

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

Application No : 18/01247/FULL1

Ward:
Farnborough And Crofton

Address : 348 Crofton Road, Orpington BR6 8NN

OS Grid Ref: E: 543161 N: 165182

Applicant : .

Objections : YES

Description of Development:

First floor rear extension over existing retail showroom/warehouse to provide 1 two bedroom and 2 one bedroom flats with balconies

Key designations:

Smoke Control SCA 11

Proposal

It is proposed to add a first floor rear extension over this retail showroom/warehouse by raising the roof by 1.35m and providing a mezzanine floor within the building in order to provide 2 one bedroom and 1 two bedroom flats. Access to the flats would be from the frontage building which currently provides access to the upper flat over the shop. Balconies for the new flats would project from the western side of the extension over the parking spaces, and would be screened by 1.8m high privacy screens.

The site currently has 7 car parking spaces for the existing retail unit, the flat above and the warehouse to the rear. It is proposed to allocate 3 of these spaces for the 3 new flats.

The application was supported by the following documents:

- Design and Access Statement
- Transport Technical Note

Location and Key Constraints

This detached building is located on the north-western side of Crofton Road within the local shopping centre of Locksbottom, and currently comprises a Class A1 retail unit at ground floor level (a wine merchants), with a self-contained two bedroom flat above.

The site backs onto a rear access road which services the shops and flats above, and the site currently contains 7 car parking spaces adjacent to the rear warehouse building. The access road lies adjacent to Farnborough Park Conservation Area, and dwellings within Meadow Way back onto it.

Comments from Local Residents and Groups

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

Objections

- Overlooking of dwellings to the rear and their rear gardens
- Noise and light pollution
- Overdevelopment of the site

- Balconies are large and would be intrusive to neighbouring properties
- The permitted scheme at No.356 Crofton Road is not comparable as it is a much smaller extension and proposes only one flat
- Two of the existing parking spaces are already allocated to the existing flat and the proposed flat that was recently permitted in the roofspace
- Would set an undesirable precedent
- Exacerbation of access and parking issues
- Possible loss of poplar tree in service road, leading to further loss of privacy to adjacent residential properties.

The application was called into committee by a Ward Councillor.

Comments from Consultees

Highways: The Public Transport Accessibility Level (PTAL) rating is 3, which is moderate. The existing on-street car parking occupancy levels (parking stress) surrounding the site have been assessed by means of manual parking surveys in accordance with the 'Lambeth Council Survey Guidance Note, 2009' by the applicant. This is in accordance with the guidance; overnight on-street parking observations were undertaken on Thursday 16th November 02:50 hours and Friday 17th November at 01:20 hours. The Saturday survey was undertaken on 18th November at 16:20 hours. Both the overnight Thursday and Friday parking surveys indicate that the 200m area does not suffer adverse parking stress. However, the Saturday afternoon survey shows increased demand for on-street parking.

The existing 7 parking spaces are retained. As per the Transport Assessment, the site presently accommodates a commercial unit with an existing flat above and a warehouse to the rear. The proposed application is for three additional flats (one 2 bedroom and two 1 bedroom) above the existing warehouse. Each flat will benefit from one allocated parking space. This is satisfactory, subject to a plan identifying the spaces to be allocated to the flats (can be conditioned).

Policy Context

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

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

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

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

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was 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

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development
BE13 Development Adjacent to a Conservation Area
H7 Housing Density & Design
T3 Parking

Emerging Local Plan

Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 37 - General Design of Development
Draft Policy 42 - Development Adjacent to a Conservation Area

Supplementary Planning Guidance

Housing Supplementary Planning Guidance (2016)

The National Planning Policy Framework (NPPF)

Planning History

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

Permission was granted in 1995 (ref.94/02891) for a replacement rear extension to what was then a motorists centre.

Permission was granted in 2004 (ref.04/02328) for the change of use from car repairs and servicing to restaurant use, but this does not appear to have been implemented.

