

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04378/FULL1

**Ward:**  
Orpington

**Address :** Heatherwood 33 Station Road  
Orpington BR6 0RZ

**OS Grid Ref:** E: 545825 N: 165749

**Applicant :** Mr Martin Mills

**Objections :** YES

**Description of Development:**

Demolition of existing Care Home and erection of detached three storey building comprising 1 two bedroom flat and 4 one bedroom flats with 5 car parking spaces, 1 motorcycle space, cycle and refuse stores, and first and second floor rear balconies

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 29  
Smoke Control SCA 4

**Proposal**

The proposals are for the demolition of the existing care home building, and the erection of a detached three storey building comprising 1 two bedroom 4 person flat on the second floor, and 4 one bedroom 2 person flats on the ground and first floors. The building would be in a similar position on the site but would extend a further 1.8-2.8m to the rear, and a further 0.8-2.6m to the side adjacent to No.31, although it would still be set back at least 2.5m from this boundary. The building would have a pitched roof with front and rear gables and a front dormer, and rear balconies and terraces would be provided.

A total of 5 car parking spaces and 1 motorbike space would be provided at the front of the site with one central access from Station Road. The existing in-out accesses would be stopped up. Refuse storage would be provided to the side of the building adjacent to No.31, and cycle storage would be located at the rear.

The application is supported by the following documents:

- Design and Access Statement
- Drainage Strategy Report.

Amended plans were submitted on 5th December 2017 showing revised swept paths.

## **Location and Key Constraints**

This site is located on the south-eastern side of Station Road close to the junction with The Drive, and is currently occupied by a large detached two/three storey building used, until very recently, as a 6 bedroom care home (which fell within Use Class C2). The site area measures 0.06ha, and car parking for 4 vehicles is currently provided at the front of the site, accessed by an in-out drive.

The surrounding area comprises predominantly detached and semi-detached houses, although No.28 Station Road is used as a veterinary practice and No.20 opposite is a residential care home known as Ashling Lodge. Adjacent to this at No.18, Knoll Court provides 20 units of sheltered housing.

The site is located in close proximity to Orpington Station and the southern end of the High Street.

## **Comments from Local Residents and Groups**

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

### **Objections**

- loss of characterful Victorian house
- overshadowing of adjacent patio at No.35
- proposed building should be moved further forward in the site
- overlooking of neighbouring gardens from rear balconies
- the second floor rear windows should be obscure glazed to prevent overlooking of 38 The Drive.

This application was called in to committee by a Ward Councillor.

## **Comments from Consultees**

Drainage Engineer: The Drainage Strategy Report and Drainage Layout Plan submitted are acceptable.

Highways: Station Road is a classified road, a Strategic Route, and part of the A232. The site is within a high (6a) PTAL area, and the property currently has an "in & out" drive.

The previous proposal was to extend the existing building, but the current proposal is for the demolition and replacement of the existing building, although the parking and access layouts are very similar.

The existing accesses would be stopped up and a new central access provided. The layout of the access will need to be agreed with Highways, and all costs, including the relocation of the lamppost, will need to be met by the applicant. There

are 5 parking spaces proposed (one per unit), and given the high PTAL rating, this is considered acceptable.

The swept paths originally provided showed the cars missing the crossover and driving over the footway, particularly in the top and middle left diagrams. However, the revised swept paths submitted show the layout to be workable.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

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

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.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

Policy 3.3	Increasing Housing Supply
Policy 3.4	Optimising Housing Potential
Policy 3.5	Quality and Design of Housing Developments
Policy 3.8	Housing Choice
Policy 6.9	Cycling
Policy 6.13	Parking

Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.6 Architecture

### Unitary Development Plan

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees

### Emerging Local Plan

Draft Policy 4 - Housing Design  
Draft Policy 8 - Side Space  
Draft Policy 11 - Specialist & Older Peoples Accommodation  
Draft Policy 30 - Parking  
Draft Policy 32 - Road Safety  
Draft Policy 37 - General Design of Development  
Draft Policy 73 - Development and Trees

## **Planning History**

Permission was granted in October 2016 (ref.16/01989) for a two storey side/rear extension to the existing building, side and rear dormers, and decking to the rear, and the conversion of the residential care home (Class C2) into 4 one bedroom flats and 1 two bedroom flat, with 5 car parking spaces, 1 motorcycle space, cycle storage, amendments to the existing vehicular access and a refuse store. This has not yet been implemented.

## **Considerations**

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

### Principle

The principle of the change of use of the site from Class C2 care home to Class C3 residential has already been established by the earlier permission for extension and conversion, although it should be noted that Policy 11 of the Draft Local Plan resists the loss of sites which currently provide specialist and older peoples accommodation unless it can be demonstrated that there is no longer a demand for

the existing accommodation and no demand for sites from alternative providers; or that there is equal or greater replacement provision of specialist accommodation in an alternative appropriate location. However, as this is emerging policy, only limited weight can be given to it at the current time.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 83 dwellings per hectare with the table giving a suggested level of between 45-130 dwellings per hectare in suburban areas with a 6(a) PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan.

