

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

**Application No :** 18/00717/FULL1

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

**Address :** 255 Elmers End Road Beckenham BR3  
4EJ

**OS Grid Ref:** E: 535696 N: 168569

**Applicant :**

**Objections : YES**

### **Description of Development:**

Demolition of the existing dwellinghouse and the erection of a replacement building to provide 7 flats (2 x studio, 4 one bedroom and 1 two bedroom) together with bin and cycle storage, hard and soft landscaping.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 30

### **Proposal**

Planning permission is sought for the demolition of the existing dwellinghouse and the erection of a replacement building to provide 7 flats (2 x studio, 4 one bedroom and 1 two bedroom) together with bin and cycle storage, hard and soft landscaping.

The proposed building will have a footprint of approximately 17.4m by 13.4m at its maximum extents and takes a two storey format with a 1.5 storey rear addition. Two front dormers are indicated with a hipped roof shown over the main part of the building and a gable roof to the rear addition with side dormers to enable habitable accommodation in the roofspaces. A separation gap of 1.3m is shown to the north west boundary with No 251 and 4m to the site boundary with Ancaster Road increasing to 5.7m from the rear addition.

The principle elevation will face Elmers End Road. The building is accessed via two entrances. The main communal entrance is to the front and a secondary single entrance to Flat 1 only is located off Ancaster Road to the side elevation respectively.

The Design and Access Statement details that the new building's design is a modern representation of the inter-war architecture which characterises the area. Its general form, height and width on the plot are comparable to the pair of houses at nos. 247-249 and thus the form of development which would originally have been intended for the site.

Materials are indicated as traditional red brick and clay tile with anodised aluminium windows and roof trim.

The application was supported by the following documents:

- Design and Access Statement
- Planning Statement
- Daylight, Sunlight & Overshadowing Statement
- Part M4(2) Compliance Statement
- Transport Statement
- Flood Risk Assessment
- Badger Assessment and Comments Letter

### **Location and Key Constraints**

The site currently comprises a two storey detached dwelling house located on a corner plot at the junction of Elmers End Road and Ancaster Road. Opposite the site is South Norwood Country Park. To the south east, north and north west are predominantly two storey semi-detached and detached residences dating to the interwar period with similar design styles and spatial characteristics forming a generally uniform development pattern.

The site is not in a conservation area nor is the building listed. The rear part of the site is located within an area of Flood Zone 2.

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

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

Support:

- A number of comments have been received that support the scheme due to the small size of units being suitable for young people, downsizers and commuters in good proximity of the station and public transport.
- The development will improve the area.
- Comments made in favour of no parking being provided to encourage sustainable modes of transport.
- There is a shortage of new homes. Gives opportunity for home ownership for young people.
- Current house is not attractive and is out of place.

Objections:

- No parking is provided. Application is unreasonable due to pressure on parking in the area causing congestion locally.
- Building is not in keeping with the area. Insensitive and out of character to the streetscape.

- Not enough green space for residents.
- Concerns regarding the impact of the construction process.
- Support comments are from people not affected by the application.
- Flats are not in keeping with the area.
- Development is too dense for the site. Too many flats for the site.
- Preference to see two houses or maisonettes.
- Other permissions exist for flats in area. No more are required.
- Area of mixed use residential styles. Development is of no architectural interest. Will overpower adjacent property on a prominent corner site.
- Future residents will not be families and will not contribute to the local economy.
- Concerns regarding overlooking and loss of privacy to adjacent property.
- Communal garden access path will result in a loss of privacy.
- Parts of plot already sold off historically.
- Surrounding property are bungalows. Property will be an eyesore.
- Concerns regarding increased use by more people causing greater levels of noise and disturbance.
- Concerns regarding increased refuse.

#### Local Groups:

West Wickham Residents Association has objected on grounds of lack of parking provision and the effects to surrounding roads in terms of parking congestion. Concerns are also raised regarding flat sizes, standards and layout for users and that the appearance of the proposed building does not fit with the current streetscape.

#### **Comments from Consultees**

##### Environmental Health Pollution Officer:

No objection in principle. Site is close to a number of potentially contaminative current/former uses. Further details required by planning condition for a phase 1 contamination assessment.

