.

## **Principle of Development**

Policy H1 Housing aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites. The suitability of windfall sites for housing purposes will be assessed against criteria: whether the site comprises previously developed land; the location of the site; the capacity of existing and potential infrastructure; physical and environmental constraints on the development site and the need to retain the existing land use on the site.

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.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas 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.

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 advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Finally Policy G6 Land Adjoining Greenbelt states that a development proposal on land abutting the Green Belt will not be permitted if it detrimental to the visual amenity, character or nature conservation value of the adjacent designated area.

The site is located within the curtilage of an existing Locally Listed development known as Forest Lodge, within the Bromley, Hayes and Keston Common Conservation Area and would abut the Green Belt Boundary, which is located immediately to the south of the site. In this case it is considered that the principle of development comes down to the level of harm from the development on the setting of the Locally Listed Building, Conservation Area and adjacent Green Belt.

## **Housing Supply**

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. At the time of writing a recent appeal decision has indicated that the Council does not have an adequate five year Housing Land Supply. The absence of a five year housing land supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme. The Planning Inspector commented on the previous scheme that even if the Council could not demonstrate a five year housing land supply, the adverse impact of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits. Substantial weight is given in this respect in the determination of this application.

## **Design and siting.**

Policy BE1 requires all new development to be of high standard of design and layout. It should therefore complement the scale and form of adjacent buildings and areas and should not detract from existing street scene and/or landscape and should respect important views, skylines or landscape features. Whilst BE11 Conservation Areas states that in order to preserve and enhance the character or appearance of CAs, a proposal for new development should respect the layout of existing buildings.

The application site is located within the curtilage of Forest Lodge, a locally listed building set within the Bromley Hayes and Keston Common Conservation Area. The Conservation Area SPG provides a detailed statement on the character and appearance of the Conservation Area.

It explains that "The Bromley, Hayes and Keston Commons form a substantial area of land in the heart of the Borough and lie two miles to the South of Bromley town centre. The conservation area comprises sixteen individual sub-areas, each linked by common land and identified for its architectural or historic interest and/ or landscape setting. The commons themselves are protected by a number of landscape and habitat designations and for that reason have not been included within the conservation area. The buildings within the conservation area vary

greatly in age and style. The vast majority of designated buildings are deemed to contribute to the area's special character and equal importance is given to its rural character and landscape qualities, the numerous trees also having the protection which designation affords".

The application site is located within the Fishponds Road sub-area. Para 4.15 of the SPG states that "On the periphery of Keston Common, at the junction of Westerham Road and Fishponds Road is an assortment of attractive historic buildings, all in red brick with plain tiled roofs. The numerous mature trees and hedges, the narrow nature of Fishponds Road and unified building materials create a group of character. The largest is Forest Lodge, a substantial Arts and Crafts house aligned north-south with extensive gardens that sweep down to the Keston Ponds which lie to the West. Its lodge, The Gate House, remains intact".

The existing building of Forest Lodge, which has recently been granted approval for 13 residential units, also currently enjoys an open prospect towards the ponds at the rear. The extensive grounds, change in topography and openness of the Green Belt at the rear creates an undeveloped and spacious character which contributes to the setting of the Locally Listed building and the semi-rural character of the wider CA. Paragraph 6.21 of the CA SPG states that "In the Bromley, Hayes and Keston Commons Conservation Area, open spaces around and between buildings are a very important part of the character and appearance of the area, forming the rural setting of principal contributory buildings. Consequently, where areas or buildings are characterised by open settings, wooded grounds or gardens, the introduction of additional buildings may not be appropriate. In particular, the rural character of the conservation area should be maintained."

Keston Ponds are also sited to the southwest and western edge of the development site. These ponds are considered to form a key focal point in the Conservation Area and contribute to its special character and the wider setting of Forest Lodge.

The site represents a large area of undulating garden and landscaped grounds, which sweep down from the rear elevation of Forest Lodge to the publically accessible ponds at the rear. These gardens are considered to contribute the rural and spacious character and significance of the Conservation Area and setting of the Locally Listed building.

The proposed block of flats and associated works would be sited within the middle of these gardens, adjacent to the Ponds at the western boundary. The applicant has sought to address previous objections with a reduction in the size and scale of the block, together with a reduction in the number of units (from 9 to now 5). Amendments include significant changes to the roof line which now steps down in height towards the ponds at the western edge of the site. The applicant explains that the passer-by would perceive the new built form as a subservient, subordinate and ancillary building. In terms of materiality the proposal would incorporate the use of red brick, Portland Stone and handmade red clay tiles.

