

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

**Application No :** 17/02890/FULL1

**Ward:**  
**Clock House**

**Address :** Carlton Court, Beckenham Road,  
Beckenham BR3 4PP

**OS Grid Ref:** E: 536726 N: 169466

**Applicant :** Cobalt Equity Management

**Objections :** YES

### **Description of Development:**

Demolition of existing buildings and garages at 23 Beckenham Road and construction of a four storey building to provide 30 residential units, with associated amenity space, landscaping, vehicular access, car parking, refuse and recycling storage and cycle storage.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 15

### **Proposal**

- Demolition of existing block of 6 flats and garage block to rear
- Three/four storey replacement block of 30 flats (1 x 3 bed, 18 x 2 bed, 11 x 1 bed)
- Car parking for a total of 15 cars is proposed with 13 spaces situated towards the rear of the site accessed via Hayne Road with a further two spaces fronting Hayne Road, adjacent to the car park entrance. Three bays are to be allocated as disabled.
- Refuse storage is located within an internal storage area to the south elevation
- Cycle parking for 12 bicycles is proposed to be provided externally to the front elevation of the building facing Beckenham Road with 49 bicycle spaces located internally, accessed from the car park area.
- An illustrative landscaping scheme has been provided

Amended plans were received in September 2017 which pulled the fourth floor 500mm back from the principle elevation facing Beckenham Road.

The applicant has submitted the following reports in support of the application which are summarised below:

### Air Quality Assessment by ACO2 (June 2017)

This assesses the air quality impacts associated with the construction and operation of the proposed development. It acknowledges that the site is within an AQMA. The report states that during the construction phase, the site has the potential to generate dust nuisance beyond the application boundary. However, through the implementation of a Dust Management Plan, the impacts will be effectively minimised and are unlikely to be significant. Emissions from operational traffic associated with the proposed development are not anticipated to significantly affect local air quality, however dispersion modelling of emissions from traffic on the local road network has been undertaken to ascertain whether future occupants of the proposed development will be exposed to elevated nitrogen dioxide and particulate concentrations. The assessment indicates that pollutant concentrations at the façade of the building will be within the relevant air quality standards.

The proposed development has been assessed as air quality neutral.

### Daylight and Sunlight Assessment by Dixon Payne (June 2017)

Analysis was carried out to examine the impacts of the proposed development on the amount of daylight enjoyed by neighbouring buildings, specifically 22 Hayne Road and 25 Beckenham Road, in line with assessment criteria prescribed by the BRE Guideline. It concludes that the proposals will not cause a shadow over the rear garden of 22 Hayne Road whatsoever and there is no particular overshadowing of 25 Beckenham Road after 10:00. With regard to internal illuminance, the proposals accord with the relevant guidance.

The windows to the flank elevation of 22 Hayne Road serve a staircase and landing and as such do not meet the criteria for analysis as determined by the BRE Second Edition 2011.

### Energy Statement by Element Sustainability (May 2017)

This sets out the methodology and results in order for the scheme to meet the energy conservation target of a 35% carbon reduction required to meet policy 5.2 of the London Plan.

The statement notes that the proposed energy strategy will incorporate an enhanced 'fabric led' material specification, along with high quality design and construction standards to improve the energy efficiency of the buildings and exceed regulatory standards. The fabric led approach to limiting CO2 emissions from the site will be supplemented by a high efficiency combination gas fired boilers and a 15kWp photovoltaic array.

Combined Heat and Power (CHP) has been explored to be located on the site however was discounted given that there will be a very low space heating and hot water demand at the development the commercial viability of this type of system cannot be proved. Connection to a District Heating System was also explored however it was determined that there are no existing or proposed heat networks/energy centres within a moderate radius from the development and there

are no existing networks local to the site. Solar hot water is not considered feasible for the site given that the reduction of the building's energy demand and carbon dioxide emissions would be insufficient to meet the reduction target.

It is acknowledged that the energy conservation target cannot be met and as such a S106 contribution will offset all remaining regulated Co2 emissions. It is acknowledged that the carbon offset fee which the developer will be liable to pay in respect of this development is £36,000.

#### Drainage Strategy by Rossi Long Consulting (June 2017)

This report has been produced to assess the flood risk to and the potential for increased flood risk from the proposed development. The site is identified as being within Flood Zone 1 (land assessed as having a <0.1% (1 in 1000) probability of river or sea flooding. Therefore the risk from fluvial or tidal sources is considered to be low.

Porosity testing has revealed moderate soakage potential in the shallow depth soils and a sustainable approach to surface water management is proposed using soakaways for roof run-off and permeable paving for the access road and parking areas. Further porosity testing is recommended at the detailed design stage and, if infiltration of run-off is not viable, alternative drainage options incorporating partial infiltration and/or attenuation storage are available to the developer. A foul water sewer is available and direct connection should be made to the public sewer, subject to the approval of Thames Water.

#### Transport Statement by Vectos (June 2017)

This report assesses the existing transport opportunities to the site. The report states that parking surveys were undertaken in the vicinity of the site and showed that there is ample on-street spare capacity in the area. The site is within walking distance to Beckenham Town Centre and benefits from access to local rail, tram and bus services which is reflected in the PTAL 5 rating of the site. The Applicant has agreed a contribution towards the implementation of a car club space on Hayne Road which will further reduce car ownership in the area.

The development proposals include 65 secure and sheltered bicycle parking spaces which exceed minimum standards.

A trip generation assessment has been undertaken. The results show that the increase in trips generated by the proposed scheme in comparison with the existing and consented flats is minimal. The impact is further reduced when breaking down the additional trips by mode, using Census 2011 method of travel to work data.

The statement concludes that there will not be an adverse effect on either the operation of the local highway network or create any additional stress on the local public transport network and on local parking demand.

Arboricultural Report (including tree Survey, Arboricultural Impact Assessment and tree Protection Specification) by Sylvan Art (15th June 2017)

This records the condition of trees on the site, sets out the tree constraints including root protection areas and how this should inform the design of the scheme, assess the impacts of the development on existing trees which may arise and sets out a methodology for the implementation of any aspects of the development which may result in the loss or damage to a tree and measures which should be undertaken to prevent loss and damage.

