

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

**Application No :** 18/02092/OUT

**Ward:**  
**Hayes And Coney Hall**

**Address :** 143 Hayes Lane Hayes Bromley BR2  
9EJ

**OS Grid Ref:** E: 540517 N: 167199

**Applicant :** Mr Richard Rushton

**Objections :** YES

### **Description of Development:**

Demolition of the existing dwelling and the erection of a two storey block containing 8 two bedroom and 1 three bedroom flats with additional accommodation in the roof space, associated access, 8 parking spaces, refuse and cycle storage. (Outline application for access, appearance, landscaping, layout and scale).

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 51

### **Background**

Members will note that another application under reference 18/02096/OUT is also presented in 'Outline' for consideration on this agenda for demolition of the existing dwelling and the erection of a two storey block containing 8 two bedroom flats with additional accommodation in the roof space, associated access, 8 parking spaces, refuse and cycle storage.

### **Proposal**

Planning permission is sought in outline for the demolition of the existing dwelling and the erection of a two storey block containing 8 two bedroom and 1 three bedroom flats with additional accommodation in the roof space, associated access, 8 parking spaces, refuse and cycle storage.

The application has been submitted in 'outline' only with consideration of access, appearance, landscaping, layout and scale.

Notwithstanding that the application has been made in outline, elevations, floor plans and indicative landscape and parking areas have been shown to give a clear indication of the siting, mass, scale, appearance of the building, parking, amenity space and internal layout.

The proposed building would face to Hayes Lane with a central front entrance and two gabled front bay elevation projections of differing designs. The building

footprint would be sited approximately 3.2m back from the position of the existing front building line and would have a width of 14m and depth of 17.3m at its maximum extents. The building is 2 storeys with second floor accommodation in the roofspace.

To the rear the building would project further back than the existing footprint by between 2m and 5.5m

The upper level flank elevations will have a depth of approximately 15m. The building has an eaves height of approximately 6.2m and maximum ridge height of approximately 8.5m. A distance of approximately 3.2m side space at the narrowest point would be retained to the north flank boundary of the site with No 141 Hayes Lane and 4.2m to the south flank boundary with No145.

Integrated internal terraces are proposed to the rear elevation at first and second floor level for the upper level flats. A main communal landscaped garden is provided to the rear curtilage. A parking area for nine spaces is indicated to the front curtilage accessed from a slightly revised central crossover with an increased width of 4.8m. A bin storage area will be located to the front of the site in an enclosure to the back of the parking area. A bike storage area is indicated adjacent to the south flank rear curtilage with No 145.

Materials are not detailed and are a reserved matter. However the plans appear to indicate a mixture of render, brick and tiled elevations in a mock Tudor style.

In terms of landscaping, plans appear to indicate the external curtilage will be soft landscaped with some areas of hedge planting to the peripheral areas.

The application was supported by the following documents:

- Planning, Design and Access Statement
- Part M4(2) Statement

### **Location and Key Constraints**

The application site currently comprises a single storey bungalow style detached dwellinghouse located on the east side of Hayes Lane. The property lies within a large plot and the neighbouring properties are all large detached dwellinghouses. The property lies to the west of the boundary of the Green Belt which adjoins its rear boundary.

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

Nearby owners/occupiers were notified of the application and representations were received. Many objections have repeated very similar concerns for this application and application 18/02096/OUT also on this agenda. The basis of these objections are summarised below for both applications as follows:

#### Objections

- Mass of building too big for plot.