The application site is within an Air Quality Management Area declared for NO<sub>x</sub>. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO<sub>x</sub> emission rate of <40mg/kWh, A planning condition is suggested in this regard.

##### Drainage Engineer:

Paragraph 8 in the submitted FRA states "The soil types across the site are unlikely to be suitable for the effective use of infiltration devices. If infiltration is not suitable, surface water drainage from proposed hardstanding areas should be attenuated and discharged into the local sewer system." we do not accept this statement and ask the applicant to go through the SUDS Hierarchy to decide the suitable option for the site to attenuate for surface water run-off.

## Highways:

The development is located to the east of Maple Road. The site is located in an area with PTAL rate of 5 (on a scale of 0 - 6b, where 6b is the most accessible).

No car parking space is indicated on the submitted plan which is regrettable. However the applicant would reinstate one on-street car parking space adding an on-street parking space. I estimate that the development would generate between two to three cars, however in order to accommodate all 3 spaces the current access from Ancaster Road needs to be widened to allow 3 vehicles off the street resulting in loss of 2 to 3 on-street parking spaces.

Cycle parking is satisfactory. Bin store is acceptable in principle.

Parking Surveys. Lambeth methodology was used for the parking stress, and involved one overnight parking beat survey between the hours of 00:30 and 05:30 hours on two separate weeknights. In addition to this, parking beat surveys were conducted between the hours of 07:00 and 08:00 and the hours of 16:30 and 17:30 due to the nearby railway station.

The survey area has been designed to extend 200 metres from 253-255 Elmers End Road, with the 200-metre radius comprising the following roads:

- Ancaster Road;
- Dorset Road; and
- Elmers End Road.

The parking survey during 7:00-8:00 and 17:00- 18:00 shows parking stress to be 73% and 70% respectively; which means that the area is not subject to stress during the weekday morning and evening peak hour parking beats. The survey area was taken beyond the 200m; i.e. the cordon goes beyond the 200m distance for both Dorset Road and Elmers End Road. Nevertheless the overall parking survey can be accepted as the surveyed area is not significantly larger than stated.

The size of the units (6 x1 bed/ studio flat) is likely to be attractive to non-car owners. By not providing car-parking facilities for the resident the development promotes greener, cleaner travel choices thus reducing reliance on the car. I am of the opinion that the development would not have an adverse impact on the parking demand within the local road network. Therefore on balance I raise no objection to the proposal.

## Tree Officer:

The application site is free of any tree restrictions. There are no significant trees that would act as a constraint to the development. A focus should therefore be placed on new landscaping.

Environment Agency:

We have assessed this application and it is covered by our Flood risk standing advice. This means you do not have to consult us directly and can use our standing advice to manage flood risk for this planning application. The proposed extension lies within Flood Zone 3 however is greater than 20m from the main river.

### **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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. 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.

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

### London Plan Policies

- 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 facilities

- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 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
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 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
- 7.14 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

#### Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

## Emerging Local Plan

1	Housing supply
4	Housing design
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
73	Development and Trees
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

## **Planning History**

The relevant planning history relating to the application site is summarised as follows:

07/04292/FULL1: Two storey rear/side extension and conversion into 1 three bedroom and 2 two bedroom flats with 3 car parking spaces at rear and cycle store.

This application was refused by the Council on 18/1/2008 and dismissed at Appeal.

The Inspector found the substantial infilling of the frontage of the garden of the application site was not characteristic of the pattern of development in the area. Furthermore the scheme was not considered to complement the scale and form of the host building and the layout of the adjacent buildings and area and was considered to harm the street scene by its excessive size and position and by the fact that it would project slightly in front of the side wall of the existing house and significantly in front of neighbouring houses in Ancaster Road.