The survey identifies seven individual trees and five groups of trees (1 individual class B, 6 individual Class C, 5 groups of Class C). 4 individual Class C trees and two small Class C groups are to be removed to facilitate the development. Minor incursions are proposed 3 trees and 1 small group however mitigation details have been provided.

An individual is to be appointed with responsibility for all arboricultural affairs during development.

The Applicant provides an indicative landscaping plan which highlights additional planting.

Phase One Contamination Assessment (Desk Study by Idom Merebrook (June 2017))

The site has a residential landscape since the 1890's. A conceptual model has been produced which highlights the following potential contamination sources (although risks are likely to be low, rising to moderate in the case of asbestos)

- i. possible made ground associated with the former and current buildings on site that may contain asbestos, heavy metals, petroleum hydrocarbons or polyaromatic hydrocarbons
- ii. Potential hazardous gas/vapours within the soil associated with the main ground
- iii. Potential for contamination of the shallow aquifer associated with the Harwich formation that may extend beneath the entire site

It is recommended that a Phase II intrusive ground investigation should be undertaken primarily for geotechnical purposes but also to include confirmatory testing and inspection with respect to land contamination issues.

Acoustic Assessment by Cass Allen

The purpose of an acoustic assessment is to assess the suitability of the site for the proposed development with regards to noise. A noise survey was carried out at the site and the noise levels at the site are dictated by road traffic noise emissions from the A234.

Acceptable internal noise levels are predicted to be achieved in habitable rooms of the development subject to the adoption of acoustically upgraded glazing and ventilation in the development design. This will be investigated further at the detailed design stage and may be secured by the imposition of a noise related condition.

Noise levels in external amenity areas will generally comply with recommended levels, and are considered acceptable in other areas for the reasons given in this report.

A lift noise assessment has been submitted given the proximity of the lift shaft to habitable space. The statement says that at this stage it is not possible to know the exact noise emissions from the lift itself, therefore it is necessary to include a partition construction capable of providing a high level of sound insulation between the lift and habitable rooms to help minimise the risk of noise impact as far as possible. The statement provides an example of a scenario where the construction of the lift shaft would result in a lift noise level compliant with the BS8233 criteria. This will be reviewed at the detailed design stage.

The application was also accompanied by a Design and Access Statement and a Planning Statement in which the applicant submits the following comments in support of the application:

- The D&A provides a comprehensive design evolution process
- Details of the public consultation was undertaken stating that a public meeting was held on Thursday 27th April between 3-7pm at venue 28 in Beckenham. 38 visitors attended the exhibition including local ward Members.
- The proposed layout has been carefully designed to interact and respond to the junction of Beckenham Road and Hayne Road
- The proposal enhances the landscaping
- The building is in line with neighbouring building lines
- The proposal seeks inspiration from the surrounding architectural forms
- The scale is similar to surrounding buildings
- All materials proposed are to be of high quality and will be finished to an equally high standard. The proposals key architectural feature is its contemporary design with the heritage of the surrounding context.
- The development is set back from the edges of the site, with landscaping provided along both elevations.
- The development proposes large openings which ensure all elevations are active and that all units are well served by natural light. This approach reduces the perception of bulk
- The materials have been updated following public consultation
- All materials are of high quality and will be finished to a high standard. Where possible materials will be locally sourced to increase sustainability.
- The design is a marriage of contemporary with the heritage of the surrounding area

- 10% will be built as wheelchair adaptable units in accordance with M4 (3) of the Building regulations. These will be provided with an allocated disabled parking space. The remainder of the units will be built to M4(2)
- All units have secure and private amenity space
- The density falls comfortably within the prescribed density levels.
- The proposed residential mix is appropriate for the site
- The application meets the London Plan Policy 3.5 internal room size standards
- The scheme does not cause any adverse impact upon residential amenity
- There are no single aspect north facing units proposed
- The scheme complies with the strategic and local objectives for the highway network.

### Location

The application relates to an existing two-storey flatted development, which is located on the corner of Beckenham Road and Hayne Road. The block of flats is set back from the adjacent property at number 25 Beckenham Road and is broadly in line with the building line along Hayne Road retaining an open and spacious frontage and junction setting to the north-east. There are 6 existing garages accessed from Hayne Road located to the rear as well as shared amenity space which extends up to the common side boundary with number 22 Hayne Road.

The site is located adjacent to the Elm Road Conservation Area to the west and the surrounding area is largely residential in character and is sited approximately 240m from the start of Beckenham High Street. There is a mixture of large traditional single-family dwelling houses and more contemporary three/four storey flatted developments within the immediate locality as well as the Kings College building adjacent to the site.

The site is within an Air Quality Management Area (AQMA) and Flood Zone 1.

### **Consultations**

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press.

Representations are summarised below:

- The development is too large and there is an over density of people
- It will impact the whole area and is bulky
- Destroy the character of the conservation area and detract from the Victorian and Edwardian local architecture such as the Church in Elm Road and neighbouring Victorian houses
- Unattractive to look at
- The height of the proposal create a dominating and bombastic structure which is out of keeping with the local properties
- It will overshadow the area
- Creates a dangerous precedent

