

Application No : 17/05084/FULL1

Ward:
Bromley Town

Address : Land Adjacent To Bromley College
London Road Bromley

OS Grid Ref: E: 540032 N: 169678

Applicant : Mr Terry Phillips

Objections : YES

Description of Development:

Proposed construction of three, three storey buildings to provide 24, 2 bed 4 person flats with associated parking and landscaping.

Key designations:

Conservation Area: Bromley Town Centre (Adjacent)
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
London City Airport Safeguarding
Proposal Sites
Smoke Control SCA 3
Smoke Control SCA 5
Urban Open Space (Adjacent)

Proposal

The application proposes the construction of three, three storey buildings to provide 24, 2 bed 4 person flats with associated parking and landscaping.

The blocks measure 13.8m-15.4m in depth, 22m in width and approximately 10m in height (topography dependant). The blocks all have pedestrian access from Tweedy Road and are sited between 7-13m from the southern boundary with Sheppard's College. The blocks are proposed with mansard roof features and host under croft parking/cycle parking to the rear.

The site is proposed to be accessed via Gordon Way which leads onto the A21, Tweedy Road. An access is proposed along the southern boundary of the site. Areas of parking are interspersed between the three blocks providing 24 parking spaces. Five electric car charging points are also proposed.

8 residential units are proposed per block, with 35% provision of affordable units split between intermediate and affordable rent tenure. 2 adapted wheelchair units are also proposed.

Amended plans were submitted on the 16th May which included the following changes:

- Repositioning of the blocks so that they are distributed evenly across the site
- Two balconies have been relocated from the rear to the flank of Block A
- The access road to the rear of Block C has been removed
- Removal of undercroft parking to Block C and replacement with cycle store
- Introduction of 2 wheelchair units to the ground floor of Block A
- Agreement to the provision of 35% Affordable units.

The application was supported by the following:

Flood Risk Assessment and Drainage Strategy Report (Considine, November 2017) - The report states that the site falls within Flood Zone 1. An assessment of peak foul water flow has been carried out and it is believed the proposed development will generate a peak foul flow rate of 1.11 litres/second. The underlying geology makes the disposal of surface water by infiltration impractical. It is proposed that surface water run off from the proposed development will be drained via a traditional piped system designed to convey the peak 100 year event with a 40% allowance for increased rainfall intensity as a direct result of climate change. Final discharge from the development site will be to the existing surface water sewer situated in London Road. Discharge will be controlled by pump limiting discharge to a maximum of 4.5l/s with the balance in volume attenuated.

Revised Flood Risk Assessment and Drainage Strategy Report (Considine, May 2018) - This report comes to the same conclusions as the original submission however has been amended to take account of the changes in site plans.

Preliminary Ecological Appraisal (The Ecology Partnership) - The report concludes that considering the distances involved and the small-scale nature of the development, it is considered that the proposals will not directly affect any designated sites or off-site habitats. The woodland on site is considered to be of some ecological value at a local level and is also designated as priority deciduous. The replacement hardstanding and shrub is considered to be of little ecological value. No trees on site have been identified as having medium or high suitability for roosting bats. A small number of mature trees with dense ivy were identified, should these require removal a sensitive soft-felling approach is recommended. It is considered a low number of common species of bats may forage and commute across the site. No further bat activity surveys are recommended. Mammal holes were identified on site and earthworks to be carried out in proximity to these areas should be done so in a sensitive manner. Stag beetles are known to be present in the surrounding area, deadwood on site should be checked prior to sensitive removal; it is recommended tany deadwood be kept on-site in retained areas and added to log piles post development. Removal of vegetation should occur outside of the bird nesting season.

Arboricultural Impact Assessment (Tree Ventures, August 2017) - The report states that there is a risk that limited space to demolish and carry out the construction

process will put pressure on protected areas, in mitigation it is proposed that six small category B trees on the Tweedy Road elevation are removed to allow the design layout to largely avoid or mitigate impact on the RPA and crown spread of trees in the Conservation Area to the south of the site. A landscape management plan should ensure that the retained trees on the Tweedy Road elevation are routinely cleared of ivy and formatively pruned to avoid the proposed building. The scheme also requires the removal of 10no. category C trees to allow the proposed design layout. The report recommends measures including arboricultural supervision in order to protect the remaining trees on and surrounding the site.

Revised Arboricultural Impact Assessment (Tree Ventures, 11th May 2018) - The changes to the report not previously considered are that it states that there is a risk that limited space to demolish and carry out the construction process will put pressure on protected areas, in mitigation it is proposed that nine small category B trees on the Tweedy Road elevation are removed to allow the design layout to largely avoid or mitigate impact on the RPA and crown spread of trees in the Conservation Area to the south of the site.

Environmental Noise Investigation Report (Aulos Acoustics, October 2017) - The report states that the ambient noise levels are moderate and will be reduced further at most proposed building elevations due to the distance, reduced angles of view to the road and building screening however ingress through the windows would cause recommended noise limits to be exceeded. A noise mitigation scheme is required which will include an alternative means of ventilation to open windows. Low to moderate sound insulation performance systems are capable of providing reasonable internal sound levels. The development is considered to reduce ambient noise levels to the south. The overall impact assessment for the site concludes that, with mitigation in place, the proposed development would have no significant adverse effect on future residents.

Energy Statement (BBS, October 2017, Issue 1) - The report notes that a design assessment has been completed by the architect, reviewing the possible maximum PV installed. The conclusion was that a maximum 27.0 kW peak of collector panels can be installed, limiting over shading, allowing safe access and protection from wind loads. The resulting 35.97% CO₂ savings meets the policy target. A carbon off-setting sum will be agreed in order for the dwellings to meet carbon-zero standards.

Phase 1 Contamination Risk Assessment (Ground and Environmental Services Limited, September 2017) - The geology underlying the site is high permeability Harwich Formation. The site is located above a secondary A aquifer and is not located within a source protection zone. Potential ground contamination may be present in the soils underlying the site given the nature of the site's current use. The risks to human health, plants, water resources and buildings and services is assumed to be moderate in the absence of a more detailed site investigation. It is recommended that confirmatory samples are collected from the soils underlying the site in the form of a Phase 2 Intrusive Investigation of the site.

Air Quality Assessment (Air Quality Consultants, November 2017) - During the construction works, a range of best practise mitigation measures will be

implemented to reduce dust emissions and the overall effect will be 'not significant'; appropriate measures have been set out to be included in the Dust Management Plan for the works. Mitigation measures in the form of mechanical ventilation will be needed at some of the proposed residential units. The proposed development has been shown not to meet the London Plan's required that new developments are at least 'air quality neutral' in terms of road emissions. The proposed development will incorporate electrical charge points which will have towards delivering an air quality neutral scheme.

Transport Assessment (Considine, October 2017) - The TRICS database forecasts that the proposed development will generate a maximum of 2 arrivals and 5 departures during the peak hour between 8am and 9am and a total of 3 arrivals and 2 departures during the peak hour between 5pm and 6pm for the residential properties. The report states that the level of additional trips generated by the proposed development fall within the limits of daily fluctuations in traffic flows and would therefore have no adverse impact on highways safety or the capacity of the existing road network. The proposed development has a total of 24 cycle spaces. Swept path analysis has been carried out for the proposed car park and access road using a large refuse vehicle using Vehicle Tracking software and shows that the proposed layout allows for acceptable entry, turning and exit. The junction onto Tweedy Road provides a 2.4mx60m sightline to the right on exit with the trimming back of existing visibility splay, and a better than 70m visibility provision to the left on exit.

Revised Transport Assessment (Considine, 15th May 2018) - The report finds the same conclusions as that stated within the original however has been updated to take into account the change in site layout.