Members will need to consider whether with the reduction in the size and scale of the built form would still represent an acceptable form of development in this sensitive location.

As noted above, the sweeping gardens of Forest Lodge are highlighted within the CA SPG as contributing to the setting and character of the CA. Accordingly, would the introduction of such a building, which is still considered to be of a significant scale and mass within this undeveloped and spacious garden area result in significant harm to the rural quality and green setting of the Locally Listed Building and Conservation Area, by virtue of its removal.

The development would be more evident from the ponds along the western periphery of the site, which during the winter months includes views into the Conservation Area, on the sweeping lawns and up to the rear elevation of Forest Lodge. The applicant's heritage statement indicates that in terms of the NPPF the harm to the wider CA would be less than substantial or neutral. The applicant has provided a Landscape Visual Assessment in support of the scheme, which has been considered and in addition significant landscaping of mature and sapling evergreen trees are proposed to be planted along the western boundary and additional ornamental landscaping around the base of the building is also proposed. This planting seeks to 'shield any potential views of the proposed massing of views from the west'. On balance, with the reductions made to the scheme the resulting development would not result in harm to the location.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In this case the harm caused to the Conservation Area, which is the designated heritage asset is considered to be 'less than substantial'.

The NPPF also states in Paragraph 135 that consideration should be given to the effect of an application on the significance of a non-designated heritage asset. In this case, this would be on the Locally Listed Building of Forest Lodge. This paragraph states that 'In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

In terms of the NPPF and paragraph 134, 'harm' should be weighed against the public benefits of the proposal, including securing a buildings optimum viable use. In many circumstances this argument is made for buildings which face an uncertain future. However the proposal would not enable the redevelopment of Forest Lodge, which has recently been granted prior approval for the redevelopment of 13 residential flats and thus there are no public benefits via 'enabling development' to outweigh the harm outlined above. In order to off-set this harm the applicant has indicated a willingness to carry out enhancements/refurbishments to the Pond on the western edge of the site, or in lieu of this, a financial contribution of £25,000

towards the maintenance/public realm improvements to the Pond and its surrounds.

Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address the unacceptable impacts through planning condition and where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In this case the first issue is whether the proposed financial contribution or enhancements would meet the tests outlined above and secondly, whether the contribution or enhancements would effectively mitigate any harm.

In this respect, the Ponds located along the western periphery fall outside the site boundary and are not directly linked to the proposed development; they do however provide views into the Conservation Area. The Ponds themselves form a substantial part of the Ravensbourne Open Space (ROS) a publically accessible area, which have a woodland and unmanaged character. There is currently no wider corporate strategy in place for their enhancement or renewal. The proposed development would have no direct link to their function or operation and accordingly their enhancement or contributions towards maintenance are not considered necessary to make the development acceptable in planning terms. The applicant asserts that these contributions could help facilitate the enhancement and maintenance of the common, which could be considered to be a public benefit.

It is acknowledged that a contribution could have some public benefit, however it is noted that the applicant would seek to include a direct access/link from the proposed development site onto the Ponds as part of this Agreement. The grant of any such permeant right, in perpetuity, will likely limit what the Council is able to do in respect of this part of the ROS as this link will always need to be provided. Further, the ongoing maintenance for the extended path to the development will fall to the Council, who would be responsible for maintaining the unmade track. There are also concerns that this could be seen as an unwanted precedent for other cases where neighbouring properties request direct access onto Council property. Finally, there is no clear breakdown of how the financial contribution has been calculated or what specific enhancements it would provide. The benefits to the commons are therefore unqualifiable and accordingly, an assessment as to whether they are fairly and reasonably related in scale and kind to the development cannot be made. In this respect, it is considered the proposed contribution would not meet the Tests set out within Paragraph 203 of the NPPF and in weighing up the harm caused by the development it is considered that the contribution does not sufficiently mitigate the harm to the setting and character of the Conservation Area and Locally Listed Building.

Accordingly, the Local Authority have also taken advice from Property and Parks representatives consider that such a contribution is unnecessary.

The proposal also abuts the boundary of the Green Belt, which crosses the rear of the application site and is within the close proximity of the development. Policy G6 specifically relates to development adjacent to Green Belt, this policy states that "there are many properties with large gardens or extensive grounds adjoining Green Belt. The Council wishes to see such land retained as a buffer between the built development and the open land, to ensure that that both the character and visual amenity of the Green Belt is maintained".