- The development takes the peak of nearby properties as the height and breaches the height line of the road
- There is no justification for four storeys
- Rubbish and noise at night will increase due to the number of dwellings
- The development is on a very dangerous roundabout which is an access route for the fire and ambulance services. There have been many near misses. The introduction of 30 new units with an access on Hayne Road significantly increases the risks and dangers and compromise fire and ambulance services
- Insufficient parking
- The parking spaces on the front do not fit and look ugly. They will obscure vision
- The bin enclosure is sited too near to the property of 22 Hayne Road and is too far from the majority of the properties it serves
- It is questionable whether the drainage system will cope
- Safety issues for neighbouring properties
- The balconies are unnecessary and may become unsightly
- Incorrect information has been communicated at the public consultation meeting
- Insufficient outside area or greenery for the development
- Loss of parking bays on Hayne Road
- The density of the development is contrary to the GLA Housing Supplementary Guidance. The site is suburban
- The footprint of the building could be reduced
- The frontages of both Hayne Road and Beckenham Road could be set further back
- 13 flats would be acceptable given the location of the site
- Loss of mature trees which are fine, mature specimens and provides screening to surrounding properties.
- Potential overlooking
- Misleading statements submitted within the documentation
- No evidence has been provided that the majority of attendees at the public consultation event were broadly positive
- The planning statement states that none of the garages are used and parking spaces are vacant, this is misleading, a number of the units are empty and therefore the respective garage and parking spaces are not used.
- The roof is flat rather than the traditional pitched roofs which are the majority of local properties
- The façade materials and design are heavy and do not respect the character or appearance of the site
- Parking should be underground to provide more garden area
- Comparison parking on other developments in the TA Appendix H are all in inner London Boroughs and therefore are not comparable
- Parking permits must not be allowed to be purchased.
- Electric car charging points should be provided.
- The Code of Construction Practise and Method Statement provided is a generic document. Since there is no indicative structural design it cannot

properly address foundation (piling?) and precast floors installation and the plant required, and therefore the nuisance likely to be caused to local residents during construction and how this will be mitigated. Further details of this must be conditioned and construction times adhered to.

- Requirements for on-going maintenance and upkeep of the gardens must be written into planning conditions
- All of the units only have a single bathroom, high quality developments should have en-suites
- Beckenham is a location for family units not studio, 1&2 bedroom units
- Photovoltaics are not shown on the drawings
- Green roof should be provided across the whole development
- It's disconcerting that the company that has left the building to fall into a bad state of repair are those that state they can maintain a large block of flats
- Pollution from the development
- It appears on its face to have responded to a brief to create the smallest habitable rooms to enable the maximum number of units available rather than to create a space that fits and complements its surroundings.
- The car club space should be located on the owners development.
- Where will construction traffic park?
- It is incomprehensible that demolishing a block of 6 flats and replacing it with a far larger block of 30 should make it economically impossible to provide any affordable housing within the block.
- The development should not exacerbate the flood risk.

Objections have also been forthcoming from the West Beckenham Residents Association and Copers Cope Residents Association.

As well as the objections received to the application, a survey was undertaken to evidence local objections. The results of the survey sought to demonstrate that the information put forward by the developer is inaccurate.

- The survey considered two areas which included all non-residential or residential sites on either side of the street. The survey was undertaken with a preconfigured questionnaire and highlighted types, size and styles of buildings.
- The survey details surrounding buildings within close and a wider range of the site.
- A total of 121 separate sites were identified which had 122 primary buildings on them. 89% were residential, 10% were non-residential, 1% were mixed non-residential/residential.
- The buildings sit in a suburban landscape
- The General Area surveyed consists of 2 and 3 storey buildings, many of which are regarded as important and protected by being placed in a conservation area, which fits in neatly with the LHDG definition of suburban.
- There are no non-residential buildings above 3 storeys.
- There is only one 4 storey residential building in the area on Beckenham road [no. 15 The Sanderson Apartments].
- The survey details numbers of detached, semi-detached, town houses and flats in the area.

- The site lies a minimum of 865m from the centre of Beckenham which further evidences that the site is in a suburban area
- The maximum number of units on this site to comply with the density matrix should be 18

Comments of support have also been submitted which can be summarised as:

- It is a better use of the space
- The new design is well thought out
- The old block looks very old and overgrown
- This creates more homes for people in the Beckenham area.
- The proposed block is no taller than the properties either side of it and so will be in keeping with both Beckenham and Hayne Road
- The architect has taken into account the building lines and architecture styles of the surrounding roads.
- Pleased to see that comments about the materials have been taken into consideration
- There is still a lot of garden area proposed
- The CGIs are impressive and the building looks smart

#### Consultee Comments:

##### The Council's Highways Engineer:

The site is located on the corner of Beckenham Road and Hayne Road and is within a high PTAL of 5. Hayne Road is within Control Parking Zone (CPZ) and there are waiting restrictions on Beckenham Road.

**Vehicular Access-** A new access is proposed from Hayne Road leading to fifteen car parking spaces. The redundant vehicular crossover should be reinstated to footway level and an extension (of 6.0m) to the existing on-street permit holder's bay should be introduced.

**Car Parking-** A total of 15 car parking spaces are indicated. Thirteen spaces to the rear, including three accessible bays for use by residents of the flats. In addition, two bays would be located perpendicular to the access road; which is satisfactory. Twenty percent of all car parking spaces are active Electric Vehicle Charging Points (EVCPs) and a further 20% are passive EVCPs.

**Cycle parking-** A total of 49 spaces internal cycle parking spaces with a further 12 external cycle parking spaces would be provided; this is acceptable.

**Refuse storage/ Servicing -** This is indicated on the submitted plan.

The footway and carriageway on the A234 Beckenham Road should not be blocked during the works of the development. Temporary obstructions during the works should 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

A222 Croydon Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

No objections are raised subject to contributions towards car club spaces, provision of car club membership for 15 units, a financial contribution towards a future traffics scheme within the area and conditions.

The Council's Drainage Engineer:

The submitted surface water strategy carried out by Rossi Long with Ref No. 171132 Rev 01 Dated June 2017 to use soakaways and permeable paving in the driveway and parking area are acceptable at this stage subject to further porosity testing. No objections are raised subject to conditions.

The Council's Environmental Health Officer:

No objections in principle to permission being granted. The Phase One Assessment (Desk Study) prepared by Idom Merebrook (Report DS-20622-17-148, June 2017) has been reviewed and the findings are agreed with subject to conditions requiring further details.

The Cass Allen Report (ref RP01-17295) identifies the main source of noise as the A234 Beckenham Road and makes suggestions for mitigation measures. However as the design is at an early stage and the applicant is not in a position to confirm glazing and ventilation details conditions are required for further consideration of these matters.

