

## **SECTION '1' – Applications submitted by the London Borough of Bromley**

**Application No :** 16/05346/FULL1

**Ward:**  
**Bromley Town**

**Address :** Car Park, South Street, Bromley

**OS Grid Ref:** E: 540413 N: 169511

**Applicant :** Mr Kevin Foster

**Objections : YES**

### **Description of Development:**

Erection of a new substation

Key designations:

Conservation Area: Bromley Town Centre

Biggin Hill Safeguarding Area

Bromley Town Centre Area

London City Airport Safeguarding

Proposal Sites

Smoke Control SCA 5

### **Proposal**

Planning permission is sought for the erection of a new substation, which will measure 4.7m wide (facing South Street) by 4m deep by 2.75m high to a flat roof. The structure will be brick built with louvre doors in the southern elevation and a louvre window opening in the eastern elevation.

The building will be located at ground level and will have direct access to South Street.

Members may recall that planning permission was granted for the redevelopment of the South Street Car Park (SSCP) site for 53 residential flats as part of a larger scheme including the conservation of the Old Town Hall (ref 16/01175). On the SSCP site, the substation will be positioned close to the ground floor flat that will occupy the south east corner of the proposed residential block. The flank wall of the substation will be located approximately 1.9m from the eastern side of the balcony for this flat.

The proposed siting of the substation necessitates the removal of one of two trees in this part of the site. The crown of the remaining tree will be raised to allow the substation to be sited under the crown.

The applicant has submitted a covering letter setting out the justification for the proposed building which is summarised below:

- o The building will only come forward with the implementation of the SSCP scheme;

- o The additional electrical load from the schemes at the Old Town Hall (OTH) and SSCP necessitates the need for a new sub-station;
- o The building will be placed away from the junction of Tweedy Road and South Street;
- o The proposed siting of the building is required as it provides access to existing high voltage cabling in the area, needs to be in close proximity to the OTH and SSCP elements of the scheme, needs to be at ground level with 24hr unrestricted access and not accessed from a main road. Alternative locations have been considered but they don't meet the above criteria. The proposed siting is the only location that does meet the required criteria; and
- o The substation will be located as discreetly as possible to minimise impact on the character of the area and neighbouring properties but also meeting the operational requirements of the utility provider.

In addition an assessment of the impact on existing trees on the site concludes that the tree to be lost is of moderate quality and would need to be heavily pruned to facilitate the construction of the residential development on the site. The tree to remain merits retention and protection measures during construction to ensure its long term survival.

## **Location**

This 0.21ha site lies on the north side of Bromley Town Centre just to the south of Bromley North Station.

The east of the site is bounded by the A21 Tweedy Road dual carriageway. On the opposite side of the road is Bromley North Station and substantial commercial buildings with a converted residential building opposite the Old Town Hall known as The Clockhouse.

Immediately to the west, adjoining the site, is locally listed Bromley Fire Station Beyond this is East Street which comprises a mixture of retail and leisure uses on the ground floor of 3 storey Victorian and Edwardian buildings with commercial and residential units on the upper floors..

To the south is the Old Town Hall which comprises a former municipal building and for which planning permission was granted for conversion to a hotel in 2016.

Widmore Road and Tweedy Road are heavily trafficked and busy roads. South Street is one way from west to east with traffic only entering from Tweedy Road. `

## **Consultations**

### Comments from Local Residents

Nearby properties have been notified. At the time of writing the report no responses have been received and Members will be updated verbally if any responses are received before the PSC meeting. A site notice was erected on 3.1.2017 with an expiry date on 24.1.2017. A press advert was also placed on the 28.12.2016.

No comments have been received.

## Comments from Consultees

The Council's Highways Officer advises that the development should not prejudice the provision of any of the basement car parking space and advised consultation with Transport for London.