The existing built form of Forest Lodge and Adjacent Annex are set back from the Green Belt boundary, which therefore provides a visual buffer between the Green Belt and surrounding development. It is considered that the revised proposals continue to provide a buffer.

### **Standard of Accommodation**

The London Plan and London Plan Housing SPG set out minimum floor space standards for dwellings of different sizes. These are based on the minimum gross internal floor space requirements for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and moving around. The quality of the proposed accommodation needs to meet these minimum standards.

The layout, as indicated on the plans, demonstrates a form of development which would provide a level of accommodation in accordance with the minimum space standards and overall unit sizes as set out in the London Plan and the Mayor's Housing SPG. The proposed units would meet the minimum standards set out within Table 3.3 of the London Plan. Further, all rooms would receive an adequate level of light and outlook.

### **Impact on Adjoining Properties**

There are neighbouring residential properties to the north and north east of the site. These include properties on Poulter's Wood and Rolinsden Way, which back directly onto the site. The existing buildings at Forest Lodge have also recently been granted prior approval for conversion to residential accommodation.

The above properties, particularly No 10-12 Rolinsden Way, are situated at a lower ground level than the application site. Furthermore, the ground level decreases towards the west of the site.

At present the properties to the north look out onto the site, but the view of Forest Lodge is primarily restricted to the northern gable end of the building. It is noted that there is vegetation along the northern boundary of the site, which does provide a degree of screening. However, at the time of the site visit part of the upper floors and roof of Forest Lodge were clearly visible from neighbouring properties.

The proposed building would be substantially closer to the northern boundary with the above properties. At its narrowest point the corner of the proposed building would be approximately 18m to the common boundary line with No 10 Rolinsden

Way, and approximately 35m to the rear elevation. However the boundary then tapers away from the flank elevation of the proposed development, meaning the separation distance increases to approximately 37m to the boundary and 45m to the rear elevation.

It is noted that the residents along the northern boundary currently enjoy an open prospect, and that the introduction of the proposed building would interrupt this open setting. However 'loss of view' cannot be considered as a valid planning consideration. The neighbouring property to the north, particularly No 10 Rolinsden Way is set at a lower ground level than the site. The proposal would have a depth of 25m, which would face the northern boundary. This represents a substantial mass and when coupled with the lower ground level would likely result in some visual incursion. However, when taking the distance from the common boundary and tapering nature of the site the visual harm is not considered to be of a material degree that could sustain a refusal.

Similarly, the orientation of the site in relation to neighbouring properties has been considered however the distance of the proposal in respect of neighbouring buildings and tapering nature of the plot would not result in a significant loss of light or overshadowing.

Objections were however raised to the previous scheme in relation to overlooking. In this case, the scheme has been revised and the overall scale and height of the building reduced. The internal arrangement of the building has also been considered with the removal of balconies and the principle living spaces have been reconfigured away from these neighbouring properties. Whilst it is clear there would be an additional perception of overlooking, the reduction in the size and scale of the building, together with the reconfiguration of the rooms and separation distance are considered to have satisfactorily addressed previous concerns and the reason for refusal on loss of privacy is no longer considered to be sustainable.

## **Highways and Traffic**

The proposal would provide 9 parking spaces in conjunction with the proposed development. There is an existing parking area which would be divided between Forest Lodge and the proposed development.

Access to the site would be via a small access road, which is entered from Westerham Road.

The applicant is accompanied by a Transport Statement. It is noted that the site has a PTAL rating of 1b, which is "poor" within the PTAL rating system.

The proposal would provide cycle parking in line with London Plan standards. This is considered acceptable.

The Council's Highways officer has reviewed the scheme and has raised no objections to the level of parking provision or access arrangements. Concerns have been raised by residents regarding overflow parking and safety of cars entering and exiting the site. However the entrance to the site is established and



would be used heavily by the existing business use. Given the above, it is considered that the proposal is acceptable in terms of highway safety and parking.

## **Trees**

Saved Policy BE14 states that development will not be permitted if it results in the loss of any trees in Conservation Areas unless (i) removal of the tree/s is necessary in the interest in good Arboricultural practice, or (ii) the reason for the development outweighs the amenity value of the tree/s and (iii) in granting permission for the development, one or more appropriate replacement trees of a native species will be sought.

The site is located within a Conservation Area and there are a number of individually protected Trees on site. The proposal would result in removal of a group of 6 Irish Yews (T44) and a number graded at Category U. A number of these trees are situated adjacent to the ponds.