No provision has been made for electric charging points to any of the parking spaces and would recommend that this be addressed (subsequently clarified by the submission of an addendum to the design and access statement)

The XCO2 Report (Ref 8.903, June 2017) deals with air quality both from the construction phase as well as the operational phase. A condition is required to ensure compliance with the report

A condition is required for the demolition and construction works on the site to ensure compliance with the submitted Code of Construction Practise and Method Statement.

The Metropolitan Police Designing out Crime Advisor:

There is insufficient details provided within the submission to allow comments in respect of 'Secure by Design' measures.

It is considered that should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design New Homes 2016 and the continued involvement of the South East Designing Out Crime Office. A conditioned is requested to this effect.

### Thames Water:

With regard to sewerage infrastructure capacity no objection. 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. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, they would not have any objection to the above planning application subject to conditions and informatives.

### Conservation Officer:

The existing building lies just outside the Elm Road Conservation Area, with the neighbouring property at 25 Beckenham Road being within that CA. The conservation policy relevant to this development in BE13, Development Adjacent to a Conservation Area which requires us to pay regard to views into and out of that area. The NPPF also requires us to consider the setting of heritages assets (the Conservation Area) when determining applications.

The proposed building is of a good contemporary design using quality materials such as brick and aluminium windows. The use of brick in particular would help the building respond to its surroundings without resorting to pastiche. The building line along Beckenham Road has been observed and the height would not exceed the gable on no. 25 Beckenham Road. It is disappointing though that the top storey has not been set back at all as this would mitigate any appearance of being overly bulky.

Amended plans were subsequently submitted which stepped the top floor of the development back from the principle elevation by 500mm.

Subsequent comments from the Conservation Officer states that following the revised drawings received the set back of the top floor by 400-500mm would make the proposal an acceptable one in terms of impact on the adjoining Conservation Area.

### Arboricultural Officer

The arboricultural report submitted in support of the application has addressed the tree constraints at the site address. There are no protected trees within the site and trees proposed to be removed to facilitate the development are insignificant. No objections are raised subject to conditions.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the London Borough of Bromley Unitary Development Plan (UDP) 2006:

BE1 Design of New Development  
BE4 Public Realm  
BE6 Environmental Improvements  
BE7 Railings, Boundary Walls and Other Means of Enclosure

BE13 Development Adjacent To Conservation Areas  
ER10 Light Pollution  
H1 Housing Supply  
H2 and H3 Affordable Housing  
H7 Housing Density and Design  
H9 Side Space  
NE2 Development and Nature Conservation sites  
NE3 Nature Conservation and Development  
NE5 Protected Species  
NE7 Development and Trees  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking  
T6 Pedestrians  
T7 Cyclists  
T8 Other Road Users  
T9 and T10 Public Transport  
T11 New Accesses  
T12 Residential Roads  
T15 Traffic Management  
T17 Servicing of premises  
T18 Road safety

Affordable Housing Supplementary Planning Document (SPD)  
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Relevant policies from the Draft Local Plan include:

Draft policy 1: Housing Supply  
Draft policy 2: Provision of Affordable Housing  
Draft policy 4: Housing Design  
Draft policy 8: Side Space  
Draft policy 26: Health & Wellbeing  
Draft policy 30: Parking  
Draft policy 32: Road Safety  
Draft policy 33: Access for All  
Draft policy 37: General Design of Development  
Draft policy 42: Development Adjacent to a Conservation Area  
Draft policy 72: Protected Species  
Draft policy 73: Development and Trees  
Draft policy 77: Landscape Quality and Character  
Draft policy 78: Green Corridors

Draft policy 79: Biodiversity and Access to Nature  
Draft policy 116: Sustainable Urban Drainage Systems (SUDS)  
Draft policy 118: Contaminated Land  
Draft policy 119: Noise Pollution  
Draft policy 120: Air Quality  
Draft policy 122: Light Pollution  
Draft policy 123: Sustainable Design and Construction  
Draft policy 124: Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy  
Draft policy 125: Delivery and Implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

2.18 Green Infrastructure  
3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
3.6 Children and young people's play and informal recreation  
3.7 Large residential developments  
3.8 Housing choice  
3.9 Mixed and balanced communities  
3.10 Definition of affordable housing  
3.11 Affordable housing targets  
3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
3.13 Affordable housing thresholds  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.7 Renewable energy  
5.9 Overheating and cooling  
5.10 Urban greening  
5.11 Green Roofs and Development Site Environs  
5.12 Flood risk assessment  
5.13 Sustainable Drainage  
5.14 Water quality and wastewater infrastructure  
5.15 Water use and supplies  
5.21 Contaminated land  
6.3 Assessing effects of development on transport capacity  
6.9 Cycling  
6.10 Walking  
6.13 Parking  
7.1 Lifetime neighbourhoods  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.5 Public Realm  
7.6 Architecture  
7.8 Heritage assets and archaeology  
7.13 Safety, security and resilience to emergency

7.14 Improving Air Quality

7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

7.19 Biodiversity and access to nature

7.21 Trees and woodlands

8.2 Planning obligations

8.3 Community infrastructure levy

The 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. Both sets of alterations have been considered by an independent inspector at an examination in public and were published on 14th March 2016. The most relevant changes to policies include:

3.5 Quality and Design of Housing Development

3.8 Housing Choice

6.13 Parking

The relevant London Plan SPGs are:

Housing (March 2016)

Homes for Londoners (August 2017)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Control of Dust and Emissions During Construction and Demolition (2014)

Providing for Children and Young People's Play and Informal Recreation (2012)

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

14: achieving sustainable development

17: principles of planning

47-50: housing supply

56 to 66: design of development

69, 73, 74: promoting healthy communities

109 -111, 118, 120 - 121: nature conservation and biodiversity

128 -137: heritage assets

196-197: Determining applications

203-206: Planning conditions and obligations

### Planning History

16/03105/FULL1 - The construction of a new second floor to create four self-contained flats, demolition of existing garages to provide a new parking court for 9 cars and elevational alterations - Permitted. This permission remains extant.

