

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

**Application No :** 17/03032/FULL1

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

**Address :** Flat 39 Blyth Wood Park 20 Blyth Road  
Bromley BR1 3TN

**OS Grid Ref:** E: 539779 N: 169627

**Applicant :** Mr Robert Pooke

**Objections : YES**

### **Description of Development:**

Change of use of ground and first floor from sports hall (use class D2) to residential (C3), incorporating the existing residential unit in the roof space to form a single 4 bedroom dwelling, new vehicular access on to Bracken Hill Lane and associated replacement fencing (Part Retrospective).

Key designations:

Biggin Hill Safeguarding Area  
Bromley Town Centre Area Buffer 200m  
London City Airport Safeguarding  
Smoke Control SCA 3

### **Proposal**

The application seeks permission for the change of use of the ground and first floor from sports hall (use class D2) to C3 incorporating the existing residential unit in the roof space to form a single 4 bedroom dwelling and new vehicular access onto Bracken Hill Lane.

Blyth Wood Park is a development of apartments currently accessed via Blyth Road and incorporates undercroft car parking for existing residents. The development comprises three residential blocks with a fourth set to the rear (west) which originally contained a swimming pool and sports hall associated with the development. Planning consent for a residential unit above this space was granted by the Council under ref: 98/03273/FUL and it is the sports hall and swimming pool at ground and first floor level that is to be incorporated into the existing residential use of the above apartment.

### **Location**

Bracken Hill Lane is a cul-de-sac located to the west of the application site and is residential in nature made up of a series of terrace and semi-detached properties. The vast majority of these properties enjoy off street parking spaces within their frontages and the road carries low level of traffic.

The eastern side of Bracken Hill Lane is characterised by the rear boundary treatments of those developments in Blyth Road mainly made up of dwarf walls with timber fencing above. The western side of the application site is covered by a Tree Preservation Order (TPO No. 303) which was made by the Council in 1986.

The western side of Bracken Hill Lane is made up of hardstandings for off street car parking spaces for the residents of those properties on this side of the street.

The site is not located within a designated Conservation Area or within an area the subject of any specific policy protection.

## **Consultations**

Nearby owners/occupiers were notified of the application and comments are summarised as follows:

### Objections

- Development would set precedent
- Loss of privacy;
- Overlooking from loss of trees
- If property is converted into flats it could increase parking and traffic in the area;
- Increase traffic and congestion
- Out of character with the area;
- Highway and pedestrian safety concerns;
- Proposal has not addressed the previous reason for refusal;
- Concern over the conversion as no details have been provided;
- When permission was granted in 1989 the access to Bracken Hill Lane was restricted as it was considered sub-standard (89/01148 - condition 95);
- There are inaccuracies in the supporting documents;
- Works have been carried out without planning permission;
- Concern over the independence of the speed survey as this was carried out on behalf of the applicant. No information has been provided regarding the calibration of the equipment, what equipment was used and where the survey was taken. Request that an independent speed survey is carried out at the new location of the cross over;
- Neighbours have recorded their own speeds during the time of the survey and recorded speeds of 20-30mph - as such question the accuracy of the survey;
- Request that the comments made by the Blyth Wood Park Chairman are disregarded as they have a financial and practical interest in the application;
- Concern over the applicants disregard for the planning system and enforcement;
- Request councillors refuse the application and support local residents;
- Sightlines do not appear to be met;
- Trees have been planted, but they are Leylandii;

- Concern that if this is allowed the road will become a cut-through;
- Building Control have not visited the site, but works commenced in 2014 for the conversion.

### Support

- The proposal would not set a precedent as it is impractical for other residents;
- The applicant no longer has rights to park or pass through Blyth Wood Park, however due to the ongoing planning issues they have been allowed access but this will stop from September;
- The applicant has taken an area of overgrown shrub land and brought it back to use;
- The conversion would not increase traffic or noise significantly as this is for a single family dwellinghouse.

*Please note that the above is only a brief summary and full text is available to view via the Council's website.*

### Highways Department:

The proposed vehicular access to 20 Blyth Wood Park is from Bracken Hill Lane, which is a cul-de-sac.

The applicant conducted a radar speed survey from Friday 24th March 2017 to 30th March 2017 in which the vehicle speeds passing the proposed access location on Bracken Hill Lane were recorded. The survey demonstrates that the speed was 16mph in both directions. Relevant design guidance in respect of the measurement of visibility at a junction contained within MfS 2 was used to determine required visibility splays of 15.6m. I have checked the calculations and 2.0 x 15.6 metres visibility splays in both directions from the access junction is acceptable.

This house on its own would not generate additional traffic on this quiet residential road.

It looks like the applicant has decided to move the access further south as shown on drawing number 2444-15-PL101 Revision 5.