Permission was granted in 2005 (ref.05/03083) for the change of use of the ground floor to a Class A1 retail shop.

Permission was granted in February 2018 (ref.17/05859) for side and rear dormers, and the conversion of the roofspace to form a self-contained one bedroom flat.

Considerations

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

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

Principle

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. 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 document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

A number of properties along this shopping parade have extended to the rear at two storey level, including the adjacent extension to No.346 which was granted permission in 1990, and is used for offices. A recent extension to the rear of No.356 for commercial space on the ground floor and a two bedroom flat was granted permission under ref.17/01926.

The provision of residential accommodation at first floor level to the rear of the frontage shops within this shopping centre location is considered acceptable in principle, subject to an adequate standard of accommodation being provided, along with adequate parking. The amenities of adjoining residents should also be protected.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 80 dwellings per hectare (including the existing first floor flat) with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 3 PTAL location. If the additional permitted flat is provided in the roofspace of the frontage building, the density would be 100 dwellings per hectare. The proposals would therefore result in an intensity of use of the site that would be within (or very marginally over) the thresholds in the London Plan. However, the proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

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

The existing ground floor extension to the rear of No.348 would be increased in height by only 1.35m in order to provide the first floor flats, and the additional visual impact would therefore be minimal. The extension would be largely hidden behind the main frontage

building, with only a small part visible to the north-eastern side of the building. The proposals are not therefore considered to appear unduly cramped within the street scene.

The extension would be visible to a number of residential properties that back onto the site from Meadow Way and which lie within Farnborough Park Conservation Area, and from the rear of the flats above the nearby shops. However, given its modest height and simple form of design, it is not considered to appear incongruous nor out of character with the surrounding pattern of development. Furthermore, it is not considered to detract from the character and appearance of the adjacent Conservation Area.

Standard of residential accommodation

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

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

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

The proposals are for a two bedroom 4 person flat, for which The London Plan suggests that the minimum size should be 70sq.m., and 2 one bedroom 2 person flats for which The London Plan suggests that the minimum size should be 50sq.m. The two bedroom flat would provide 71sq.m. floorspace, and the one bedroom flats would provide 54sq.m. floorspace, thereby achieving the required standards.

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

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

No objections are raised to the proposals from a highways point of view, subject to the submission of a site layout plan which identifies the 3 spaces to be allocated to the 3 new flats.

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.

A number of residential properties in Meadow Way which back onto the site have raised concerns about overlooking of their properties, and the visual impact of the development from their rear gardens, one of which has a children's play area at the far end of their garden adjacent to the service road. The proposed flats would be located some 45-50m from these dwellings, and 6m away from the rear boundaries of their gardens, beyond the service road. Three high-level windows are proposed in the rear elevation of the extension which serve the living-room and a bedroom within the furthest flat. Due to their high level, they would not cause overlooking of the Meadow Way properties, and the balconies would be screened with a 1.8m high opaque privacy screen. There is also some tree screening along the boundaries and the service road, which would further reduce the impact on these properties.

The proposals are not therefore considered to unduly affect privacy to or outlook from the properties to the rear in Meadow Way. Similar rear extensions to properties in Crofton Road have been permitted which would have a similar relationship with houses in Meadow Way.

With regard to the impact on flats above the shops in Crofton Road, the proposed flats would have south-west facing patio doors and balconies, but they would be surrounded by 1.8m high opaque privacy screens, and the amenities of adjoining residents would not therefore be unduly affected.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

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

Conclusion

The proposals are not considered to have a detrimental impact on the character and appearance of the surrounding area nor detract from the adjacent Conservation Area. The proposals would not have a significant detrimental impact on the amenities of nearby residential properties, and adequate parking would be provided.

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

as amended by documents received on 14.06.2018

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 Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

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

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

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

- 6 Details of a scheme to light the access drive and 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.**

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

- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 8 The details of the privacy screening for the balconies shown on Drawing Nos.PB777/101 Rev 006 and PB777/102 Rev 006 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 amenities of the adjacent properties.

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

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

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community**

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