## Conclusions

The NPPF, at paragraph 14, sets out a presumption in favour of sustainable development and states that for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The weight to be afforded to individual policies, alongside other material considerations, falls to the decision-maker to consider within the balance of paragraph 14.

The main issues to be considered in respect of the current proposal are:

- Housing Land Supply
- Design
- Density
- Impact on Neighbouring Amenity
- Housing Issues
- Highways Impacts
- Trees, Landscaping and Ecology
- Energy and Sustainability
- Pollution and Contamination
- Drainage
- Planning Obligations

### Housing Land Supply

Paragraph 49 of the NPPF states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

The Council's latest Five Year Housing Land Supply paper was reported to and agreed by Development Control Committee on 24.11.2016. It concludes that the Council does have five years' worth of housing supply and it has informed the

Council's Proposed Submission Draft Local Plan (November 2016) that was out for public consultation until the end of December 2016.

The proposal for an additional 24 residential units at this site could therefore be seen as making a small but positive contribution to the London Plan's targets for new homes in the Borough. The following sections of the report consider whether the development in the manner proposed would constitute sustainable development and should be granted in accordance with paragraph 14 of the NPPF or if it would have adverse impacts which would significantly and demonstrably outweigh the benefits of the increase in the Borough's housing supply.

### Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces). Development should enable people to live healthy, active lives, maximise the opportunities for community diversion, inclusion and cohesion and the design of new buildings and spaces should help reinforce the character, legibility, permeability and accessibility of the neighbourhood. Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass and contributes to a positive relationship between the urban structure and natural landscape features. Furthermore, development should be human in scale and create a positive contribution with street level activity (policy 7.4, London Plan).

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; 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; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. Draft Policy 37 of the proposed submission Draft Local Plan takes a similar stance and, additionally, requires that recycling and waste storage facilities are incorporated within the design layout.

UDP policy BE13, Draft policy 42 and London Plan policy 7.8 all seek essentially to preserve and enhance the setting of the adjacent conservation area and not detract from views into or out of the area.

Policy H7 of the UDP and Draft policy 4 also require development to comply with the relevant density ranges. Whilst a quantitative assessment could be made using a numerical calculation of density, however, it also recognises the importance of considering the qualitative feel of the development in terms of its character and appearance and relationship to the established qualities of the area. Policy H9 of the UDP and Draft Policy 8 requires developments to maintain a minimum of 1m separation distance from the boundaries. However, this is a minimum and in areas characterised by greater separation distances a more generous spacing should be achieved.

The character of development in the surrounding area includes detached and semi-detached dwellings and flatted developments interspersed with clusters of commercial units along Beckenham Road. The adjacent property is an educational institution. In principle it is an area where flatted residential development is considered acceptable with the site currently housing a flatted development however of a smaller nature.

The development wraps around the corner of Hayne Road and Beckenham Road, providing a dual frontage at 3-4 storeys in height. Vehicular access is to be taken via a new cross-over from Hayne Road with parking for 13 vehicles to be provided within an area of surface car parking to the rear with two further spaces located adjacent to the highway. Access to the internal bike store and some residential units are also taken from the rear. The block has two separate pedestrian entrances from both the Beckenham and Hayne Road frontage adding a level of activity and movement to the dual frontage. The top floor is set back from the principal front elevation by 500mm following the submission of amended plans, which seeks to reduce the bulk of the proposal and adds visual interest to the block when viewed from the surrounding street scene, further enhanced by the change in material on the top floor.

In terms of siting, Officers are satisfied that the proposed development does not appear incongruent within its setting and consider that the development addresses the corner setting well, making the most of the spacious site whilst retaining the open aspect of the frontage which is characterful of the junction setting. The

development is sited 8-5.6m back from the highway along the Hayne Road frontage and 7.8m-8m back from the frontage along Beckenham Road which is considered acceptable and is not considered to result in any overbearing impact or loss of spaciousness within this open, undeveloped setting. The proposed development does not project forward of either building line and Officers consider that the set back of the front elevation facing Beckenham Road, in line with the front elevation of the neighbouring college building is reflective of the existing character and setting of the area and does not detract from the bay feature of number 25 which is the final property within the Conservation Area boundaries. It is acknowledged that both the bicycle store and two of the parking spaces breach this linear building line on both frontages resulting in an encroachment onto the open land surrounding the development however given the extent in which the development is set back from the junction corner for the majority of its setting and the small amount of hardstanding required to enable the parking, the encroachment into the openness of the site in this location is not considered so detrimental to warrant a refusal on this application on this basis alone. The cycle parking is sited adjacent to the boundary and will be low scale in nature, therefore not causing any harmful incongruent impact.

The spacing between the building and the surrounding built form is considered reflective of properties along Hayne Road. Given the considerable differences in appearance between the proposal and the neighbouring properties, it is considered that the spacing provided between the development and 22 Hayne Road is acceptable and retains the lower rise, primary break in the built form which is currently evident within this location. The scheme complies with Policy H9 in that it provides a minimum of 1m side space to be retained to both flank boundaries. The separation between the flank elevation of 22 Hayne Road and the development also allows for views of the neighbouring property to be retained which contribute to the character of the area given the characterful appearance of the neighbouring property and allows for planting along this boundary which softens the impact of the scheme. Whilst there is a greater amount of site coverage as a result of the proposal, Officers do not consider that the building would appear cramped within its setting.

In terms of height, the building is proposed as a part 3-4 storey building and would be the largest of the buildings on the four-way junction. Nevertheless, the development is no taller than the surrounding buildings and special consideration has been given to minimise the bulk and massing of the development, resulting in the set-back of the top floor by 500mm from the principal elevations. The development, when viewed from inside the Conservation Area, would not sit proud of the hipped gable frontage of number 25 Beckenham Road therefore would not appear unduly prominent when viewed from the west.