The Council's Arboricultural Officer has reviewed the scheme and notes that the scheme differs to the previous application in that the landscaping details have been pre-loaded and includes substantial tree/shrub planting, particularly along the western periphery and to the north. Smaller ornamental landscaping has also been proposed around the base of the proposed building. The trees immediately to the north of the proposed building have been noted as a constraint but have been considered as part of the tree protection measures.

However, concerns have been raised about the proposed landscaping being within the Root Protection Area (RPA) to the north of the build. A border is illustrated, which would surround an area of new lawn. Tree planting is also proposed within this area. Concerns are therefore raised about the impracticalities of this design and potential damage to occur to a number of significant trees in this location. This could lead to pruning pressures and surface/below ground impact. It is suggested that the area to the north of the building should be excluded from any landscaping to prevent unnecessary disturbance.

Based on the above, it is considered that the proposal conflicts with Policy BE1 and therefore suggests that a revised landscaping strategy is conditioned should be the scheme be considered acceptable. Further conditions relating to the submission of an Arboricultural Method Statement are also suggested.

## **Ecology**

Policy NE2 states that development proposals that may significantly affect nature Conservation interest or value of a Site of Nature Conservation Importance (SINC) will be permitted only if (i) it can be shown that the reasons for the development or benefits to the community outweigh the interest or value of the site or (ii) any harm can be overcome by mitigating measures, secured through conditions or planning obligations.

The North West part of the site, immediately adjacent to the proposed development, and the ponds to the west, fall within a Site of Nature Conservation

Importance. In addition, Keston and Hayes Commons, a Site of Special Scientific Interest (SSSI) is located to the south of the site beyond Fishponds Road. The site is also adjacent to a set of ponds. The applicant has supplied an ecological survey carried out by AAe Environmental Consultants who were commissioned to carry out an ecological walk-over survey, which identifies Ecological matters on the site.

Natural England has been consulted and in respect of the statutorily protected SSSI no objections have been raised.

In respect of protected species a walking ecological survey has been undertaken. Natural England's standing advice regarding protected species has been considered. The above survey concludes that "the site is dominated by grassland and is of limited ecological value. The species recorded can be described as common or abundant and are found in similar places across Britain, with no evidence of protected species recorded".

The report goes onto provide guidance on a number of measures to mitigate any impact as well introduce some habitat enhancement. It is considered that a number of conditions could be imposed to mitigate the impact of the scheme should the application be considered acceptable. The above would include protection during site clearance and construction, fencing, adherence to best practice guidance in respect of bats and protected species, a landscape strategy and lighting arrangements to limit spillage.

### **Other Matters**

The site is located within an area of Archaeological significance. Historic England commented on the previous scheme and it is considered that these comments are still relevant. A condition was suggested to mitigate the impact of construction. This is considered reasonable.

### **Summary**

On balance, Members will need to consider whether the revised plans overcome the previous grounds of refusal to make this application acceptable taking into account the character, appearance and setting of the Bromley, Hayes and Keston Commons Conservation Area and Adjacent Locally Listed Building contrary. In addition, Members will need to balance the need for additional housing in the 5 year housing supply against the all other material considerations including the Conservation Area location. Members may also consider that the proposed development now proposed is acceptable.

**as amended by documents received on 23.09.2016**  
**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** 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.

**3** 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 to secure a visually satisfactory setting for the development.

**4** Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

**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.

**5** 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 building and the visual amenities of the area

**6** 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.

**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** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**11** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of

**PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

**i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;**

**ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and**

**iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

**The scheme shall be implemented, maintained and managed in accordance with the approved details**

**12 A) 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 mitigation in accordance with the 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 in writing by Local Planning Authority in writing.**

**B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological mitigation in accordance with a written Scheme of Investigation.**

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

**13 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.**

**The statement shall include details of:**

**Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;**

**Type and siting of scaffolding (if required);**

**Details of the method and timing of demolition, site clearance and building works**

**Depth, extent and means of excavation of foundations and details of method of construction of new foundations**

**Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;**

**Location of bonfire site (if required);**  
**Details of the location of underground services avoiding locating them within the protected zone**  
**Details of the method to be used for the removal of existing hard surfacing within the protected zone**  
**Details of the nature and installation of any new surfacing within the protected zone**  
**Methods proposed for the watering of the trees during the course of the project**

**The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.**

**Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.**

**You are further informed that :**

- 1 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](http://www.bromley.gov.uk/CIL)**
- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)**