Transport for London provide the following comments:

1. The site of the proposed substation is on the A21 Tweedy Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.
2. The footway and carriageway on the A21 Tweedy Road must not be blocked during the erection of the substation. Temporary obstructions during the works must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A21 Tweedy Road.
3. All vehicles associated with the works of the lanterns must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
4. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

From an arboricultural point of view the loss of one London plane tree as illustrated would not have a particularly harmful impact upon the street scene, due to the presence of another closer to Tweedy Road. Both trees appear to have been managed in terms of canopy clearance with past wounds visible along the main stems. Whilst amenity value is often acquired when trees are found in pairs or groups, there is evidently an argument that the remaining tree could be allowed to establish into a dominant feature adjacent to the junction of Tweedy Road and South Street. Looking at the general relationship between the new building and the tree proposed for removal, pruning pressures would already be at an excessive level. I would therefore not object to the loss of the tree.

The impact on the remaining London plane proposed for retention as a result of the construction of the proposed substation would be questionable. No Root Protection Area (RPA) calculations or illustrations have been provided, however, it would appear that RPA intrusion would be at a higher percentage than what would be considered reasonable. I would therefore encourage a level of specialist analysis to mitigate the risk of root damage. This may include non-conventional foundations to

reduce the below ground disturbance. I do not foresee unreasonable pruning pressures.

I am satisfied that conditional permission can be granted and would recommend the following conditions be applied:

1. Before any work is commenced, details of the depth, extent and means of excavation of the foundations shall be submitted to and approved in writing by the Local Planning Authority, and the excavations and foundations shall be carried out in accordance with the approved details.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

2. The proposed development will be carried out in accordance with The National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

From a heritage and design point of view the application site lies outside the Bromley Town Conservation Area the proposed substation would not be harmful to the adjacent CA as it would not obscure any significant views into or out of that area.

### **Planning Considerations**

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

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

BE1 Design of New Developments  
NE7 Development and Trees  
BE13 Land Adjacent to a Conservation Area  
T2 Transport Effects  
T18 Road Safety

Bromley's Proposed Submission Draft Local Plan:

The final consultation for the emerging Local Plan was completed on December 31st 2016. It is expected that the Examination in Public will commence in 2017.

The weight attached to the draft policies increases as the Local Plan process advances. These documents are a material consideration and weight may be given to relevant policies as set out in the NPPF paragraph 216 which states:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

Current draft Policies relevant to this application include:

Policy 37 General Design of Development

Policy 42 Development adjacent to Conservation Areas

Policy 73 Development and Trees

Bromley Town Centre Area Action Plan identifies the site as Opportunity Site C allocated for hotel, residential and office purposes.

In strategic terms relevant London Plan 2015 and National Planning Policy Framework 2012 (NPPF) policies apply.

## **Planning History**

The site has been the subject of numerous previous relevant applications as follows:

DC/15/00140/FULL3 and DC/15/00141/LBC - Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 94 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pickup/drop off in Tweedy Road and South Street and

Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1bed, 34 x 2-bed, 1 x 3 bed), with basement parking for 26 cars and 118 cycle parking spaces upon the neighbouring South Street Car Park, together with associated landscaping and public realm improvements.

Approved 6.11.2015 and 16.12.2015 respectively.

DC/16/01175/FULL and 16/01176/LBC - Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 99 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in

addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pickup/drop off in Tweedy Road and South Street and Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1bed, 34 x 2-bed, 1 x 3 bed), with basement parking for 26 cars on the South Street Car Park site, together with associated car parking for the Old Town Hall site, 118 cycle parking spaces across both sites, landscaping and public realm improvements.  
Approved 8.11.2016 and 8.11.2016 respectively

## **Conclusions**

It is considered that the main planning issues relating to the proposed scheme are as follows:

- o Principle of Development
- o Siting and Appearance and Impact on the Character of the Area
- o Impact on Neighbour Amenity
- o Highways
- o Trees and Landscaping

### Principle of Development

The acceptability of the principle of development of the application site for residential purposes has been established under reference DC/16/01175/FUL and Members supported the proposal to erect a 5 storey building on the site to provide 53 flats. In addition the conversion of the Old Town Hall to a 99 bedroom hotel was supported.