The proposed building is of a good contemporary design using quality materials such as brick and aluminium windows. The deep reveals, large windows and differing brick patterns would result in an interesting scheme, which whilst larger than that it replaces, would not appear unduly prominent and would add interest to the corner site. The use of brick in particular would help the building respond to its surroundings without resorting to a pastiche appearance. Comments have been received raising concern as to the nature of this form of modern development in

this area that it is not reflective of the wider locality however Officers are of the opinion that a more modern, contemporary appearance would be welcomed in this location and would not appear out of place with the surrounding locality given the variance in building designs. A more contemporary development would also sit well with the adjacent conservation area of which the materiality of the scheme is reflective of this designated area. The Conservation Officer raises no objections to the design or siting of the development. Should permission be forthcoming, a condition is added to require the submission and approval of the materials prior to commencement of development.

Whilst it is acknowledged that some of the CGIs submitted show a low boundary wall to the front of the site, a condition can be added to ensure that boundary treatments are subject to future consideration.

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces.

The London Plan advises that development plan policies related to density are intended to optimise not maximise development and density ranges are deliberately broad to enable account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity, as well as social infrastructure, open space and play (para.3.28).

The Housing SPG (March 2016) provides further guidance on implementation of policy 3.4 and says that this and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility (para.1.3.8).

It is acknowledged that various comments received assert that the site is located within a suburban setting, and not an urban setting as considered by the Applicant within the submission. The reasoning for this is given that the development is over 800m from the district centre, the area is characterised by lower density development such as detached and semi-detached houses, is predominantly residential and has small building footprints.

Officers do not agree with this, considering the site to relate more to the 'urban' category than 'suburban'. Whilst the data provided to the Council clearly shows the

site within a residential area, consideration should be given to the location of the site upon Beckenham Road which is characterised by its mix of uses which includes Kings College in the neighbouring building, the Fire Station, library, church and Beckenham Spa to the west of the site. Flatted developments are also found within the street scene of medium footprints and of 2-4 storeys. Furthermore, the boundary of Beckenham District Centre as defined by the proposals map, is approximately 400m from the development site, there is no provision in policy that this distance must be taken from a centralised point. As previously stated, Table 3.2 should be used as a starting point and guide, rather than as an absolute rule and paragraph 1.3.10 states that greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. Therefore the London Plan allows Officers to apply judgement when considering relative density parameters and on this occasion it is considered the site is located within an urban setting.

This site is considered to be in an 'urban' setting and has a PTAL rating of 5. The London Plan gives an indicative density range of between 35-260 units/ha (dependent on the unit size mix) and 150-700 habitable rooms/ha. UDP Policy H7 also includes a density/location matrix which supports a density of 165-275units/ha and 450-700 habitable rooms/ha for locations such as this provided the site is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area.

Taking into account the accommodation schedule submitted, the density calculations for the proposed development are approximately 416 habitable rooms/ha and 158 units/ha which is within the density ranges for the London Plan and below that of the UDP. This is considered appropriate in this location given the residential location of the site and good PTAL rating.

#### Impact on neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed development will have an appreciable impact mostly on the amenity of the owner/occupiers of number 22 Hayne Road and the Kings College London building at number 25 Beckenham Road.

With regard to number 22 Hayne Road, Officers note that the new vehicular entrance to the scheme is set adjacent to the boundary with the neighbouring property. It is acknowledged that there will be some impact as a result of the transient movements within this area however a landscaped strip is proposed along this boundary which is considered sufficient to mitigate the resultant noise. The closest parking space to the boundary is set 4.2m away which is considered sufficient to protect against undue noise and disturbance. It is acknowledged that there are two windows sited within the flank elevations of number 22 however these serve habitable spaces and no detrimental harm would result to residential

amenity in this regard. With regard to the visual impact of the development upon neighbouring amenity, the closest element of the development (being at three storeys in height) would not project past the rear elevation of the neighbouring dwelling. The four storey element of the proposal which is sited to the north of the neighbouring dwelling is sited over 25m from the common side boundary which is considered sufficient to prevent any undue impacts.

It is acknowledged that there will be balconies positioned on the southern elevation of the building however these are sited over 24m from the boundary with number 22 which is considered a suitable distance to prevent any actual overlooking from occurring. Trees are proposed to be planted along the boundary with the development which will further mitigate any perceived overlooking.

Given the limited extent in which the built form is proposed to extend past the front and rear elevations of the Kings College London building to the west of the site, it is not considered that the development would cause any detrimental impact upon the education establishment. The balconies on the southern and western elevations will overlook the rear of number 25 Beckenham Road, however given that this site is in an educational use and not residential, the harm which would occur as a result of this is not considered to be so detrimental to warrant the refusal of the application.

A daylight/sunlight assessment and noise assessment were submitted as part of the application and it was not found that the proposal would result in undue loss of light, overshadowing or noise impacts.

### Housing Issues

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified (Para 50, NPPF).

### Unit type/size:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The site's size and location in an urban setting with good access to local amenities and transport links make it suitable for the provision of family housing as well as housing for other groups. The applicant is proposing a mix of studio, 1, 2 and 3 bedroom flats. On balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

## Affordable Housing:

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing (on a habitable room basis) to be provided. The Council's adopted SPG on affordable Housing confirms that a proposal for sheltered housing is subject to policy H2 and other residential policies in the UDP. The London Plan (Table A5.1) identifies a need for affordable specialist housing with a specific requirement for intermediate sale.

Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that: (i) it would be impractical to transfer the affordable housing to a registered social landlord (RSL) - now referred to as registered providers; (ii) on site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed; or (iii) on site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location (Policy H3 UDP).

A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision. The applicant has submitted a financial appraisal to accompany the application, which seeks to demonstrate that the provision of affordable housing would reduce the viability of the development to such a degree that it would not proceed. The Council commissioned an independent assessor to scrutinise the applicant's appraisal and confirm whether the development would be able to provide any affordable housing. After scrutinising the applicant's submission, the Council's assessor has confirmed that the development would result in a substantial deficit and is not viably able to provide any on-site affordable units or off-site payment in lieu contributions.