I have now seen with the turning facilities provided within the site. I am satisfied with the swept path analysis showing that a car can turn around on site in the presence of another car and leave the premises in forward gear.

To reduce the risk of surface water from a site running into the highway causing dangers for road users, I would like to see access drainage details i.e. location of soakaway pit and aco channel along with calculations and design. As water draining onto roads can in itself be a safety hazard - in the winter months it can be even more serious if it freezes.

Drive should not to be surfaced with gravel or other loose material in order to reduce the possibility of bits of loose stone being deposited in the highway by repeated movement of traffic over the drives. Small stones are a hazard on footways as they can cause pedestrians to slip. The stones can be propelled at relatively high speed (even by slow-moving traffic passing over them) and be a source of danger for road users.

The Council is very keen to preserve the green aspect of the borough and all the council highways maintenance contracts include a "care of trees" policy. I have been informed by the case officer that LBB Principal Tree Officer is satisfied that works in relation to the car park or boundary wall will not damage T1 or other trees with TPO within the site.

Please conditions regarding parking layout, visibility splays and drainage with any permission.

### Trees:

Following a site visit on the 11th August 2017 it was clear that excavation of a quantity of soil has taken place on the eastern boundary of the site to create new vehicular access and associated parking. The loss of this soil volume and the damage to the potential root network of the surrounding trees cannot be mitigated, therefore the recommendations we have will be to avoid further damage to the retained trees on site.

We do not have objections to the proposals provided that a condition ensuring no storage of material under the canopy of the tree is attached to any permission.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies:

#### National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 6 - Delivering a wider choice of high quality homes

Chapter 7 - Requiring Good Design

#### London Plan (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 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 Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 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
- 7.14 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
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan (2006):

- H1 Housing Supply
- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
- T3 Parking
- T6 Pedestrians
- T11 New Accesses
- T18 Road Safety
- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- NE7 Development and Trees
- C1 Community Facilities
- C2 Community Facilities and Development

Supplementary Planning Guidance 1: General Design Principles

## Emerging Draft Local Plan (2016):

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.

Policy 1 Housing Supply

Policy 6 Housing Design

Policy 10 Conversion of Non-Residential Buildings to Residential Use

Policy 20 Community Facilities

Policy 30 Parking

Policy 32 Road Safety

Policy 33 Access for All

Policy 34 Highway Infrastructure Provision

Policy 37 General Design of Development

Policy 74 Development and Trees

## **Planning History**

98/00340/FUL - Change of use of first floor leisure centre from offices to one residential self-contained flat. Conditional permission. Not implemented.

98/03273/FUL - Change of use of first floor of leisure centre from offices to 1 two bedroom flat with elevational alterations including dormers to north and south elevations, replacement of part roof on west elevation by glazed conservatory with projecting balcony. Conditional permission. Implemented.

99/01840/FUL - Additional rooflights and formation of open balcony within roof space on west facing elevations to new flat on first floor of leisure centre granted under application 98/3273. Conditional permission. Implemented.

14/03230/FULL1 - Formation of vehicular access. - refused

14/03278/FULL1 - Fence and gates fronting Bracken Hill Lane (part retrospective).- Withdrawn

14/03400/FULL1 - Change of use of ground and first floor from sports hall (use class D2) to C3, incorporating the existing residential unit in the roof space to form a single 4 bedroom dwelling, new vehicular access on to Bracken Hill Lane and associated replacement fencing. - refused 17.07.2015 for the following reasons:

*"The increase in the number of vehicle movements along Bracken Hill Lane resulting from vehicles travelling to the leisure centre and the dwelling, would result in an interference to the free flow of traffic along Bracken Hill Lane, which is a narrow cul-de-sac. Therefore, the proposed vehicular access would be detrimental to highway safety and is contrary to Policy T11 of the Unitary Development Plan".*

This was subsequently dismissed at appeal when the Inspector concluded that whilst they found no harm to the character and appearance of the area and no

harm to the living conditions of neighbours, these favourable findings do not outweigh the harm to highway safety and the consequent conflict with adopted Development Plan policy.