The applicant advises that the substation is necessary to deal with the significantly increased electrical load that will be generated by the development of the Old Town Hall and SSCP site. Without the provision of the sub-station neither the OTH nor the SSCP schemes will be able to be delivered.

In principle it is considered that the provision of a sub-station on the SSCP site is acceptable. The provision of a sub-station to support significant development proposals is not unusual and there are limited grounds to object to the proposal in principle.

### Siting and Appearance and Impact on the Character of the Area

UDP Policies BE1 set out specific policy requirements relating to the general standard for development that is expected in the borough. In addition Policies BE13 sets out standards expected for development adjacent to conservation areas. These policies refer to the design of new development, the standard that the development is expected to meet and the impact on the amenities of future occupants of the development and occupants of nearby properties.

In terms of the siting of the development, the applicant advises that requirements of the utility provider are as follows:

1. The site to be at or near the electrical load centre of the network to be supplied;
2. The site to be at ground level;
3. The site to provide safe and adequate 24-hour access from the public highway for operational vehicles, including plant delivery vehicles. Access must be available 24 hours per day on an unrestricted basis, without recourse to third parties (i.e. access must be directly onto the public highway); and
4. Access which avoids major road routes and restricted access, such as designated red routes

The applicant further advises that the developer has considered other locations on the SSCP site and this is the only siting that could accommodate the building and meet the above criteria. The applicant further advises that the size of the building is a product of the requirements of the equipment needed by the utility provider.

The submitted plans indicate that the building will be constructed in brick to match the proposed residential development beyond and will be screened through a combination of new and retained screening. This will help to minimise the visual impact of the structure within the streetscene and allow it to blend with the substantial building that will sit to the west of the sub-station.

On this basis it is considered that the proposed building will not have a substantial impact on the street scene of Tweedy Road or South Street and will preserve the character and appearance of the adjacent Bromley Town Conservation Area.

Conditions requiring the development to be constructed in accordance with the submitted plans and requiring the submission of details of materials and landscaping are recommended.

#### Impact on Neighbour Amenity

The relevant UDP policy relating to the impact of development on the amenity of the residents of adjoining residential properties is Policy BE1: Design of New Development.

The new building will be located in the south east corner of the SSCP site close to the junction of Tweedy Road and South Street. The building will be set back from the back edge of pavement but close enough to allow the access required for the utility provider.

For this proposal, the primary consideration is the impact of the building on future occupants of the closest flats in the residential development. The building will be approximately 1.9m from the front elevation of the flats. The elevation of the building at this point shows a dual aspect balcony and the sub-station will be in direct line of sight from this balcony. However the balcony and room beyond will continue to have an uninterrupted view to the south and screening and the use of traditional brick materials will help minimise the impact of the building to the east.

It is considered that the daylight and sunlight that occupants of the flat could expect will not be compromised due to the south facing aspect that will remain unimpeded.

On this basis it is considered that the siting of the proposed sub-station will not have a detrimental impact of the amenities of future occupants of the flats in the proposed, approved development.

### Highways and Traffic Matters (including Cycle Parking and Refuse)

In policy terms, the relevant UDP policies are T2 (transport effects) and T18 (road safety). These policies seek to ensure that the proposed development will not have an adverse impact of the performance and/or safety of the A21 Tweedy Road which is part of the Transport for London Road Network (TLRN).

Transport for London, in their comments on the application, wish to ensure that safe passage for pedestrians and uninterrupted vehicle access along Tweedy Road is maintained during the construction process for safety and operational reasons. It is considered that the matters raised can be addressed through the submission of a Construction Management Plan and a condition to this effect is recommended.

### Trees and Landscaping

Policies NE7 (Trees and Development) of the Unitary Development Plan provides policy guidance for the consideration of the impact of development on trees. This policy requires new development to take particular account of existing trees on the site which, in the interests of visual amenity and wildlife habitat, are considered desirable to retain. Where trees have to be felled, the Council will seek suitable replanting.

At present there are 2 London Plane trees located on the part of the site subject of this application. The Tree Survey submitted with application 15/00140 classifies both trees as Category B1 where U is the lowest quality and value tree and A is the highest quality and value.