- Parking is insufficient for the property. Will cause increased on street congestion.
- High density living is inappropriate for Hayes Village.
- Will spoil landscape and change the nature of Hayes forever.
- A "block of flats" in this road is not in keeping with the other residential buildings
- Set a precedent for others to purchase properties in this road and redevelop the sites as investment opportunities. Hayes Lane becoming like Albemarle Road.
- Materials are not acceptable for the area.
- Concerns regarding intensification of the use and the impacts on highway safety.
- Proposed location which is on a bend will cause a road traffic accident.
- Increased noise and pollution from occupants.
- Concerns regarding sewage infrastructure.
- No affordable homes provided.
- Comments regarding developers approach to developing such sites.
- Local schools and services overstretched. This will add to it.
- Loss of trees on the existing site and a detrimental impact on house prices.
- Not be in keeping with the single family dwellings in the rest of Hayes Lane.
- Surrounding houses will be overlooked resulting in a loss of privacy.
- Overcrowding will spoil this neighbourhood
- Change the character of the village from semi-detached and detached housing to blocks of flats detrimental to the area.
- Development is inappropriate and totally out of character with surrounding dwellings.
- Concerns regarding drainage.
- Concerns regarding the impact of the construction process.
- Surrounding area is green belt land and therefore should be kept in line with the houses already built in the area.
- Concerns regarding air pollution and impact on wildlife and biodiversity.
- Concerns regarding loss of trees.
- Front curtilage car parking area will be a visual eyesore.
- Will result in a large reduction in biodiversity
- Negative impacts to local infrastructure and amenities - school, hospitals, doctors.
- Profiteering by developer with no regard for the impact it will have on Hayes Lane.
- Multiple errors in supporting statement in reference to policies. Inaccurate claims made without any justification.

### **Ward Members Representations**

These comments apply to both applications at 143 Hayes Lane:

18/02096/OUT (8 x 2 bed flats)

18/02092/OUT (8 x 2 bed, 1 x 3 bed flats)

We object to the applications.

### *Out of Character*

The character of the road is a mixture of detached and semi-detached properties and open farmland. A block of flats would be completely out of character and represent an unacceptably large increase in density, notwithstanding the inspector's decision of the neighbouring site at 145 Hayes Lane. The general bulk of the proposals also represents a proportionately larger increase, compared to the existing dwelling, than was approved at 145.

While we are not opposed in principle to the redevelopment of this site, we feel that anything more than a semi-detached property would be out of character and represent excessive bulk and density. (We note that the same developer was granted permission for a pair of semi-detached properties, replacing a single dwelling in a road of similar character, at 16/03773/OUT 204 Pickhurst Lane, West Wickham.)

### *Bulk and Depth*

The proposal is too bulky. It represents an increase on the site from a one to a three storey building and its bulk is in excess of other building in the road. It is also extends too far rearwards for a three storey development. Whilst the actual depth is similar to the existing property, the latter is a bungalow, thus the proposals would have a significant effect on the amenity of the property at 141 Hayes Lane, particularly given that the proposal site lies to the south of this neighbour.

### *Rear Elevation*

With regard to the rear elevation, the proposed balconies are not appropriate for this building. The recently approved application at 145 Hayes Lane does not feature these, indeed only roof lights are included in the latter. Full balconies at the second storey (given that the existing property is a bungalow), and particularly at the third storey, are inappropriate and could impinge on the privacy of neighbouring gardens.

### *Highways*

The cumulative effect of this development, combined with the recent decision at 145, will put increasing pressure on an already over-parked and busy road which we are receiving an increasing number of complaints about in terms of congestion, access to properties and problems encountered by buses. With a parking ratio of 0.5 or less, the proposals will inevitably result in further parking on Hayes Lane which can only exacerbate these issues.

### *The Appeal at 145 Hayes Lane*

We note the inspector's decision at 145 Hayes Lane under ref. APP/G5180/W/17/3183873. However, that highly incongruous decision does not set a precedent. Furthermore, we argue that the decision was an aberration and

that the inspector clearly erred in failing to take sufficient account of the road's and area's character. Therefore we suggest that the extent to which this is a material consideration in assessing this application should be regarded as small.

### *Conclusion*

We therefore ask for refusal on grounds that, inter alia, the proposed scale, massing and design represents an overbearing, visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout and be out of character with surrounding development and be harmful to the residential amenities of neighbouring property and visual amenities of the area.

### **Comments from Consultees**

Environmental Health Pollution Officer:

No comments received.

Drainage Engineer:

Use of permeable paving in the car park area and Aco drain at the crossover to prevent water running onto the highway. SUDS to be used to store surface water run-off generated by the site. Further details to be sought by planning condition.