16/00416/FULL1 - Replacement timber fencing to the rear (west) boundary, facing Bracken Hill Lane (Retrospective Application). - Permission 18.04.2016

17/04218/TPO - 01 Sycamore - Crown lift to height of 6m over Bracken Hill Lane. 02 Dead Elm - Fell. 1252 Holly x 2 - Crown lift to height of 6m over Bracken Hill Lane. 1250 Lime - Crown lift to height of 6m. 1257 & 1256 Lime x 2 - Remove basal growth and crown lift to 4m from ground level to enable future inspections. 1251 Horse Chestnut - Reduce northern side by 4m. 1249 Lime - Remove basal growth. 1246 Conifer Group - Reduce height by 2m, reduce laterals over garden by 2m, reduce off site Sycamore back by 4m over garden side only. 03 Dead Rowan - Fell. SUBJECT TO TPO 303 (A1) - SPLIT DECISION - 06.11.2017

17/04218/TPSPDL - Horse Chestnut - Reduce height by 4m. SUBJECT TO TPO 303 (A1) - refused 06.11.2017

## Conclusions

The main issues relating to the application are:

- Principle of the conversion of the ground and first floor from sports hall (use class D2) to residential (C3);
- New vehicular access on to Bracken Hill Lane and associated replacement fencing;
- Impact on residential amenity;
- Impact on the character of the area

This application follows a recent refusal under ref: 14/03400/FULL1 and subsequent dismissal at appeal. The main issues raised by the Inspector was the effect of the proposed development upon (i) highway safety; (ii) the character and appearance of the area; and (iii) the living conditions of neighbours with particular regard to noise and privacy. The Inspector concluded that whilst they found no harm to the character and appearance of the area and no harm to the living conditions of neighbours, these favourable findings did not outweigh the harm to highway safety and the consequent conflict with adopted Development Plan policy. The previous application did not provide any sight-lines from the new access, the Manual for Streets 2 (MfS2) suggests sightline distances of 25m at 20 mph and 11m for 10 mph<sup>2</sup> should be provided. At the site there is no pavement in front of the proposed access (just a narrow kerbed strip) and a tall boundary wall/fence is on the site boundary so that the bonnet of the car would have to enter the carriageway before the driver would be able to see what is coming. It was noted that there are only 13 or so dwellings along the road and that the road is a cul-de-sac.

To overcome the previous reason for refusal and the concerns by the Inspector the applicant has conducted a speed survey which demonstrated that the speed was an average of 16mph in both directions. Relevant design guidance in respect of the

measurement of visibility at a junction contained within MfS2 was used to determine required visibility splays of 15.6m.

Principle of the conversion of the ground and first floor from sports hall (use class D2) to residential (C3):

The application proposes the conversion of the ground and first floor of the building to residential use, to form part of the existing dwelling located on the second floor of the building. The existing ground and first floor of the building has a lawful use as a leisure centre for residents of Blyth Wood Park. Policy H12 of the Unitary Development Plan states that the Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use, particularly above shops, subject to achieving a satisfactorily quality of accommodation and amenity. Policy C1 also states that, in most circumstances, planning permission will not be granted for proposals that would lead to the loss of community facilities.

With regard to the principle of the conversion of the ground and first floors of the building to residential use, Policy H12 requires the applicant to demonstrate that the premises are genuinely redundant. A supporting email has been submitted from the director of Blyth Wood Park Management Company, which sets out the history of the leisure centre, specifically that it has only ever been in use exclusively for the residents of Blyth Wood Park and has not been open to the general public. In light of this information, it is considered that the existing use of the building does not constitute a community facility in terms of UDP Policy C1. The supporting email then goes on to explain that the leisure centre was funded and maintained through the service charge imposed on the leaseholders of the Blyth Wood Estate, however in 2005 the decision was made by the leaseholders and management company to close the leisure centre as it has become prohibitively expensive to keep open. The freehold of the building was then sold to the applicant earlier in 2014. The submitted information is considered to demonstrate that it was not viable for the building to be retained as a leisure centre to serve the residents of Blyth Wood Park and that the building is therefore a genuinely redundant facility. Given this, it is considered that the conversion of the building to residential use is acceptable in principle.

The application does not propose any external alterations to the appearance of the building; however the application does incorporate the formation of a vehicular access and the erection of associated fencing and gates.

New vehicular access on to Bracken Hill Lane and associated replacement fencing:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

Policy BE7 states that the Council will:

- (i) seek to ensure the retention of railings, walls, plantings and hedgerows of native species and other means of enclosure where they form an important feature of the streetscape; and
- (ii) resist the construction or erection of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area, or would adversely impact on local townscape character.

To enable the new vehicular access on to Bracken Hill Lane an access opening of 4.050m is proposed together with the reduction of the existing boundary treatment to adhere to the sightline requirements ~13.2m of fence will be removed to the north (leaving a 0.7m high dwarf wall) and ~2.8m section of fence to the south leaving a 1m high dwarf wall.

With regard to the impact of the proposed changes on the character of the area, this side of Bracken Hill Lane is characterised by a relatively unbroken expanse of brick wall and fencing, behind which is sited a number of mature trees. It is noted that objections have been raised by the neighbouring properties regarding the removal of trees and concern over the retention of the remaining trees; however the submitted plan does not indicate the felling of any trees. Whilst it is appreciated that the street scene has been altered with the removal of trees previously and the current proposal which introduces a further loss of fencing the appearance from Bracken Hill Lane will be different, on balance it is not considered that this would adversely affect the character of Bracken Hill Lane, as vehicular accesses are not uncommon features in the wider street scene and the existing trees which contribute positively to the character would remain in place. As such, no objections are raised to the proposal in this regard.