Heritage Statement (Caterbury Archaeological Trust Ltd, December 2017) - The report concludes that the effect of the proposed development on extant heritage assets is related to building within the setting of the listed buildings Bromley College (Grade I) and Sheppard's College (Grade II), and the related protected garden of the grounds of the former. The magnitude of the change to that general brought about through residential development along Tweedy Road, might be considered at least moderate, albeit qualitatively speaking such a change could constitute an at least moderately adverse and permanent. Victorian properties, situated within the PDA and with gardens to the rear abutting the perimeters of the colleges formed part of the historic development of Tweedy Road and this part of Bromley. From this perspective the proposed residential development with gardens abutting the northern boundary of the heritage asset might be considered in keeping with the historical setting. It could be an enhancement to the north facing wall if it is properly conserved and legible within a green setting to the rear of the new properties.

A Planning, Design and Access statement has also been submitted in support of the application.

Location and Key Constraints

The application site is a narrow and elongated fenced area of land that is remnant of the historic widening of the A21. The site comprises an area of scrub-land, hosting many self-seeded trees and vegetation and has previously been used as a temporary storage area for materials in respect of the Bromley North public realm improvement works.

To the south of the site lies Bromley and Sheppard's College's, a Grade I and Grade II Listed building respectively which lie within the Bromley Town Centre Conservation Area. A brick wall delineates this enclave of buildings from the application site, which is Grade II listed in itself. Along this boundary also lies mature, high level trees which are protected through their siting within the Conservation Area.

To the north, the site faces onto the A21 Tweedy Road, opposite Brompton Court, a four storey residential block with surface parking to the front. To the east lies the County Court building, also sited within the Conservation Area, and Gordon Way by which the application site will be accessed. To the west lies a small pocket park adjoining the site boundary and London Road. The site when viewed from the north can be considered relatively open in aspect, allowing for views to be retained through to the Bromley College buildings to the south.

The site is located within PTAL 5 area and within the Bromley Town Centre boundaries.

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

- o Concern relating to the structural impact on Sheppards College
- o Concern about retaining and further developing natural screening with trees and high vegetation to maintain the current outlook onto the existing trees to maintain privacy.
- o Traffic onto Tweedy Road is extremely busy and having more residential development in the area will further congest the transport and road system in the immediate vicinity of an already overloaded area. Infrastructure during development will exacerbate this problem.
- o If parking could be provided on site for residents of Brompton Court that would alleviate concerns in respect of traffic
- o Negative impact on house prices
- o Privacy concerns due to the removal of trees along the boundary with Sheppard's College. The balconies would overlook the Grade II building.
- o Queries regarding the amount of affordable housing and whether the site is capable of providing some.
- o The County court is used by the Ministry of Justice for highly sensitive cases. Whilst no objections to the principle of a mixed use redevelopment of

- the application site are raised, a number of concerns are raised pertaining to the safety and security of occupiers and visiting members of the Public to the county court building including those acting as Jurors at the Court.
- o Concerns relating to noise from demolition and construction adversely impacting the ability of the County Court to hear cases adequately. If permitted a construction management plan is requested to be conditioned with the Ministry of Justice engaged in its production.
 - o Gordon Way is presently only used by the Bromley County Court. Concerns are raised that demolition and construction works may cause traffic congestion on the access route to and from Bromley County Court causing risk of jeopardising the functionality of the court building. A CMP/CLOP as well as a Delivery and Servicing plan should be secured by condition and prepared in coordination with the Ministry of Justice.
 - o It is respectfully requested that the developer is asked to agree with the MoJ acceptable plans in order to ensure a workable solution for both parties, taking into consideration the hours of the court's operation. There have been a number of instances across the MoJ estate where similar schemes have progressed unimpeded with such joint collaboration.
 - o The area closest to the rear of Block A is used for recreation by the residents of Sheppards College and is not an area of parking as stated within the application documents
 - o Block A will cause a reduction in light to Sheppard's College.
 - o The submitted drawings show a tree line between the development and the main College which is false. The blocks can be seen from the main college building and particularly Block A.
 - o Concerns relating to the proposed works to trees which fall within the college's boundaries.
 - o The trees along the boundary are deciduous and have less visual cover in the winter than has been asserted.
 - o Concerns about the listed boundary wall to the south of the development which should any safety issues arise as a result of the development, could involve the College in a very expensive programme of repair for which the College does not have the resources.
 - o No document addresses potential vibration impacts from the development upon Sheppard's College
 - o The noise and fumes from the comings and goings of 24 + cars will impact greatly on Sheppard's College and on the adjoining lands belonging to the Colleges. This road will be so close to the boundary wall as to be an environmental health hazard for those living there and using the amenities of the North lawn, which borders directly on to the potential buildings. All the inhabitants of Bromley and Sheppard's Colleges are Old Age Pensioners, (under the terms of the 1666 covenants, and will always be)
 - o The proposed vehicular entrance to the development is on a sharp bend in the road, and cars driving on Tweedy Road in the direction of London Road do so at incredibly high speeds. A vehicle travelling towards London Road at speed would have little chance of avoiding a car that may be turning in to, or pulling out from, the new development, and the possibility of road accidents seems to be very high as a result.
 - o The public consultation has been inadequate for such a large scheme affecting so many people and such an important heritage site

- o Structural impact concerns in respect of Bromley College
- o The houses on the far side of Tweedy Road can be seen from Sheppard's College windows except when the College trees provide some screening in summer. It follows that the three blocks on the near side will be dominant and intrusive. The plans and Schedule of Accommodation show that all 24 flats are designated as 2-bedroom, 4-person flats and 18 of these are on the first and second floors, which means that about 70 persons could have the use of the balconies, overlooking Sheppard's and the north side.
- o There is also the question of public views into the conservation area. When the previous scheme was rejected, the Government's Planning Inspector who upheld the decision (2009) stressed the importance of preserving views of the historic buildings and their surroundings. The present scheme is much smaller than the rejected one, but blocks the public views just as effectively.
- o Loss of peace and tranquillity to residents.
- o Negative effect on wildlife and ecology
- o The current proposals while set further back from the road than the dismissed scheme nevertheless still "detract from views into the conservation area", still "obscure views of Sheppard's College" which is "publicly visible from the north" (the only views in the public domain) and "views across Sheppard's College and out of the conservation area from the College Green would be altered to an anomalous degree by the mass and appearance of the buildings proposed in this current application by McCulloch's. Only the backside of Sheppard's College will remain visible while the all-important front elevation will be obscured by the new buildings.
- o While the views of Sheppards College are partly obscured by trees in summer these are self sown and identified in the application (marked in red) for felling which would open up all year round views were it not for the proposed building in their place.
- o The current proposals still detrimentally impact on the identified historic "spacious character" of the setting. Similarly detrimental will be the impact on the setting of Sheppards College of an immediately adjacent three storey building as was proposed in the original rejected scheme. With regard to Bromley College the Inspector says : "the proposed structures would sit alongside a significant proportion of a prominent side boundary" and despite the proposed height and density reduction in the current scheme it would still have an effect upon the setting of the building and its associated grounds in their entirety".
- o The allocation of the site for housing predates the Conservation Area designation in 1985
- o In a letter to the Bromley Civic Society from the Town Centre Project Director, Frank Whiting, author of the Area Action Plan he stated: "the Council has two separate roles as landowner and planning authority and it is important these roles are kept distinct from one another". In this and other AAP schemes the Council as landowner/developer failed to take proper account of both its own and national planning policy on environmental matters.
- o It is self-evident that the restored northern setting of the designated heritage assets is of great significance. This should have been acknowledged by the Council long ago and should have been the starting point of the Holder Mathias massing study. Instead, the significance revealed nearly 30 years

ago will be all but lost to future generations damaging not only the heritage assets but also the Council's credibility if this scheme is accepted.