Highways:

The development is within a low PTAL rate of 1b on a scale of 0 - 6b, where 6b is the most accessible. There are no waiting restrictions immediately outside the property. The site would be accessed utilising the existing access arrangement leading to the car parking. The access looks narrow and should be widened to 4.8m to allow two way working.

Eight car parking spaces are indicated which is 1 parking space short, so this layout is not acceptable and also the applicant has not submitted a swept path analysis.

Eighteen cycle parking spaces are required. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 2 cycle spaces to be provided per unit. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.

Collection of waste can be a problem as refuse storage is blocked by parking bays. Refuse storage looks small for 9 flats. The applicant should be made aware that bin storage should not be located further than 18m from the highway boundary. The applicant has not demonstrated that there are sight lines of 43m x 2.4m x 43m and pedestrian visibility of 3.3 x 2.4 x 3.3m and that there is no obstruction to visibility in access of 1m in height.

There will be intensification of use of the existing access so a Road Safety Audit is required to identify potential road safety issues or problems that may affect all users of the highway and to recommend measures to eliminate or mitigate these problems. The road safety auditor should also request for a member of LBB traffic team to be present on site at the time of audit.

No highway drainage details have been submitted. An access without sufficient drainage could increase the risk of surface water from a site running into the highway causing dangers for road users. Water draining onto roads can in itself be a safety hazard in the winter months it can be even more serious if it freezes. I would like to see details of permeable drive, ACO channel and soakaway. Also there is a steep slope and cars could skid onto the road in freezing condition.

Planning Officer - Highway accident data summary:

Accident data has also been supplied by the Highways Officer that indicates 13 accidents for 60 months up to 31 August 2017, the latest data from the Police along Hayes Lane. The map supplied indicates 10 of these reported accidents at the roundabout junction of Hayes Lane and Mead Way (350m north from the site) and 3 at the locality of the junction of Hayes Lane with Club Gardens Road (350m south from the site).

Further commentary regarding this data is made in the Highways assessment below.

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 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 Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.16 Green Belt
- 8.3 Community Infrastructure Levy

## Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- G6 Land Adjoining Green Belt or Metropolitan Land
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

## Emerging Local Plan

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

## Supplementary Planning Guidance

- Housing: Supplementary Planning Guidance. (March 2016)
- Technical housing standards - Nationally Described Space Standard (March 2015)
- SPG1 General Design Principles

## SPG2 Residential Design Guidance

### **Planning History**

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

94/00424/FUL: Single storey side and two storey rear extensions and pergola.  
Approved 27.04.1994

94/02245/FUL: Single storey side and two storey rear extensions and pergola.  
Approved 02.11.1994

95/00669/FUL: Single storey side and two storey rear extensions and pergola.  
Approved 03.05.1995

### **Other relevant planning history - No 145 Hayes Lane**

17/00835/OUT: Demolition of existing 2 story dwellinghouse and construction of a 3 storey residential block comprising 8 two bedroom flats with associated access, 8 parking spaces, refuse store and cycle storage. (Outline Application with some matters reserved). Refused 12.04.2017

17/02803/OUT: Demolition of existing 2 story dwellinghouse and construction of a 2 storey residential block with additional roof space/basement accommodation comprising 6 two bedroom and 2 one bedroom flats with associated access, 8 parking spaces, refuse store and cycle storage. (Outline Application with some matters reserved). Refused 11.8.2017.

The application was subsequently allowed at Appeal on 08.03.2018. The Planning Inspector concluding in relation to the impact of the development on the character and appearance of the area that:

"Overall, in an area with a mixed streetscene where relatively substantial buildings are far from uncommon, the proposal would appear as sitting comfortably in its context and be of an appropriate scale. The proposal would not harm the character and appearance of the area."

### **Considerations**

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

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

## Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

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

Residential dwellings surround the site on all sides. The site is currently developed for a single unit of occupancy for residential use. In this location the Council will however, consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Therefore the provision of a form of a residential building with an appropriate increase in unit numbers on the land as opposed to a single dwelling appears acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

It is noted that a substantial number of objections have pointed to the appropriateness of flatted development on Hayes Lane as opposed to the current general character of detached and semi-detached housing.

The proposal would potentially lead to a total of nine residential units on the site, resulting in greater levels of activity through general comings and goings and vehicle movements in the immediate area and also greater use of the access to the site.