Whilst this is regrettable, the viability assessment has been robustly tested and found to be sound. The Applicant has also considered the availability of grant funding to assist in the provision of affordable housing on site, however would not be eligible in this instance. The Mayor of London 'Homes for Londoners' Supplementary Planning Guidance document (August 2017) states that where an application does not meet the threshold level (35%) and where permission is granted, review mechanisms should be applied to these developments to ensure that if there is an improvement in viability, this contributes to the delivery of the maximum reasonable amount of affordable housing up to 50%. Review clauses including early and late stage review triggers, will be set out in the section 106 agreement. It is therefore considered reasonable to require the applicant to carry out viability reviews in order to ensure that a further appropriate contribution towards affordable is secured should it be concluded that profits from the scheme exceed 20%. The applicant has agreed to this approach.

### Standard of living accommodation:

Development plan policy, including policies BE1 and H7 of the UDP require that proposals for residential development provide a satisfactory form of living accommodation to serve the needs of the particular occupants and provide adequate private or communal amenity spaces.

Policy 3.5 of the London Plan, which was amended by the Minor Alterations in 2016, sets out the Mayor's aspirations for the quality and design of housing developments. The Housing SPG sets out further guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. New housing should promote and enhance the quality and character of local places and should meet the needs of all Londoners at different stages of life, particularly those of children and older people. Housing should be designed so that people can use it safely, easily and with dignity regardless of their age, disability, gender or ethnicity. It should meet inclusive design principles by being responsive, flexible, convenient, accommodating, and welcoming (para.2.1.4).

The 2016 Minor Alterations to the Plan adopted the nationally described space standard. This standard is set by Government and clearly set out in the Technical housing standards -nationally described space standard document (March 2015). The standards apply to all tenures. The proposed units all meet the minimum internal space standards and the proposed wheelchair units exceed the minimum standards.

In accordance with the London Plan Policy 3.8 ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

The applicant proposes 3 wheelchair adaptable units on the ground floor of the building in compliance with M4 (3). The remaining flats will be built to M4 (2) standards which is considered to accord with policy 3.8 of the London Plan and Housing SPG.

With regards to Part M4(2) (accessible and adaptable dwellings), for blocks of four storeys or less, the London Plan advises that Boroughs should seek to ensure that dwellings accessed above or below the entrance storey have step-free access. The plans show a lift will be provided at all levels. The relevant category of Building Regulation will therefore need to be secured through planning conditions.

The London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and

quality of life occur, or which contain three or more bedrooms should be avoided. The floor plans submitted show some units which are single aspect however none of these are north facing. The majority of units provide dual aspect which is considered acceptable.

#### Amenity Space:

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme.

The proposed apartments would all have access to a private balcony or patio area which all meet the minimum space requirements, as well as the lawned area to the front of the development. This is to a limited degree, however given its location it is considered acceptable for the number of children expected to reside in the development. The London Plan play space strategy requires amenity space totalling 23sqm and as such the quality and amount of amenity space which would be provided as part of the development is therefore considered acceptable and, overall, it is considered that the development would provide a satisfactory form of living accommodation for future occupants.

#### Highways impacts:

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Para.32).

Plans and decisions should also ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised while at the same time taking into account policies set out elsewhere in the Framework. Therefore developments should be located and designed to, among other things: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic

and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (Paras.34-35, NPPF).

London Plan and UDP Policies also encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

In accordance with paragraph 39 of the NPPF, if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development, its accessibility in relation to public transport, the type, mix and use of development, local car ownership levels and the overall need to reduce the use of high-emission vehicles. Car parking standards within the UDP and the London Plan should therefore be used as a basis for assessment.

15 parking spaces are proposed, 13 to the rear of the building and 2 adjacent to Hayne Road. Three parking spaces are proposed to be designated specifically for use by the three identified wheelchair units. A new access is proposed from Hayne Road with works required to the redundant vehicular crossover to be reinstated to footway level which can be conditioned should Members be minded to approve the application. No objections from the Highways Officer have been received as to the level and siting of the parking provision proposed. Whilst only 15 parking spaces are proposed the Applicant has agreed to provide 15 car club memberships for the remainder of the units. A total of 49 spaces internal cycle parking spaces with a further 12 external cycle parking spaces would be provided; this is acceptable and would comply with the London Plan requirements set out in Table 6.3.

Twenty percent of all car parking spaces are active Electric Vehicle Charging Points (EVCPs) and a further 20% are passive EVCPs. This is confirmed within the Applicants Design and Access Statement addendum.

Refuse storage/ Servicing is indicated on the submitted plan as being located in an internal location to the south elevation within close proximity to the highway. This is considered acceptable and is not expected to result in any adverse impacts upon residential amenity and would allow for easy manoeuvring to the edge of the highway.

No objections are raised by the Highways Officer subject to contributions towards car club spaces, provision of car club membership for 15 units, a financial contribution towards a future traffic scheme within the area and conditions.

Overall, it is considered that the development, as proposed, would not give rise to any significant parking or highways impacts. Highways, cycling and refuse conditions are recommended accordingly.

### Trees, Landscaping and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity where possible (Para 109, NPPF).

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which, in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy NE3 of the UDP seeks to protect wildlife features and where development is otherwise acceptable will seek through planning conditions or obligations suitable mitigation measures and the creation, enhancement and management of wildlife habitats and landscape features where damage to and/or loss of such features cannot be avoided. Policy NE5 prohibits development which would have an adverse effect on protected species. The presence of protected species is a material planning consideration.

An arboricultural report has been submitted to accompany the proposal, this records the condition of trees on the site, sets out the tree constraints including root protection areas and how this should inform the design of the scheme, assesses the impacts of the development on existing trees which may arise and sets out a methodology for the implementation of any aspects of the development which may result in the loss or damage to a tree and measures which should be undertaken to prevent loss and damage.