Comments received from consultation 30/5/2018

- o As I objected before - any digging of foundations for these flats will practically destroy Sheppard's Colleges - a Grade 2 building with little if any foundations.
- o Inadequate consideration has been given to the vehicular access and traffic implications of the development. The Transport Statement points out that Tweedy Road has a speed limit of 30 mp/h. However, in reality traffic travels (unchecked) at far higher speeds.
- o Figure 6.2 in the Transport Statement presents a distorted perspective to the sharpness of the corner that vehicles exiting from the site via Gordon Way would face. I witness daily the speed of vehicles coming around that corner, and cannot comprehend how larger volumes of traffic using Gordon Way could ever be considered a safe option without significant traffic calming and/or enforcement of the existing rules.
- o I do not object, in principle, to development of the site. However, I must object to the current proposals which continue to be, in my opinion, unsafe, and at risk of placing residents and the local community at risk of significant harm or death

Comments from Consultees

Historic England (Archaeology): Having considered the application details plus the submitted Heritage Statement it is concluded that there is a discernible on-going archaeological interest with the site.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

No objections are made subject to conditions

Historic England: No comments were received from Historic England who stated that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. Correspondence was received however which stated that Historic England's statutory locus is limited to the impact of the proposals on the setting of the Grade I listed Bromley College. The site is some distance away and screened by existing trees and landscape associated with the park. It would be difficult to argue that the proposal would harm the significance of Bromley College through development

within its setting, as the current open space fronting Tweedy Road is not an important element contributing to the significance of the College.

Historic England have no statutory locus to advise on the impact on the Grade II listed Shepherds College adjacent to the site. The site is outside the conservation area.

Historic England had no further comments to make in respect of the amended plans.

Secure by Design: Should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design officers and the New Homes 2016 guidance document, and I would therefore request a Secured by Design condition be attached.

Thames Water: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. No objections to the scheme are made.

APCA: The proposals do not reflect the Inspector's previous decision in respect of preserving views into and out of the Conservation Area. The development is contrary to Policies BE1, BE11, BE13 and BE9.

Conservation Officer: The proposal site lies immediately outside the northern boundary of the Bromley Town Centre Conservation Area and is adjacent to Bromley College, the most significant built heritage site in Bromley Town.

Bromley College is a Grade I listed complex originally built for the widows of clergymen. The buildings form two courtyards, the oldest of which is the western courtyard dating from 1670 and a later one directly behind dates from 1794-1805. To the northeast of the grounds is the Grade II listed Sheppard's College built by a Mrs Sheppard in 1840 to provide accommodation for daughters who had lived with their mothers in Bromley College. It consists of a range of 5 houses in Tudor Gothic Style, the middle one set forward as a central feature in the composition.

These buildings are set in large mature landscaped grounds with densely treed screening along most of the northern boundary.

The Inspector's report in dismissing planning proposal 08/00397/FULL1 is a key document in the assessment of the suitability of this particular proposal. In light of this decision a development brief was prepared by the Council to inform future development of the site. The following measures have been taken by the applicant to overcome the inspectors concerns:

- The overall density of the proposal has been more than halved to 24 units in 3 separate blocks allowing much better visual permeability into the conservation area and views of Sheppard's College from Tweedy Road.
- I note we have received some revised drawings
- The overall height has been reduced to 3 storeys
- The separation between Block A and Sheppard's College has been increased to 12 metres from the 2008 scheme . In addition I note that the applicant submitted a revised plan during the determination period which set Block A further east, removed balconies and some access rearrangements. In comparison to the proposal dismissed at appeal in 2008 I feel this particular element is greatly improved and would allow views of the gable end of Shepherds College from a reasonable number of viewpoints on Tweedy Road , aided by generous separation between the proposed blocks and a move away from the Listed setting generally. Moving Block A to the east also allows a more open aspect to the front garden area of Shepherds College and views of same.
- The separation to the pocket park and Tweedy Road has been increased to appear less cramped than the 2008 scheme.
- The design approach is traditional which would not be in conflict with the local context.

These measures lead me to the conclusion that no harm would be caused to the setting of the Listed Buildings or the Conservation Area. Subject to a materials condition the proposal would be in accordance with Policy BE13 and BE8 . It also satisfies our statutory duties under Sect 66 of the Act and under paragraph 132 of the NPPF.

Environmental Health Pollution Officer: No objections subject to conditions

Drainage Engineer: No objections subject to conditions. No objections were raised as a result of the amended plans.

Highways: The development site is located in an area with high PTAL rate of 6 (on a scale of 0 - 6b, where 6b is the most accessible); and within the Bromley Town's Controlled Parking Zone (CPZ).

Access to the new development will utilise the existing site access on to Gordon Way, which in turn is accessed from Tweedy Road.

There is adequate vehicular visibility provided at junction Gordon Way and Tweedy Road.

Twenty four car parking spaces inclusive electric charging points are indicated on the submitted plan which is acceptable.

Cycle parking is indicated and satisfactory.

Bin storage is not indicated; this should be addressed. However the swept path analysis showing a refuse vehicle can access and egress the site in a forward gear is satisfactory.

The TRICS database forecasts that the proposed development will generate a maximum of 2 arrivals and 5 departures during the peak hour between 08:00 and 09:00 and a total of 3 arrivals and 2 departures during the peak hour between 17:00 and 18:00 for the residential properties. However, the level of additional trips generated by the proposed development fall within the limits of daily fluctuations in traffic flows and would therefore have not have a significant impact on highway safety or the capacity of the local road network.

No objection in principle

Amended Highways Comments: The Highways Officers comments remained the same as originally submitted despite the amended plans.

Transport for London: The site of the proposed development is located on the A21 Tweedy Road, which forms part of the Transport for London Road Network, (TLRN). TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

It is understood that the development proposed 24 x 2 bedroom flats. The site is currently disused site but was until recently used as the works compound for the Bromley North Village Public Realm Improvements.

It is proposed to create a reconfigured vehicle access into the site from the western side of Gordon Way, which is located to the south of the Gordon Way/ Tweedy Road (TLRN) junction. TfL has concerns due to the close proximity of the two junctions that large vehicles wishing to enter the site on Gordon Way could partly overhang the TLRN if they have to give way to other traffic exiting the site access junction. The swept path analysis also indicates that larger vehicles would be required to make a sharp turn when entering the site. To address these issues TfL would recommend that the applicant explores the feasibility of moving the access further south on Gordon Way and rotating the access slightly further towards Tweedy Road.

It is identified in the Transport Statement that visibility is an issue to the east of the Tweedy Road/ Gordon Way priority junction. Consideration should be given to trimming back the existing vegetation to the east within the visibility splay. It appears from the information provided that no works are proposed to Tweedy Road. Should it transpire that works are required to the public highway on Tweedy Road a S278 agreement will be required.

Clarification is required on the proposed level of car parking as there is a discrepancy in the number of spaces stated on the application form (22 spaces), Transport Assessment (26 spaces), and Planning Statement and Proposed Site Plan (24 spaces). If based on the Planning Statement and Proposed Site Plan 24 spaces are proposed. Although this is strictly compliant with the London Plan maximum (24 spaces), TfL would encourage a lower level of provision given the site's PTAL 5 location.

It is understood that the proposed car parking provision includes 2 disabled spaces which is compliant with the London Plan.

It is requested that 20% of all car parking spaces are active Electric Vehicle Charging Points (EVCPs) and a further 20% are passive EVCPs in line with the London Plan.

TfL welcomes the provision of 50 cycle spaces (as shown on Drawing 001) which is in line with the standards in the London Plan. These should be secure, accessible and well-lit.

TfL requests that a Delivery and Servicing Plan is submitted for approval prior to occupation.

A Construction Logistics Plan should be submitted for approval pre-commencement considering and mitigating any impacts on the TLRN.

The footway and carriageway on the A21 Tweedy Road must not be blocked during construction works. Temporary obstructions during the construction works must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A21 Tweedy Road.

All vehicles associated with the construction works must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Amended TfL Comments received 31/5/2018: The site will gain vehicular access from Gordon Way, located to the east of the site. TfL confirm that a 60m visibility splay would be acceptable in this location.

It is understood that the applicant seeks to provide 24 car parking spaces on site including 2 Blue-badge spaces. Considering the site's PTAL of 5, TfL requests the number of car parking spaces are significantly reduced in line with the standards of the draft London Plan policy T6.1. Table 10.3 notes that PTAL 5 sites should be car-free. The draft London Plan promotes sustainable travel and developments coming forwards should help to achieve this by providing limited parking, especially in accessible, high PTAL areas such as this.

In line with policy T6.1 of the draft London plan, all residential car parking spaces must provide infrastructure for electric vehicles. A minimum of 20% of spaces should be provided with active charging facilities, with passive provision provided for all remaining spaces.