In terms of highway safety implications of creating a new access from Bracken Hill Lane to serve the existing building, the Highways Engineer has raised no objection to the proposal, given that it will serve one dwelling and not a dwelling and a leisure centre. The applicant conducted a radar speed survey from Friday 24th March 2017 to 30th March 2017 in which the vehicle speeds passing the proposed access location on Bracken Hill Lane were recorded. The survey demonstrates that the speed was 16mph in both directions. Relevant design guidance in respect of the measurement of visibility at a junction contained within MfS 2 was used to determine required visibility splays of 15.6m. These calculations have been checked and the 2.0 x 15.6 metres visibility splays in both directions from the access junction is acceptable.

A revised plan under drawing No. 2444-15-PL101 Revision 5 has been provided, this has revised the location of the access further south. A swept path analysis has also been provided showing that a car can turn around on site in the presence of another car and leave the premises in forward gear.

#### Impact on residential amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight,

sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

No additional dwelling is proposed although it is accepted that there is potential for more people to live in the enlarged accommodation. However, given that the site is within a fairly high density residential area, it is considered that an access and parking to a single dwelling would not have any material impact upon the amount of noise and disturbance in the area over and beyond the current situation. It is acknowledged that trees have been removed, however given the nature of the proposal and that no external changes to the building are proposed, it is considered that there would be no adverse impact on the amenities of the neighbouring residential properties. In addition, the relationship of the building with the surrounding properties is such that the conversion would not result in an unacceptable level of overlooking of any neighbouring dwelling.

#### Impact on the character of the area:

Policy BE1 Policy BE1 indicates that development should not detract from the street scene and should respect landscape features.

There are trees around the site which are subject to a Tree Preservation Order (TPO). The proposed access point would not result in the loss of trees or significant vegetation as the boundary is generally free of planting. It is noted that a number of objections have been raised over the loss of trees that were previously on site however the Tree Officer has stated that no breach has been confirmed as the TPO is dated 1986 which only protects the trees that existed at this time.

Whilst the proposal would not result in the felling of existing trees, the parking area would encroach into the root protection area of several mature trees which are highly visible in the street scene and are of significant amenity value. It was noted on site that excavation of a quantity of soil has taken place on the eastern boundary of the site to create new vehicular access and associated parking. The loss of this soil volume and the damage to the potential root network of the surrounding trees cannot be mitigated, therefore conditions are suggested to avoid further damage to the retained trees on site and that these measures would ensure that there is no significant risk to the health of these trees.

The development would introduce an additional amount of hard surfacing to the front of Bracken Hill Lane, however it is considered that the amount would not be disproportionate to the large size of the site. Therefore on balance it is considered that the development would not harm the character and appearance of the area or street scene generally and as such compliant with Policy BE1 of the UDP.

#### Summary:

It is recommended that the information now provided is sufficient to address the previous reason for refusal and the concerns raised by the Inspector previously. As set out within this report officers consider that the proposed development would not have a detrimental impact on the character and appearance of the area, living conditions of neighbours residents or jeopardise highway safety. As such it is

therefore recommended that planning permission is granted subject to the imposition of suitable conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 14/03400/FULL1 and 17/03032/FULL1 set out in the Planning History section above, 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 not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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

- 4 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.**

- 5 Before any part of the development hereby permitted is first occupied the vehicular access to 20 Blyth Wood Park junction with Bracken Hill Lane shall be provided with 15.6m x 2.0m x 15.6m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays and which shall be retained permanently thereafter.**

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

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

**Reason:** To ensure a satisfactory means of surface water drainage and to accord with Policy 5.16 of the London Plan.

- 7** No building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site, with the exception of the driveway and existing hard surfaces.

**Reason:** To ensure that the trees to be retained are adequately protected, in the interests of visual amenity. Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

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

The statement shall include details of:

- o Details of the Root Protection Area for the tree(s)
- o Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- o Details of the method of site clearance
- o Depth, extent and means of excavation and details of method of construction for new surfacing within the protected zone
- o Details of the nature and installation of any new surfacing within the protected zone
- o Methods proposed for the watering of the trees during the course of the project

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

**Reason:** To ensure that the trees to be retained are adequately protected, in the interests of visual amenity. Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

You are further informed that :

- 1 No loose materials shall be used for surfacing of the parking and turning area hereby permitted**
- 2 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
- 3 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."**
- 4 The applicant needs to comply with The Highways Act 1980(in particular relevance sec 167 - the need to submit plans for prior approval)**