The proposed substation will involve the removal of 1 existing tree to facilitate the development and the applicant advises that it is of moderate quality. The applicant further advises that even without the proposed sub-station this tree would have required significant pruning to facilitate construction of the proposed residential block and its retention could be in doubt.

With regard to the London Plane tree that would be retained, some of the proposed building will be located beneath the tree canopy and within the root protection area of the tree. The applicants tree consultant advises that subject to detailed design of protection measures during construction, the retention of the tree would be feasible.

The Council's Tree Officer advises that the removal of the existing plane tree would not have a particularly harmful impact on the street scene due to the presence of another closer to Tweedy Road. This could also allow the remaining tree to become established in the street scene as the secondary, competing tree is removed. In terms of the impact of the development on the remaining trees, the intrusion of the new building into the Root Protection Area is more extensive than



usual and a level of specialist analysis of this impact will be required to ensure that the foundations do not endanger the retention of the remaining tree.

Whilst the loss of the London Plane tree is regrettable, the applicant has advised that the proposed sub-station is necessary to facilitate the development of the site and there is no alternative location for the sub-station that is acceptable to the utility providers. The retention of one of the pair of trees will retain tree cover in this part of the site and will limit the overall visual impact of the loss of one of the trees. However it is necessary to take utmost precautions to ensure that the remaining tree survives and a condition requiring the submission of design details for the foundations of the sub-station is recommended.

### In summary

This application seeks permission to erect a sub-station in the south east corner of the site of the permitted residential development at South Street Car Park. The need for the sub-station has been demonstrated by the applicant. The siting of the sub-station in this part of the site is the result of the requirements of the utility provider and the inability to meet these requirements on any other part of the SSCP site.

The loss of one of the existing London Plane trees is acceptable, on balance, as a second tree at this location would be retained. Detailed design of the foundations of the sub-station will need to be submitted to ensure that the impact of construction on the Root Protection Area of this tree is minimised.

In terms of the impact of the development on the character and appearance of the Conservation Area, it is considered that mitigation measures in terms of screening and sympathetic materials are acceptable and the proposal would not have a harmful impact on the Bromley Town Conservation Area, and thereby preserve its character and appearance.

Conditions relating to compliance with approved plans, materials, tree protection and landscaping are recommended.

On this basis it is considered that the proposal is acceptable and it is recommended that permission is granted.

Background papers referred to during the production of this report comprise all correspondence on file ref: 16/05346, excluding exempt information.

## **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 only be carried out in complete accordance with the details shown on the submitted plans and documents, as follows:**

**Plans**

**A01.1 Existing Site Plan**

**A01.2 Proposed Site Plan**

**A01.3 Existing Elevations**

**A01.4 Proposed Elevations**

**A02.1 Ground Floor**

**A 03.1 North Elevation**

**A 03.2 East Elevation**

**A 03.3 South Elevation**

**A 03.4 West Elevation**

**A 03.5 Plan and Elevations with vegetation**

**A 03.6 Proposed Substation Elevation A showing housing for context**

**A 03.7 Proposed Substation Elevation B showing housing for context**

**A 03.8 Proposed Substation Elevation C showing housing for context**

**A 04.1 Indicative Section and Tree Plan**

**A04.2 Indicative Section and Tree Plan without vegetation**

**Documents**

**Covering letter dated 21.11.2017**

**Letter dated 18.11.2017 from Forbes-Laird Arboricultural Consultancy Ltd**

**REASON: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with Policy BE1 of the Bromley Unitary Development Plan**

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works 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.**

- 4 Details of a scheme of landscaping, which shall include details of a replacement tree for tree 3006, 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 any development is commenced, details of the depth, extent and means of excavation of the foundations shall be submitted to and approved in writing by the Local Planning Authority, and the excavations and foundations shall be carried out in accordance with the approved details.

**REASON:** In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

- 6** The proposed development will be carried out in accordance with The National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.

**REASON:** In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.