Whilst the principle of the residential redevelopment of this site is considered acceptable in this location, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that 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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must 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, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The footprint of the building would be similar to the extended building permitted in the 2016 scheme, although it would extend 0.8m closer to the north-eastern boundary with No.31 Station Road. However, it would still be set back 2.5m from the side boundary with No.31, and 1.5m from the side boundary with No.35 (as at present), and would therefore comply with the Council's side space policy (H9).

The proposed building would be slightly higher than the existing but the second floor would be contained within the roofspace which is characteristic of the surrounding area. It would have a similar pitched roof design as the existing building with a front gable and front dormer, and would contain a mixture of brickwork and render with timber effect cladding features to the façade.

The proposed size and design of the building is therefore considered to be in keeping with the surrounding area, and given the good separations maintained to the side boundaries, it would not have a harmful impact on the street scene nor on the visual amenities or spatial standards of the area.

### Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that 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 relevant category of Building Control Compliance should be secured by planning conditions.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The proposals comprise 1 two bedroom 4 person flat for which The London Plan suggests that the minimum size should be 70sq.m., and 4 one bedroom 2 person flats, for which The London Plan suggests that the minimum size should be 50sq.m. The two bedroom flat would provide 108sq.m. floorspace whilst the one bedroom flats would provide between 57-58sq.m. floorspace, and all the flats would therefore achieve these standards.

Private amenity space in the form of patios would be provided for the two ground floor flats, whilst the upper floor flats would have rear-facing balconies with obscure glazed side screens. A communal garden would also be provided at the rear, and adequate amenity space would therefore be available for all the flats.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayor's Housing Supplementary Planning Guidance 2016.

## Highways

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. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

Station Road is a classified road, a Strategic Route, and part of the A232, and the site is located within a high (6a) PTAL area.

The parking provision and layout are considered acceptable for a development of this size, and the central access onto Station Road is not considered to cause a traffic or safety hazard, subject to safeguarding conditions.

## 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.

With regard to the impact on neighbouring properties, the proposed building would maintain reasonable separations to the adjacent properties at 31 and 35, and would not project significantly further to the rear of either the neighbouring dwellings or the previously permitted two storey rear extension to the property.

The building would be 1m closer to the adjacent property at No.31, but a good separation of at least 6m would still be maintained so that no undue loss of light or outlook would occur. The facing flank elevation of the proposed building would contain obscure-glazed bathroom windows but also clear-glazed kitchen windows at ground, first and second floor levels. However, given the separation distance between the properties, this is not considered to cause significant overlooking of the neighbouring property. In addition, the first floor rear balcony would have an obscure glazed side screen to protect privacy.

With regard to the impact on No.35 to the south-west, the residents have raised concerns about the visual impact of the building and overshadowing of their rear patio, and although the building would project 1.8m further to the rear than the existing building, this would not be as deep as the permitted two storey rear extension, and there would be a separation of 3.1m maintained between the two buildings. Although the proposals would result in some overshadowing and loss of outlook from No.35, this is not considered to be to such a degree to warrant a refusal.

The proposed windows in the flank elevation of the building facing No.35 would be either obscure-glazed or high-level windows, which should adequately prevent overlooking of this property. The rear balconies proposed would also have obscure-glazed side screens to protect the privacy of the adjoining occupiers.

The site backs onto the rear garden of No.38 The Drive, and the occupiers have raised concerns about overlooking of the garden from the rear-facing windows and balconies, particularly at second floor level. The existing building has two rear dormer windows serving a bathroom and a store which were proposed to be obscure glazed under the permitted conversion scheme as they served bathrooms, whilst the current scheme proposes a dining room window, a staircase window, and living room doors leading out onto a balcony at second floor level which would cause some additional overlooking. However, a parapet wall is proposed to the front of the balcony which would reduce overlooking from the balcony itself and from the living room and staircase windows, whilst the dining room window would face the far end of the rear garden of No.38. The current building already has a number of windows that overlook the garden of No.38, which is not unusual in a residential area, and the additional overlooking from the second floor windows is not considered to be unduly harmful to neighbouring properties.

On this basis, the proposals are not therefore considered to have a significant detrimental impact on residential amenity

### 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.

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

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

### **Conclusion**

The proposals would result in an acceptable redevelopment of this site which would be in keeping with the character and spatial standards of the surrounding area, and would not have a significantly harmful effect on the amenities of neighbouring residents nor on traffic and road safety in the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 05.12.2017

**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 boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied 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.**

- 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 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.**

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

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

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

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

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

- 8** 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.

- 9** 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.

- 10** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the building hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 11** Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority

before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.

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.

- 12 Before the development hereby permitted is first occupied the proposed windows shown to be obscure glazed on the submitted drawings within the flank elevations of the building shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 13 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.

- 14 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.

- 15 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Authority. The following approved plans/report shall be complied with:
- Drainage Strategy Report carried out by Stilwell Partnership, Ref. P3326 Rev 1 dated 20/09/2017
  - Drainage Layout Plan ref. TSP/MCG/P3326/300 Rev, A dated August 2017
  - Microdrainage Calculations carried out by Stilwell Partnership dated 15/09/2017.

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

- 16 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently 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.**

**You are further informed that :**

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**