The extent of the additional activity due to the number of units proposed on the site in proximity to other forms of residential use with a lesser density of development would alter the character of the site and its immediate surroundings on Hayes Lane to some extent.

The NPPF is clear that character goes beyond the physical appearance and aesthetics of an area, but also encompasses how a development contributes towards local identity and the way it functions.

In this case, there are more single unit houses in the locality. If the density of the scheme, (see section below) is taken account of the building in the manner proposed it may be considered to run contrary to the established pattern of development in the immediate locality to an extent that would be detrimental to this character and the way the area functions. As such it appears that the quantum of development for nine units on site would just tip the balance and warrant the refusal of planning permission in terms of how the area functions in terms of the intensity of the movement of people and vehicles as well as the identity of the immediate locality and sense of place.

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-65 dwellings per hectare. The proposed resultant development incorporating the existing flats would have a density of 70 dwellings per hectare.

The proposed development would sit above these ranges and maybe considered over development. A numerical calculation of density is only one aspect in assessing the acceptability of a residential development. 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. Subject to more detailed consideration of the design and layout of the scheme and the quality of residential accommodation proposed, the proposed residential density is numerically unacceptable only.

## 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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract

from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

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

Although the application has been submitted in outline, sufficient information has been provided to assess the scheme as a whole in terms of intended design, appearance and landscaping of the building.

The site is in a setting positioned with similar sized, scale and form of detached and semi-detached houses of the interwar period creating a consistency in the design character and scale of properties in the locality with a common building line generally within the road. Generous spatial separation between boundaries also allows prominent views between properties. This form of urban grain results in a development pattern that is cohesive in context to the eastern side of Hayes Lane and contributes to the character and appearance of the area that it is considered desirable to maintain within the locality.

The buildings height, footprint, scale and layout have been detailed above. The existing building on site comprises a single storey detached bungalow that has a wide footprint facing the streetscene currently. This creates the impression of a good sized but low rise detached house in the current plan form as viewed from the streetscene.

The proposed block is approximately located on this existing footprint area albeit set further back on plot by 3.2m and with large footprint additions to the rear resulting in a two storey block with additional second floor roofscape accommodation as indicated in the outline elevations submitted. The ground floor of the building is indicated to be set at the same datum level as the existing building.

The plans indicate a recently approved scheme for a block of 8 flats at No145 Hayes Lane which is shown on the elevation plans submitted. Building works have not commenced on this scheme and as such neutral weight can be given in this regard. However, the approved scheme in outline indicates a building that is sunk lower in to the ground level and comprises a lower eaves height than that now proposed.

The replacement building being considered on the application site at No143, is deeper at 17.3m with similar depth upper levels. The eaves are higher with an area of solid elevation on the front elevation substantially above the first floor windows. Thus it is considered to create a bulky upper level, roofscape and dominant flank

elevations at considerable depth that would be overbearing to neighbouring properties despite the spatial separations indicated.

As such the building in being more rectangular in design with a large rear projecting footprint and of greater, mass and scale would appear as an overly dominant addition to this prominent site that fails to have sufficient regard to the scale, form and appearance of adjacent property and the building it replaces.

Notwithstanding the scale and bulk of the building the width of the building would afford suitable gaps with the adjacent property boundaries. In this regard it is considered that the spatial separation would maintain the spatial characteristics of the area when viewed from the streetscene.

The proposed building is not considered detrimental to the visual amenity, character or nature conservation value of the adjacent designated Green Belt to the east and rear of the site area due to the good distance between the building and the rear boundary of the site.

#### Standard of residential accommodation

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

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

A Part M compliance review that details compliance with the relevant sections of Part M has been received. This will also be requested as a part of a future Reserved Matters application in respect of layout.

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

The floor space size of each of the flats in the building ranges between 61m<sup>2</sup> and 63m<sup>2</sup> respectively for the two bedroom three person flats and is 74m<sup>2</sup> for the three bedroom four person flats. The nationally described space standard requires a GIA

of 61m<sup>2</sup> and 74m<sup>2</sup> over one level respectively in relation to the number of persons and bedrooms provided in each unit. On this basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

However, new homes should not only have adequately sized rooms but should also have convenient and efficient room layouts which are functional and fit for purpose. The application considers layout with the internal layout being assessed as such.