TfL welcome the 50 proposed long stay cycle parking spaces, which is in accordance with the standards of the draft London Plan. It is understood from the proposed site plan that cycle parking will be located to the west of the site in a secure location. However, TfL request that cycle parking is dedicated to each residential block in order to improve accessibility.

TfL will be implementing an urban realm improvement scheme opposite Bromley North Train Station. This includes the construction of a cycle crossing point and footway improvements on both sides of the A21. In consideration of this, TfL request further discussion with regards to the provision of pedestrian footway improvements in this location, particularly concerning the Tweedy Road/London Road junction guardrail. TfL may subsequently require a S106 contribution.

TfL is additionally concerned with regards to the maintenance of the grass verge to the north of the development. TfL request confirmation with regards to the ownership of this land and discussion surrounding how this land will be maintained.

Considering the location and size of the proposed development, TfL request that a Construction Logistics Plan (CLP) be provided to allow TfL to agree the approach and secured by condition. A Construction Logistics Plan (CLP) should be delivered in line with TfL's guidance available at <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>. The CLP should include details of construction phasing, trips generated and site access arrangements.

The footway and carriageway on the A21 Tweedy Road must not be blocked during the development. Temporary obstructions during the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A21 Tweedy Road.

All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Georgian Society: The Georgian Group have a long-standing interest in the buildings and the surrounding area, having supported the successful efforts to designate the conservation area in 1984 and having formally objected to previous proposals (08/00297) for the development site in 2008.

Sheppard's College

The proposed development would reverse the enhancements to the setting of Sheppard's College which were brought about following the 1989 demolition of the 19th-century houses on the south side of Tweedy Road. This would result in the

loss of the present open prospect of the College, which is comparable to the building's original setting. Furthermore, the proposed development would significantly restrict views of the building from public areas, especially when seen from the north, and would strongly impose on the College's principle elevation which would suffer a loss of prominence due to the proximity of the new buildings.

Bromley College

The application documentation fails to provide a full assessment of the northern setting of Bromley College, undervaluing the importance of its northern façade. Although the impact on the building's principle façade would be relatively limited, the proposed development would flank a significant proportion of the building's northern façade, and would be a dominant and incongruous built form within the building's setting.

Bromley Town Centre Conservation Area

The proposed development would result in the loss of important views into the conservation area. As observed above, when approached from the north, the proposed development would largely screen views of Sheppard's College and Bromley College and would harm the perception of the previously open character of the northern boundary of the conservation area. A range of views from the within the conservation would be similarly affected.

Legislation and Policy

In determining the application, we would here remind your authority of the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have: 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' [Our emphasis]

The National Planning Policy Framework establishes as a core principle the conservation of the historic environment and places great emphasis on the value of the historic environment as a non-renewable resource. Of particular note is paragraph 132 of the NPPF which states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification [Our emphasis]'

Paragraph 137 of the NPPF notes that Local Planning Authorities should look for new development within the setting of heritage assets to 'enhance or better reveal their significance' and that 'those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Conclusion

In this case, the proposed development would have a demonstrably negative impact on a number of heritage assets, including Sheppard's College, Bromley College (a building of exceptional interest) and the Bromley Town Centre Conservation Area. In contrast to both and national policy, the development would fail to preserve or enhance the setting of either the conservation area or the listed buildings and would have a harmful impact on the significance of the assets. The Georgian Group therefore recommend that the application is refused consent.

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:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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 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.

London Plan Policies

- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential

3.5 Quality and design of housing developments
3.7 Large residential developments
3.8 Housing choice
3.9 Mixed and balanced communities
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.4a Electricity and gas supply
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public Realm
7.6 Architecture
7.8 Heritage assets and archaeology
7.13 Safety, security and resilience to emergency
7.14 Improving Air Quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
8.2 Planning obligations
8.3 Community infrastructure levy

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Accessible London: Achieving an Inclusive Environment (2014)

The Control of Dust and Emissions during Construction and Demolition (2014)

Sustainable Design and Construction (2014)

Housing (March 2016)

Homes for Londoners - Affordable Housing and Viability (2017)

Unitary Development Plan

BE1 Design of New Development

BE8 Statutory Listed Buildings

BE13 Development Adjacent to a Conservation Area

H1 Housing Supply

H2 and H3 Affordable housing

H7 Housing Density and Design

H9 Side Space

IMP1 Planning Obligations

T1 Transport Demand

T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T7 Cyclists
T17 Servicing of Premises
T18 Road Safety

Planning Obligations SPD
Affordable Housing SPD

Emerging Local Plan

1 Housing Supply
2 Provision of Affordable Housing
4 Housing Design
8 Side Space
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for All
37 General Design of Development
38 Statutory Listed Buildings
42 Development Adjacent to a Conservation Area
90 Bromley Town Centre Opportunity Area
116 Sustainable Urban Drainage Systems (SUDS)
119 Noise Pollution
120 Air Quality
123 Sustainable Design and Construction
124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
125 Delivery and Implementation of the Local Plan

Planning History

An application for the construction of a 72 unit residential development was refused in August 2008 for the following reasons:

1. The proposal represents an overdevelopment of the site lacking in landscaping and with buildings of inappropriate design, excessive bulk and size, out of character in the street scene and contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposal by reason of its mass, size and siting would be harmful to the adjacent conservation area and the listed buildings of Bromley and Shepperds College contrary to Policy BE13 of the Unitary Development Plan.
3. The proposal would be harmful to the amenities of the occupiers of Bromley and Shepperds Colleges by reason of visual impact and overlooking and loss of privacy contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal would not respect the amenities of the future occupants of the development thereby contrary to Policy BE1 of the Unitary Development Plan.

4. The proposal would not provide adequate parking spaces contrary to Policy T3 of the Unitary Development Plan.

A planning appeal (APP/G5180/A/08/2087580) was dismissed, with the most pertinent Inspector's comments including:

The appeal site is within a relatively spacious urban setting
The appeal site enables locally important views into the conservation area and provides an important element of spacious relief from the built form which is apparent to the west

The separation distances between each block would be minimal and would provide limited opportunity to 'see through' the development.

The considerable size and general bulk of the proposal would be emphasised by the position of the buildings close to the site edges

The buildings themselves would have locally unusual large and steeply pitched roofs facing front and back which do not reflect the traditional roof scape of the College buildings.

The development would be sited tight against the site boundary and would loom over the adjacent pocket park

From key vantage points to the north, Block A and the remainder of the scheme would impose itself onto the street scene, dominate the foreground and detract from views into the conservation area which lies behind. To a lesser extent Block D would obscure views of Sheppard's College and intrude unacceptably into views out of the conservation area.

The proposed arrangement of windows and balconies would have oblique views over the boundary wall and towards the College which would result in unacceptable harm to the reasonable living conditions of the established occupants, primarily due to the cumulative impact of the scheme upon the actual and perceived privacy within the internal college living space and the outside space upon the lawned forecourt.

Considerations

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

- o Principle
- o Design and impact upon adjacent Conservation Area and Listed Buildings
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Sustainability

- o Trees
- o CIL
- o S106

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application, a 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.

For proposed development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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.

The NPPF Paragraph 14 identifies the presumption in favour of sustainable development and that planning permission should be granted if in accordance with the development plan. Paragraph 15 of the NPPF states that development which is sustainable should be approved without delay. There is also a clear need for additional housing to meet local demand and needs.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. The current proposal

could represent a good contribution to the Council's required Housing Land Supply in a location adjacent to Bromley Town Centre.

The London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policies 3.11 and 3.12 confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing.

The application site formed part of an Opportunity Site within the BTCAAP (Opportunity Site B). The Plan identified the overall site as capable of providing around 70 residential units however notes that because of the sensitivity of the site, any proposal will be determined on the basis of the impact of the development on the character of the area; the retention of important views into the conservation area; a satisfactory relationship with housing which exists to the north; the recognition of the context provided by Bromley and Sheppard's Colleges and to the effective landscaping of the site to integrate the development into the townscape. Paragraphs 5.3.1 - 5.3.3 of the Plan relate specifically to the site in addition to Policy OSB Corner of Tweedy Road/London Road. The policy and supporting text sets out in detail what was envisaged to be provided on the overall site. It is also noted that the site is allocated for approximately 70 units within the Five Year Housing Land Supply document agreed in November 2017.