## Considerations

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

### Principle

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

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.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Residential dwellings surround the site on all sides. The site is currently developed for a single unit of occupancy for residential use. In this location the Council will however, consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of a residential flatted building on the land as opposed to a single dwelling appears acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

### 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 of the plan 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 site has a PTAL rating of 5 and is within a suburban urban setting. In accordance with Table 3.2, the recommended density range for the site would be 70-260 dwellings per hectare or between 200-700 habitable rooms per hectare. The proposed development would have a density of 116 dwellings per hectare and 216 habitable rooms per hectare

Therefore, the proposed development of the site would be within the suggested range and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

### Unit Mix

Policy 3.8 of the London Plan states that Londoner's should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites. The Council will require a mix of housing including private and affordable housing. The determination of which housing needs a scheme will meet should be informed by local and sub-regional housing priorities and the London Plan's priority for affordable family housing. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Therefore, each application should be assessed on its merits in this respect.

The development proposal is for a mixture of 4 one, 1 two bedroom unit and 2 studio units in a good PTAL location. The size and location of this site, together with the amount of site coverage proposed may lend this particular development to the provision of smaller units designed for households without children which require less open space and play provision. It is noted that priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms.

However, on balance, given the sustainable location in close proximity to good transport networks, the mix of dwelling types/sizes and the mix of tenures is considered an appropriate mix at this location and meets strategic and local needs.

### 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.

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Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of

the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should 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. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The site is located in a relatively suburban location notwithstanding the good transport links. The properties in the vicinity of the site are characterised by predominantly semi-detached dwellinghouses and bungalow development of varying designs, though there are also some detached properties. Therefore, the scale and layout of the proposed development needs to take account of local context and character in this regard.

The proposed building would be of a larger size and massing in comparison to the building it replaces. Its footprint siting would be approximately on the same building line facing Elmers End Road with the overall building being marginally wider than the detached property it seeks to replace. The scale of the building has been designed to reflect existing semi detached properties in the locality. The rear addition to the building has been designed to be subservient to the main body of the building and is set further in from Ancaster Road to align with the front elevation of houses to the rear of the site at 13/15 Ancaster Road.

The proposal is considered to have sought to limit its overall visual impact by retaining the scale and format of buildings within the locality and a height comparable to that of the neighbouring buildings. This would serve to reduce its dominance within the streetscene to within acceptable limits on this prominent corner plot. On balance given the need to respond to local character and reinforce local distinctiveness, the width and massing of the building would appear to be in keeping with the prevailing character of other existing development in the locality.

The justification paragraph in respect of Policy H9 details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The scheme has provided adequate separation distances to adjacent property boundaries in the context of the prevailing pattern of development and on balance, it is considered that the level of separation indicated between properties and the substantial remaining setback to the open junction setting on Elmers End Road and Ancaster Road is sufficient to maintain the established and individual qualities of the area.

In terms of the design of the new building, the elevations have been designed in a contemporary manner and to reflect a 'modern interpretation' of the local vernacular with unique brick detailing and aluminium windows.

Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

The approach of this scheme is considered reflective of buildings in the locality by using a complimentary palette of materials and building design features. Therefore it is considered that the individual design approach of the building is a high quality design that will make a positive contribution to the streetscene and wider locality in this respect.

#### 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 Governments 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.

A Part M compliance statement has been submitted that details compliance with this criteria.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the units ranges between 37m<sup>2</sup> and 62.9m<sup>2</sup> respectively. The nationally described space standards require a GIA of 61m<sup>2</sup> for a two bedroom three person unit, 50m<sup>2</sup> for a one bedroom two person unit and 37m<sup>2</sup> for a studio style one person unit in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all of the units is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space a mix of private and communal spaces are provided and are of a depth and width of sufficient proportion to provide a usable space for the purposes of each unit type. Furthermore the site is located directly opposite South Norwood Country Park with its wide open recreational space.

### 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 London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

### *Car parking*

The Council's Highway Officer has reviewed the current application and the parking stress survey accompanying the application and not raised any objection to the zero provision of parking at this location subject to the provision of access to a car club for future residents. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

### *Cycle parking*

Cycle parking is required to be 1 space per studio and 1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of a location for cycle storage accessed directly from Ancaster Road. The location and quantum of spaces are acceptable. A planning condition is recommended in this regard for further details to ensure the storage is secure and lockable as necessary.

## *Refuse*

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a location for refuse storage accessed directly from Ancaster Road in close proximity of the highway. A planning condition is recommended in this regard for further details of a containment structure and capacity.