The survey identifies seven individual trees and five groups of trees (1 individual class B, 6 individual Class C, 5 groups of Class C). 4 individual Class C trees and two small Class C groups are to be removed to facilitate the development. Minor incursions are proposed to 3 trees and 1 small group however mitigation details have been provided. It is recognised within the report that an individual is to be appointed with responsibility for all arboricultural affairs during development.

The Applicant provides an indicative landscaping plan which highlights additional planting including throughout the parking area and adjacent to the boundary with the 22 Hayne Road. The landscaping plan at this time is indicative however should Members be minded to approve the development further details can be conditioned for approval.

Comments have been received by the Council's Tree Officer who states he has no objections to the proposed scheme.

### Energy and Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

In accordance with the energy hierarchy in policy 5.2 of the London Plan, updated following the implementation of the 2013 Building Regulations (see the Mayor's guidance: Energy Planning (guidance on preparing energy assessments (2015)), developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 35% above that required by the 2013 Building Regulations. The development should also achieve a reduction in carbon dioxide emissions of at least 20% from on-site renewable energy generation.

The energy statement submitted as part of the application demonstrates that the scheme can achieve at least a 35% reduction in carbon emissions above the 2013 Building Regulations, through the use of a combination of energy efficiency improvements and an array of PV panels mounted on the roof of the development. The applicant has also agreed, in principle, to a cash in lieu payment of £36,000 to the Council to offset the remaining regulated carbon emissions up to 100%. This would need to be secured through the section 106 legal agreement attached to any subsequent grant of planning permission.

The proposal is therefore considered acceptable in respect of energy and sustainability.

#### Pollution and contamination

The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (Para.109, NPPF).

The application site is located within an Air Quality Management Area where London Plan policy 7.14 requires developments to be air quality neutral and not lead to further deterioration of existing poor air quality. The applicant has submitted an Air Quality Assessment to support the application which concludes that the development is Air Quality Neutral. The Environmental Health Officer requests conditions to ensure compliance with the report should permission be granted.

#### Drainage

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

A surface water strategy has been submitted and proposes to use soakaways and permeable paving in the driveway and parking area which are considered

acceptable at this stage subject to further porosity testing. Conditions are requested on behalf of the Councils Drainage Officer should permission be recommended.

### Planning obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, 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 unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The development, as proposed, would give rise to the following contributions which the applicant has agreed, in principle, to pay should the application be considered acceptable overall:

Health: £32,336.00

Education: £65,119.85

Carbon Off-Setting: £36 000

Therefore a legally binding planning obligation will be required to secure the above contributions.

The scheme would also be subject to Mayoral CIL and contributions towards highways works totalling £15,000 for potential future highways requirements following completion of the development.

## Summary and Conclusions

The development, as proposed, would not unduly impact upon the character or setting of the locality or the adjacent Conservation Area, allowing for a modern and contemporary design which addresses the dual frontage. The proposed development is not considered to result in any undue impact on the visual or residential amenities of the area and would not adversely impact upon the wider highways network, providing sufficient vehicular and cycle parking within the site.

Overall it is considered that the proposal represents a sustainable form of development which would make a small but positive contribution to the Boroughs housing supply and the application should be approved in accordance with paragraph 14 of the NPPF.

### **RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT**

**and 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 following plans and documents unless previously agreed in writing by the Local Planning Authority:**

**PR66.01 Rev A  
PR66.02 Rev A  
PR66.03 Rev A  
PR66.04 Rev A  
PR66.05 Rev A  
PR66.06 Rev A  
PR66.07 Rev A  
PR66.08 Rev B  
PR66.09 Rev A  
PR66.10 Rev A  
PR66.11 Rev A  
Pr66.12 Rev A  
PR66.13 Rev B  
5218 Drawing no. 1  
5218 Drawing no. 2  
5218 Drawing no. 3  
5218 Drawing no. 4  
5218 Drawing no. 5**

**Reason:** In order to comply with Policies BE1, BE4, BE6, ER7, NE7, NE12, T2, T3, T5, T7, T9, T11 and T18 of the Unitary Development Plan and in the interest of the amenities of the area.

- 3** 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.

- 4** The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

**Reason:** In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 5** Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

**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** 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.**

- 7 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.**

**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.**

- 8 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.**

- 9 Details of a scheme of landscaping, which shall include the location, species and sizes of trees and shrubs marked up on a labelled plan and 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.**

- 10 The Mitigation measures detailed in the XCO2 Report ref 8.903 should be implemented during the construction phase of the development and those measures detailed for the operational phase shall be implemented prior to the use commencing.**

**Reason: 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.**

- 11 The development hereby permitted shall be carried out in complete accordance with the Energy Statement by Element Sustainability including the provision of Photovoltaic panels on the roof of the building. The hereby approved details shall be implemented prior to first occupation and shall be retained thereafter in operational working order.**

**Reason: In the interest of the visual amenities of the area and in order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with Policy BE1 of the UDP and policies 5.2, 5.3 and 5.7 of the London Plan.**

- 12 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

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

- 13 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(3) for wheelchair adaptable dwellings and M4(2) 'accessible and adaptable dwellings' for the units identified in the application as non-wheelchair units and shall be permanently retained thereafter.**

**Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.**

- 14 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**

**15 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.

**16** Before the use commences the Applicant shall submit to the Local Planning Authority for written approval a scheme of noise mitigation for the habitable rooms and the external amenity areas. Once approved, the recommendations shall be implemented in full and permanently maintained thereafter.

**Reason:** In order to protect the residential amenities of surrounding residential uses in compliance with Policy BE1 of the unitary Development Plan.

**17** The provisions of the Code of Construction Practice and Method Statement issued by Cobalt Equity Management shall be implemented in full during the construction period of the development hereby permitted.

**Reason:** In order to protect the residential amenities of surrounding residential uses in compliance with Policy BE1 of the unitary Development Plan.

**18** The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

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

You are further informed that :

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

**2** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the

**owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

- 3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.**
- 4 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering.**