Notwithstanding the above, UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. It is considered that as an un-developed, under-utilised site within Bromley Town Centre, the provision of a suitable residential development could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings including adjacent heritage assets, standard of accommodation to be provided and detailed design considerations.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'central' setting and has a PTAL rating of 5 giving an indicative density range of 140-405 dwellings per hectare / 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 650-

1100 habitable rooms / 140-405 units per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

As set out above, the housing density of the development would equate to 80 units per hectare and approximately 240 habitable rooms, both of which sit significantly below the guidelines as stipulated within the UDP and the London Plan standards. 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 in this case is important given its highly sensitive location adjacent to Bromley Town Conservation Area and Statutory Listed Buildings.

Design and Impact on Conservation Area and Listed Buildings

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 London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve

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

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; complement the scale, form, layout and materials of adjacent buildings and areas; development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. Draft Policy 37 of the proposed submission Draft Local Plan takes a similar stance and, additionally, requires that recycling and waste storage facilities are incorporated within the design layout.

UDP Policy BE8 states that applications for development involving a listed building or its setting, or for a change of use of a listed building will be permitted provided that the character appearance and special interest of the listed building are preserved and there is no harm to its setting. This is also supported with Draft Local Plan policy 38. UDP policy BE13, Draft policy 42 and London Plan policy 7.8 all seek essentially to preserve and enhance the setting of the adjacent conservation area and not detract from views into or out of the area.

Policy H9 of the UDP and Draft Policy 8 requires developments to maintain a minimum of 1m separation distance from the boundaries. However, this is a minimum and in areas characterised by greater separation distances a more generous spacing should be achieved.

The site, as noted by the Inspector in the 2008 appeal is located adjacent to, but outside of, the Bromley Town Centre conservation area and occupies a position with a substantial frontage onto the A21 as it approaches its junction with London Road. The site is a narrow and elongated fenced area of land that is remnant of the historic widening of the A21; the site provides mature and self-seeded trees which provide a buffer between the A21 and Sheppard's College to the rear. The Inspector also noted that views of both colleges and a sense of the generally spacious character of the conservation area at this point are evident. Whilst the site has recently been used for the storage of highways materials from the Bromley North improvement works, this sense of spaciousness and verdant appearance is still considered to remain.

The site lies adjacent to the County Court building and surface car park to the east of Gordon Way and domestic semi-detached and detached villas to the north. Directly opposite the site lies Brompton Court which is considered of significant mass, providing four storey flatted development with surface parking to the front. The locality is considered to be of a varied building form which includes large commercial and municipal buildings to the west, semi-detached three storey Victorian buildings and Brompton Court to the north and the historic layout of the Colleges to the south which then continues to the dense urban grain of Bromley Town Centre. The appeal inspector in considering the previous application noted the variance in building style and use and stated that the appeal site is of a relatively spacious urban setting and enables locally important views into the conservation area and provides an important element of spacious relief from the encroachment of built form which is apparent to the west. Officers consider these comments still relevant and it is for this application to not unduly impact the openness which the Inspector placed significant weight on.

The application in contrast to the 2008 scheme now provides three (previously four) blocks, at three storeys in height. The upper floor is hosted within the mansard roof and as such the visual impact of the block would be of a 2.5 storey appearance. Whilst the blocks still retain a close proximity to the Tweedy Road frontage at 2m (with pedestrian entrances from the highway), the blocks are spacious in their siting, allowing for separation distances of approximately 18m between flank elevations. The proximity to the highway would result in a built development which would change the character of the site to a more prominent urbanised form however Officers consider this would not appear unduly out of character and would result in a form of development appropriate to its edge of town centre location. It is noted that whilst the previous appeal Inspector objected to the proximity of the built form to the front boundary which is similar to that which is provided in this case, the original proposal was for a much larger 4/5 storey development of four blocks with minimal separation distances, unlike that which is proposed within this application. Furthermore, it is considered that there is sufficient distance along the front boundary to allow for enhanced landscaping which would help to soften any undue oppressive impacts, thereby overcoming the concerns of the previous appeal Inspector. It is noted that as a result of the surface car parking sited between the blocks, there would be substantial site coverage when viewed from the north however Officers consider this could be adequately mitigated by the submission of a detailed landscaping plan which would introduce planting throughout the parking area and to soften the appearance of the refuse stores.

Block C, that which is sited to the west of the site, is located between 2-5m from the site boundary and pocket park, which given its overall three storey height and pitched roof profile away from the site boundary, is considered acceptable to prevent any overbearing impact upon this publically accessible space. Block A is sited between 5-9m from Gordon Way which is considered to retain the visual openness of the site at this junction when viewed from Tweedy Road and again, there is sufficient space along the boundary to enhance any landscaping, specifically around the proposed car parking spaces. Should permission be forthcoming, a condition will be added for further details of the boundary treatment to be submitted, whereby it may be more appropriate for a softer landscaped

frontage rather than metal railings to mitigate the dominance of the buildings when viewed from Tweedy Road.

In terms of siting, of most concern to the Inspector was the retention of views through to Sheppard's College from Tweedy Road and views out of the Conservation Area. Paragraph 18 of the appeal Inspector's report stated:

'From key vantage points to the north, Block A and the remainder of the scheme would impose itself onto the street scene, dominate the foreground and detract from views into the conservation area which lies behind. To a lesser extent the scheme, and in particular Block D, would obscure views of Sheppard's College and intrude unacceptably into views of the conservation area. Indeed, views across Sheppard's College and out of the conservation area from the College Green would be materially altered to an anomalous degree by the mass and appearance of the buildings proposed'.

Further to this, paragraph 23 stated:

'I nevertheless have concerns at the effect of the proposal, particularly upon Sheppard's College which abuts the appeal site and where Block D would be within 7m of the College's gable end. Sheppard's College is historically and functionally related to Bromley College and publicly visible from the north in particular. The college's occupy well defined landscaped grounds, enclosed by brick walls. A spacious character results which has not been unduly affected by the encroachment of more recent development. Despite the negotiated reduction in height of the rear elements of the appeal scheme, the three storeys proposed would, as seen within the submitted section, remain higher than the College building. The combined effect, with the four storey frontage buildings, would essentially screen Sheppard's College from public view unless the observer was positioned opposite the County Court. Where seen together, the appeal scheme would assume dominance over the architectural scale and form of the listed building. Due to its close proximity the appeal scheme would impinge specifically and unacceptably, without suitable sensitivity, on the setting of Sheppard's College'.

The Applicant during the course of the application amended the scheme to take account of the comments of the Inspector in regard of the views into and out of the Conservation Area to the rear of the site. Block A, that which is closest to Sheppard's College, is now sited between 10m-11m from the rear boundary projecting 7.4m in front of the front elevation of the building which is considered satisfactory to prevent any undue impact upon the views out from the College, further enhanced by additional planting provided along the boundary. Whilst it is clear that the views which are from within the Conservation Area would alter as a result of the scheme, given the separation distances now provided in excess of 18m between flank elevations, and the reduction in height of the buildings to three storeys, it is considered that there would be sufficient visual permeability to allow for a scheme which would not unduly dominate or overbear the setting of the College buildings.

Officers are aware of the previous concerns of the Inspector when commenting on the impact of the scheme upon views of the gable end of Sheppard's College building. Whilst direct views of the gable will still be impeded as a result of this application, given the separation between the blocks it is considered that the views of the gable will be more readily available from Sherman Road on approach from both the west and the east, over and above that which was previously considered. Further to this, it is noted that the ridge of Block A will sit at a similar height with the Sheppard's College building which when coupled with the increase in distance of the rear elevation from 7-10/11m from the common boundary, is considered by Officers to allow for an appropriate impact upon the setting of the adjacent listed building, overcoming the concerns as laid out by the Inspector.