## 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.

In terms of outlook, the fenestration arrangement will provide mainly front and rear outlook for each unit overlooking amenity space or overlooking the street primarily. At ground level Flat 2 has a single bedroom window facing to the flank boundary to No251 below fence height. At upper level flank windows is to a bathroom and a secondary window to the living space of Flat 5. Both windows are indicated obscure glazed. The proposed rear addition is indicated with a dormer in the flank roof slope facing No 251. The dormer window is shown to be obscure glazed.

Concerns have been raised from No 251 regarding the units directly overlooking and causing a loss of privacy and blocking natural light to the neighbouring property. Given the design mitigation detailed a suitable level of privacy is considered to be maintained.

The massing relationship of the proposed building has also been assessed. While it is acknowledged that there will be a perception of an increased level of massing the separation distances between the proposed and existing properties is considered to maintain an acceptable massing relationship to prevent the building being overbearing and to maintain an acceptable level of residential amenity to neighbouring property.

A daylight, sunlight and overshadowing report has been submitted and has assessed these impacts to 251 Elmers End Road, 13 Ancaster Road and 257 Elmers End Road. In each case the report concludes that the proposal is not considered to have a notable or significant impact to these neighbouring properties. These conclusions have been reviewed and appear to be representative of the impacts of the new building.

In terms of noise and disturbance concerns have been raised by neighbours that there would be excessive noise and disturbance due to the increased level of occupancy of the site due to the number of units. On balance the noise and disturbance generated by potentially 13 persons across the different flat type occupancies is considered as insufficient to result in significant material harm to neighbours in terms of the comings and goings of future occupants to produce a

harmful impact. Therefore, any increase in noise and disturbance that would result from the proposed development would not represent the substantial, additional material harm that might justify refusal of the application on this basis specifically.

### 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.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

### Trees

Policy NE7 states that proposals for new development will be required 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.

A landscaping layout has been submitted as shown on the proposed ground floor/site plan drawing that details the areas given over to landscaping. The Council's Arboricultural Officer has reviewed the scheme and not raised any objections in this respect subject to further details being sought via a landscaping plan.

### Flooding issues.

Policy 5.12 of the London Plan requires that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development.

Policy 5.13 of the London Plan requires that Development should 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 run-off is managed as close to its source as possible.

The applicant has provided a Flood Risk Assessment report. The Environment Agency has commented that the application falls under the self-declaration procedure in this case for standing advice. This has been reviewed and given this information it is not considered that the building will be a risk to increased flooding in the area or the users be at risk from flood inundation.

The Drainage Officer has commented as above that the soil types across the site are unlikely to be suitable for the effective use of infiltration devices. Therefore The Drainage Officer has advised a surface water drainage scheme is required. This can be conditioned as necessary with any recommendation for approval.

### Ecology

London Plan Policy 7.21 states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Concerns were raised from a neighbour regarding badger activity on the site. A badger report has subsequently been submitted by a specialist and has concluded that there are no setts or badger activity on the site. Officers are satisfied that there is no ecological harm in this respect.

### 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 development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and house type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 18/00717/FULL1 and any other applications on the site 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:** To comply with 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 UDP and in the interests of visual and residential amenity.

- 3** Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

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

- 4** Details of a scheme of landscaping, which shall include use of native plant species where possible, details of all boundary treatment, 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. Furthermore all boundary treatments shall be maintained in perpetuity.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 5** 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.

- 6** 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.

**7** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8** 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.

- 9** 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.

- 10** 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.

- 11** The development permitted by this planning permission shall not commence until a surface water drainage scheme, details of general drainage works 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 and to accord with Policy 5.13 of the London Plan.

- 12** No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for establishment of a car club to serve the development. The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.

**Reason:** In order to provide for the transport needs of the development and to comply with policies T3 and T18 of the Unitary Development Plan.

- 13** 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 permanently retained thereafter.

**Reason:** To comply with Policy 3.8 of the London Plan 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 application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

**Reason:** To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

- 15** All windows indicated as obscure glazed on the approved plans shall remain so in perpetuity. No additional windows shall at any time be inserted in the north west flank elevations of the building hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**You are further informed that :**

- 1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)
- 3** 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)

- 4** 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.
- 5** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 6** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 7** The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.