The impact of the scheme upon the Listed Buildings is further mitigated by the dense tree planting along the boundary, which as a result of the amended plans is now to be retained and is not at risk from development pressure. A landscaping plan will be conditioned to be submitted which will look to enhance the planting within this space also.

Concern has been raised by the adjoining neighbours at Sheppard's College as to the impact of the resultant vibration from the development upon the foundations of the Listed College building. Should permission be forthcoming a condition will be added for a vibration impact assessment to be submitted for appropriate mitigation methods to be considered.

It is the opinion of the Conservation Officer and Officers that in conclusion no harm would be caused to the setting of the Listed Buildings or the Conservation Area. It is further considered that the scheme satisfies the Council's statutory duties under Section 66 of the Act and under paragraph 132 of the NPPF.

Design and Layout of Residential Units

Each block is provided with separate entrances which promote an active frontage along the site in keeping with the edge of town centre location. The ground floor units are also provided with private amenity areas to the rear of the elevations which extend out into the communal landscaped areas, encouraging ownership of the site which is considered a good mechanism to ensure the longevity of the publically viewable areas and defensible space. Members may also consider that the development not only responds well to the public realm at ground floor level, but Blocks A and C have also been designed to respond appropriately to the highways that bound the site, particularly to the west, creating a dual active frontage which is welcomed. It is considered that the flank elevation of Block A is the most prominent of the site, given the open and spacious corner location at this point. The flank elevation has been designed well and is considered satisfactory in addressing this prominent corner location with adequate fenestration and design detailing.

Based on the expected child occupancy of the development, the London Plan requires a minimum 69.7 square metres of play space for the development. Outdoor amenity space for the apartments are located to the rear and by way of private balconies/ private patios for the ground floor units (in which over 5sqm per

unit is provided) and is of an acceptable size, shape and layout. As well as the private amenity areas, the site is proposed to retain a landscaped strip along the rear of the site, with the land to the rear of Block C being most suitable for outdoor play given the absence of the access road. The communal areas are considered appropriate to foster door step playing however consideration as to the appropriateness of such a space close to the parking areas needs further thought. Mitigation details of this can be conditioned to be submitted.

Refuse/recycling storage has been considered in the proposed layout and are sited within an external location to the front and rear of the site. Whilst it would be preferable for the refuse storage to be located internally, Officers consider that given the size and scale of the scheme and subject to a condition for details of appearance to be submitted, this is considered acceptable. Cycle storage is proposed within an integral position within block C with external sites identified along the rear boundary, this is considered to be acceptable.

The architectural approach is appropriate for this location given the plethora of built form within the wider area. With regard to proposed materials, it is acknowledged that limited details are given for consideration, however given the proximity of the proposal to the adjacent listed buildings, the Conservation Officer recommends that samples of these are submitted for consideration prior to above ground works. In respect of layout and scale overall, it is considered that the development would complement the form of adjacent development and is appropriate within its context. The proposed new buildings respond to the changing levels across the site by stepping down from West to East, this enables step free access to residents from the undercroft and courtyard parking spaces. This results in a small stepped level change at the boundary with Tweedy Rd and is incorporated with a low-level brick wall and railings with soft landscaping across the front of the site. The front boundary treatment is similar in form to that to the front of Brompton Court and the provision of railings, albeit on a dwarf brick wall is supported.

Housing Issues

Unit Size Mix:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The size of the site and location in a predominantly urban setting close to the town centre would respond well to the provision of 2 bedroom flats as is the majority provision. The affordable units are provided as two bedroom dwellings which is considered to reflect local need and is considered acceptable by the Council's housing team.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more, a site area of 0.4ha or on sites providing over 1000 square metres of

residential floorspace. The London Plan, at policy 3.8, 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. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. 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. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing.

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing to be provided.

The Applicant is proposing 5 affordable dwellings which equates to a 37.5% provision (by habitable room), which is considered acceptable and will be secured by legal agreement. The units to be secured are predominantly located within apartment block A with the intermediate rented properties sited within block B (3 units). 2 x 2 bedroom units (2 accessible wheelchair units) are to be made available for affordable rent. This equates to a 55.55%-44.45% split in tenure in favour of affordable rent which whilst it is acknowledged is below the London Plan standards as outlined, it is considered acceptable for the size of the development being provided and reflecting upon local need.

Members may consider this provision acceptable and should planning permission be forthcoming the delivery of Affordable Housing, including affordable wheelchair housing, can be secured by way of legal agreement.

Standard of Residential Accommodation:

Policy 3.5 of the London Plan, which was amended by the Minor Alterations in 2016, sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet. Furthermore, the Minor Alterations at paragraph 3.48 state 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. As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey. In accordance with the Technical Housing Standards, the minimum gross internal areas specified for new dwellings will not be adequate for wheelchair housing (Category 3 homes in Part M), where additional area is required to accommodate increased circulation and functionality to meet the needs of wheelchair users.

The proposed units all comply with the space standards set out in the Technical Housing Standards and the proposed wheelchair accessible units (plot 1 and 2 within Block A) will have an internal area in excess of the minimum floor space standards of 61sqm respectively at 73sqm and larger than the other two bedroom apartments within the rest of the block. With regards to Part M4(3) (wheelchair user dwellings) additional supporting information has been provided which show that the units are wheelchair adaptable which will be delivered to the SELHP standard and account for approximately 10% of the overall development being delivered as wheelchair housing. Should the application be considered acceptable overall, conditions would be required to secure the relevant category of building regulations for the units which are to all be provided as adaptable units.

With regard to the internal cores of the buildings, the circulation space is provided with front facing windows and natural ventilation which is considered a benefit to the scheme, allowing for a light and airy communal space. It is also noted that the 3 storey buildings would have access by a correctly sized and positioned lift which is welcomed.

In terms of natural light provision, the applicant has submitted a daylight/sunlight assessment. It was found that, when taking into account the retained trees on the site, that the provision of natural daylight will meet or exceed the minimum threshold set out in both BRE Guidelines and British Standards 'lighting for buildings'. When considering the amount of sunlight that would be available to the habitable rooms it was found that all dwellings meet the criteria set by the BRE Guide where at least one habitable room in the proposed dwelling does achieve the minimum 25% for APSH and 5% for WPSH. Therefore, the proposed scheme can be expected to provide adequate to good levels of natural daylight and sunlight for its future occupants.

It is noted that there is some conflict in respect of units 18, 9, 10, 1 and 2 in respect of the outlook from the living room spaces onto car parking areas and with the patio facing onto publically accessible footways/highways, which would cause a level of transient movement within close proximity and thereby associated overlooking and potential loss of privacy. Whilst it is acknowledged that the arrangement would impede privacy, this is on a transient basis and would not cause any long term undue harm. Furthermore, this can be mitigated through the erection of screening and landscaping which can be conditioned for details to be forthcoming. Additionally it is noted that there is the provision elsewhere in the development for communal amenity space and a contribution towards a pocket park for the land to the east of the development thereby alleviating some of the impact of the siting of the amenity space in respect of these units.

Comments are raised as to the impact of the A21 on noise and disturbance and the requirement for mechanical ventilation to prevent any undue noise impact. An acoustic report has been submitted which states that the ambient noise levels are moderate and will be reduced further at most proposed building elevations due to the distance, reduced angles of view to the road and building screening however ingress through the windows would cause recommended noise limits to be exceeded. A noise mitigation scheme is required which will include an alternative means of ventilation to open windows. Whilst this is acknowledged, the units which face the A21 are dual-aspect, and as such there is the provision of windows within the flank and rear elevations which would alleviate this concern. On balance, with the provision of noise mitigation, this arrangement is considered satisfactory.

Impact on neighbouring amenity

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

Given that the residential development to the north is sited over 30m from the site with the A21 in between, it is not considered that the development would cause any undue oppressive or detrimental impacts upon outlook, natural light provision or loss of privacy. To the west of the development are the larger scale commercial buildings which are considered, given their use and distance from the proposal, to not be unduly impacted as a result of the proposal.

Those properties which are most impacted are the College buildings to the south and the County Court to the east.

With regard to the College buildings, the development is sited 12m from the northern boundary of the Sheppards College building, and will be visible from the front courtyard area within the site. Amended plans have been received which set Block A back 8m to the east to improve the setting upon the Grade II adjacent building and to ensure that there would be no undue sense of enclosure as was previously a concern of the Inspector. The Applicant also removed the direct rear facing balcony and re-sited this to the flank elevation of the buildings to prevent any undue overlooking to the adjoining residents. It is noted that the access road runs adjacent to the common boundary at approximately 5.5m in distance which would cause some additional transient noise and nuisance however Officers consider this to be adequately mitigated by the planting along the boundary and the distance of the roadway to the communal space. Furthermore, it is acknowledged that the road will serve only 21 parking spaces and as such the transient movements are not considered significant. On balance it is not considered that there would be any detrimental impact upon the Sheppard's College building as a result of the application. Given the proximity of the Bromley College building, it is again considered that there is sufficient separation to prevent any undue amenity impacts. The adjacent residential buildings are sited to the

south of the development and as such it is not considered that there would be any undue loss of daylight/sunlight.

Comments have been received from the County Court in respect of the development and the impact on the day to day workings of the court, specifically with regard to the use of Gordon Way which is the main vehicular access to the public building. The County court is used by the Ministry of Justice for highly sensitive cases. Whilst no objections to the principle of a mixed use redevelopment of the application site are raised, a number of concerns are raised pertaining to the safety and security of occupiers and visiting members of the Public to the county court building including those acting as Jurors at the Court. If permitted a construction management plan has been requested to be conditioned with the Ministry of Justice engaged in its production to alleviate concerns raised that demolition and construction works may cause traffic congestion on the access route to and from Bromley County Court causing risk of jeopardising the functionality of the court building. Concerns are also raised as to potential noise and vibration impacts on court proceedings and as such Officers agree a condition for consultation with the Ministry of Justice in respect of the construction management plan would be most appropriate.

Overall it is considered that the proposal is acceptable in terms of overlooking/loss of privacy, visual impact, effect on daylight and sunlight and noise and disturbance for neighbouring residents of the development.

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.

The application proposes 24 parking spaces with 2 additional wheelchair bays at 1:1 provision located throughout the development within surface car parking. Following the receipt of amended plans, changes were made to the overall parking layout, re-siting the parking bays by the entrance to the site from Gordon Way, increase the width between the access road and the rear boundary, removing the access road which is located to the rear of Block C and increasing the surface car parking provision between the blocks.

Comments have been received from the Council's Highways Officer who states that there is adequate vehicular visibility provided at junction Gordon Way and Tweedy Road. Twenty four car parking spaces inclusive electric charging points are indicated on the submitted plan which is acceptable as well as the level and location of the cycle parking. The swept path analysis shows a refuse vehicle can access and egress the site in a forward gear which is satisfactory. With regard to

trip generation, the TRICS database forecasts that the proposed development will generate a maximum of 2 arrivals and 5 departures during the peak hour between 08:00 and 09:00 and a total of 3 arrivals and 2 departures during the peak hour between 17:00 and 18:00 for the residential properties. However, the level of additional trips generated by the proposed development fall within the limits of daily fluctuations in traffic flows and would therefore not have a significant impact on highway safety or the capacity of the local road network. In conclusion, the Highways Officer did not raise objections to the scheme subject to conditions.

Of particular note are the requests that the development be car free given its centrally located siting and high PTAL rating. Whilst the comments are acknowledged Highways Officers are satisfied with the amount and location of the parking provided and amendments will not be requested in this case. Given the size and siting of the development, Officers further consider that the cycle parking is sited in accessible locations, both being integrally located within Block C and along the rear boundary of the site and further amendments to improve this are not required.

It is noted that contributions were sought from TfL at a late date for an urban realm improvement scheme opposite Bromley North Train Station, this includes the construction of a cycle crossing point and footway improvements on both sides of the A21. It has since been confirmed that this is no longer required.

There are no highways objections to the scheme subject to the imposition of appropriate conditions should permission be forthcoming.

Trees and Ecology

Landscaping is an integral part of development and is fundamental to ensuring that the development responds appropriately to the character of the site and surrounding area and provide a high standard of amenity for future occupiers. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which, in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy NE9 seeks the retention of existing hedgerows and replacement planting; where appropriate, recognising the important role they can play in softening and screening new development.

This application was accompanied by an arboricultural report and ecological appraisal which make a number of recommendations in respect of tree protection measures and protected species.

It is proposed that nine small category B trees on the Tweedy Road elevation are to be removed to allow the design layout to largely avoid or mitigate impact on the RPA and crown spread of trees in the Conservation Area to the south of the site.

10 Category C trees are to be removed to allow for the proposed design layout and 14 category U trees are to be removed predominantly along the rear elevation of the site with Sheppard's College. There will be an impingement on the RPA of 3No. trees by the proposed positioning of new hard surfaces. Amended plans were submitted following objections from the Tree Officer to remove the access road to the rear of Block C to prevent any undue pruning and removal pressures on the neighbouring trees.

Comments have been received from the Tree Officer who states that the changes to the hard landscaping now enable sufficient precautions to be implemented along the southern boundary of the application site. The relationship with protected trees is now reasonable and will not present a threat. The proposed facilitation pruning by 2m is tolerable by the trees situated within neighbouring land to the south. This level of works is therefore not opposed. It would be important that the reductions are carried out on all aspects of the canopy in the interests of balance. An Arboricultural Method Statement (AMS) is considered necessary for a development of this nature and has been submitted as part of the application. Tree protection measures have already been indicated and are acceptable in outline. No objections are raised subject to appropriate conditions.

A submitted ecological report concludes that considering the distances involved and the small-scale nature of the development, it is considered that the proposals will not directly affect any designated sites or off-site habitats. The woodland on site is considered to be of some ecological value at a local level and is also designated as priority deciduous. The replacement hardstanding and shrub is considered to be of little ecological value. No trees on site have been identified as having medium or high suitability for roosting bats. A small number of mature trees with dense ivy were identified, should these require removal a sensitive soft-felling approach is recommended. It is considered a low number of common species of bats may forage and commute across the site. No further bat activity surveys are recommended. Mammal holes were identified on site and earthworks to be carried out in proximity to these areas should be done so in a sensitive manner. Stag beetles are known to be present in the surrounding area, deadwood on site should be checked prior to sensitive removal; it is recommended tany deadwood be kept on-site in retained areas and added to log piles post development. Removal of vegetation should occur outside of the bird nesting season. Conditions to the effect of these recommendations will be included should the application be recommended for approval.

Energy

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, and your attention is drawn to Chapter 5 of the London Plan (2015) and the Supplementary Planning Guidance entitled Sustainable Design and Construction (the latter document provides an example of a report format for an Energy Statement that the Council has found relevant and comprehensive). See also policy BE1(vi) of the UDP, regarding sustainable design and construction and renewable energy.

As outlined in the Housing SPG, from 1 October 2016 the Mayor has applied a zero carbon standard to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).

Following the submission of a revised energy statement, it is welcomed that the 'Be lean, Be Green, Be Clean' hierarchy is followed. It is noted that the 0.4% emissions reduction is relatively low, however other recently proposed developments with a similar make-up (ie new build flats), are only expected to achieve between 0.64 and 5.4% reductions. In general, the Applicant appears to be achieving most of their onsite emissions savings from renewables. The Tweedy Road development aims to reduce regulated emissions by nearly 36% through solar pv electricity generation. The electricity produced will be used to contribute to the power needed for Landlord's lighting. Any surplus not consumed on site will be sold to the national grid.

The remaining offset to achieve 'zero carbon' cannot feasibly be met on site; a payment in lieu for carbon offsetting will apply and can be secured via the section 106 of £34, 524.

Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMA) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

During the construction works, a range of best practise mitigation measures will be implemented to reduce dust emissions and the overall effect will be 'not significant'; appropriate measures have been set out to be included in the Dust Management Plan for the works. Mitigation measures in the form of mechanical ventilation will be needed at some of the proposed residential units. The proposed development has been shown not to meet the London Plan's requirement that new developments are at least 'air quality neutral' in terms of road emissions and an updated comment from the Environmental Health Officer as to the acceptability of this will be reported verbally at committee. The proposed development will incorporate electrical charge points which will have towards delivering an air quality neutral scheme.

Drainage

Policy 5.13 of the London Plan states 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. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The Applicant submitted a Flood Risk Assessment with the application which was followed by an addendum submitted in May 2018. Within this it was noted that the site falls within Flood Zone 1 and that final discharge from the development site will be to the existing surface water sewer situated in London Road. Discharge will be controlled by pump limiting discharge to a maximum of 4.5l/s with the balance in volume attenuated. No objections were raised from the Council's Drainage Officer with regard to the original report, and updated comments will be reported verbally to committee once received.

Town Centre Contribution

Most forms of development in the town centre will place the public realm under increased strain and will therefore be required to minimise, eliminate or mitigate against the negative impacts of the development. Such mitigation may be required to cover aspects such as quality and durability, accessibility and connectivity, community safety and other matters integral to improving the quality for users of these areas. It is entirely appropriate that planning obligations for public realm improvements are sought from developments within Bromley Town Centre and that those specific developments address the impacts of introducing visitors and residents into the town centre

In accordance with Policy BTC31 of the Bromley Town Centre Area Action Plan(Adopted October 2010) all development coming forward in the town centre will be required to make a significant contribution towards the necessary, planned improvements for the town centre which includes planned improvements to the public transport infrastructure which will be impacted by these new developments. It is considered that a high quality enhancement of the transport infrastructure and the associated public realm would provide benefit to your client's development and its future residents and it is crucial that a projects achieve the necessary quality threshold required for the town centre. There is no standard formula for the calculation of this contribution and the amount is decided on a case by case basis having regard to various factors including the use, scale and impact of the development and how this may be mitigated by contributions to current or proposed Town Centre Improvement projects.

In this case, it is necessary that the Applicant provides a town centre contribution to cover works to the west of the site to create a 'pocket park', which will include planting, benches, turfing, retaining existing trees etc. This project is directly relatable to the site. The applicant will therefore be required to pay a contribution of £19,500 towards the 'pocket park'. This contribution is considered necessary to make the development acceptable in planning terms, notwithstanding any other Section 106 contributions sought in terms of health, education, and play spaces.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

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

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

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

The applicant has agreed, in principle, to pay contributions for health (£27,325.00), education (£86,300.24), town centre contribution (£19,500) and carbon-off setting (£34,524).

The scheme would also be subject to Mayoral CIL.

Summary

The assessment above considers the qualitative as well as the quantitative merits of the design of the proposal in the context of surrounding development and in relation to adjacent residential properties.

It is considered that the site is an appropriate, identified site, suitable for the density of residential development proposed within this application. Through the submission of a transport statement the amount of development proposed is not considered to unduly impact highway safety given the provision of sufficient off-street parking.

Matters concerning the impact on neighbouring amenity have been taken into account and it is considered that as a result of the separation distances between the neighbouring dwellings and the proposed development, no adverse impacts

upon neighbouring properties will occur. The siting of the dwellings are considered appropriate in that they are set at a distance which mitigates any potential overlooking or loss of privacy. The scheme is considered of a logical layout, providing an open green space to the south of the development as well as landscaping throughout the site including throughout the parking area, softening the impact of the built form. The massing and siting of the flats is well reasoned, and appropriate within the wider residential and townscape context of the area.

It is not considered that given the changes to the scheme from that which was previously considered by the Inspector, namely the reduction in scale of the development, the increased separation between the blocks and the increased separation between the development and the rear boundary, that the development would unduly impact upon the setting and character of the Listed Building and Conservation Area. It is the Officer's opinion that the development retains adequate views into and out of the Conservation Area and that the views of the Sheppard's College gable end are satisfactorily retained when viewed from Tweedy Road. Officers consider that no harm would be caused to the setting of the Listed Buildings or the Conservation Area subject to conditions and that the development also satisfies the statutory duties under Sect 66 of the Act and under paragraph 132 of the NPPF.

Trees, ecology and protected species have also been considered and, subject to suitable conditions, the proposal is unlikely to have any significantly adverse impacts in this respect.

On balance the impact of the development is considered acceptable and it will contribute to the Borough's housing supply in a sustainable location.

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.

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 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

- 3** The development hereby permitted shall be carried out otherwise than in complete accordance with the following plans unless previously agreed in writing by the Local Planning Authority:

Tree Report (U699AIA R1), Tree Removal Plan (U699TRP R1), Tree Protection Plan (U699TPP R1), Tree Constraints Plan (U699TCP R1), Indicative Landscaping Plan (4668-LLB-ZZ-XX-DR-0002 REV P02)

004 Rev P8, 003 Rev P8, 002 Rev P9, 010 REV P1, 008 REV P6, 007 REV P7, 006 REV P7, 005 REV P7, 001 REV P8, 009 REV P1, 688-SL01

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.

- 4** The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted above ground level, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

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

- 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** The development hereby permitted shall be carried out in complete accordance with the survey, mitigation and biodiversity enhancement recommendations outlined in the Ecological Appraisal document accompanying the application. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

- 7** 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 above ground 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.

- 8** Details of the appearance of the means of enclosure for the storage of refuse shall be submitted to the Local Planning Authority and agreed in writing prior to the above ground works commencing.

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.

- 9** Details of a scheme of lighting for the whole site including the car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter

In order to comply with Policy BE1 and T3 of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 10** Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority prior to the start of above ground works. 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.

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

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

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

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

- 13** Prior to the commencement of development, a Vibration Impact Assessment (which shall consider the impact of the development on

Shppard's College and mitigation measures where necessary) shall be submitted to and approved in writing by the Local Planning Authority.

In order to ensure appropriate protection for the adjacent Statutory Listed Building in accordance with Policy BE8 of the Unitary Development Plan

- 14 The development shall be implemented in accordance with the Arboricultural Report (U699AIA) and revised tree protection plan (U699TPP R1) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 15 Details of tree surgery to the trees situated within G20 as referenced on plan U699TPP R1 shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is first occupied, and the surgery shall be carried out in accordance with the approved details. Balanced reduction works are a requirement within this group of trees.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.

- 16 Prior to first occupation of the development hereby approved details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year

maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality, in order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 17 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.**

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In order to protect assets of archaeological value in accordance with Policy BE16 of the Unitary Development Plan

- 18 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.

- 19 Before any part of the development hereby permitted is first occupied that part of a sight line of which can be accommodated within the site shall be provided in both directions at 43m x 2.4m x 43m and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1min height in advance of this sight line, which shall be permanently retained as such.**

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 20 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 the details submitted and hereby 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.

- 21 The car parking area hereby permitted shall be used only by residents and visitors of the premises at the application site and this shall not be at a charged rate.**

Reason: Development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety and would not comply with Policy T3 and Appendix II of the Unitary Development Plan.

- 22 Prior to the commencement of the development hereby permitted a Construction Management Plan in consultation with the Ministry of Justice 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.

- 23 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 satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 24 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan.

- 25 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 Planning Authority.

The following approved plans shall be complied with:

- "Flood Risk Assessment & Drainage Strategy Report" with Ref No. 2126 FRA1 Dated 18 May 2018.
- Schematic Drainage Layout DRW No. 2126-500 Rev B dated October 2017.
- Calculations Sheet with Job No. 2126 Dated October 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.

- 26 Before the use commences evidence shall be provided to the LPA that the building has been constructed, and noise mitigation measures installed (including acoustic glazing and an air-handling system) in accordance with the with the criteria specified in the Aulos Acoustics Report ref P1613 R2701-588. The equipment shall be permanently maintained thereafter.

Reason: In order to provide a satisfactory standard of living accommodation in compliance with Policy BE1 of the Unitary Development Plan.

- 27 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.

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.

28 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to controlled waters.

You are further informed that :

- 1 The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work - Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use**

- 2 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.**

- 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 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

- 5 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.**