In this case the bedrooms for the three flats on the upper floors have no direct window outlook, relying on ceiling and roof slope rooflights for light ingress and limited outlook. The sloping nature of much of the internal ceilings in the bedrooms will also constrict internal movement and furniture layout. Given the need to avoid overlooking, this approach to the roof accommodation is neither unexpected nor unusual. Although outlook from the bedrooms would be limited by these proposed arrangements, this would not be so restricted as to result in unsatisfactory living conditions in respect of the bedrooms.

However, in terms of Unit 9 it is noted that the layout provides only roof lights for the living space as well as the bedrooms. This is not considered to provide a suitable quality space for this unit.

The development would therefore be contrary to Policy 3.5 of the London Plan and Policies BE1 and H7 of the Bromley UDP, insofar as these policies require new housing to be of the highest quality by providing not only adequate internal space but also an environment that would provide satisfactory living conditions for its occupiers.

Amenity space is provided communally by way of a large rear garden area and integral terrace balconies for the upper level flats. Units 2 and 3 on the ground floor have separate side and rear garden spaces respectively. The communal garden will be for use by all residents and is accessed via the flank side spaces of the building via the main pedestrian entrance. On balance, given the private spaces and the communal area available the provision of amenity space is considered acceptable at this location.

### 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 Council's Highway Officer has reviewed the current application and raised concern at the level of parking provided not including the disabled space. Concerns

have also been raised regarding the intensification of the use of the access that may affect users of the highway. No information has been submitted in this respect.

Accident data as detailed above, held by the LPA has not indicated any accidents within close proximity of the site. That said, the data only goes up to the period ending August 2017. It is also noted that representations received during the public consultation of the application have repeatedly highlighted highway safety issues at and within the vicinity of the site. Photographs have also been provided by commentators that show accidents near to the site in recent months. The evidence relating to local input from commentators has to be given some weight in the assessment of this application in terms of local knowledge. Furthermore adequate visibility needs to be provided at the site.

Given the traffic flows along this Local Distributor Road and the significant increase in the number of vehicles using the access junction to the site, the proposal is considered to harm highway safety and therefore without suitable submitted evidence to the contrary the LPA is not satisfied that the proposal does not conflict with Policy T18 of the UDP.

#### Neighbouring amenity

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

In terms of outlook, as detailed by the proposed site plan layout, the fenestration arrangement is intended to provide front and rear outlook overlooking amenity space or overlooking the street. Subject to further details to be sought as a Reserved Matters application, the outlook from windows from the proposed building is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property.

#### Sustainability

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

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

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide

emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

### Trees

Policy NE7 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

An indicative landscaping layout has been submitted as shown on the proposed ground floor plan drawing that details the areas given over to garden for external amenity for future occupiers by way of a large garden area and two private spaces that is indicated to the rear to be landscaped. Further details can be obtained by reserved matters condition had permission been otherwise forthcoming.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this type of application at Outline stage. Further details for CIL would be sought with a future application regarding 'Reserved Matters'

### **Conclusion**

Taking into account the issues discussed above the proposed replacement development by reason of the type and number of units proposed would be out of character with the pattern of surrounding development, resulting in an overintensive use of the site undermining how the area functions in terms of the movement of people and vehicles as well as the identity of the immediate locality and sense of place.

The scale, massing and design also represents an overbearing, visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout and be out of character with surrounding development and be harmful to the residential amenities of neighbouring property and visual amenities of the area.

Furthermore the development would fail to provide a satisfactory layout and standard of good quality accommodation for future occupiers by reason of its lack of reasonable outlook for internal spaces of Unit 9.

The development would also result in the intensification of the use of the vehicular access to and from the site and would be liable to prejudice the free flow of traffic and conditions of general safety along the adjacent highway.

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: APPLICATION BE REFUSED**

The reasons for refusal are:

- 1** The proposed development, by reason of the type and number of units proposed which are not identified as being of a housing priority would be out of character with the pattern of surrounding development, resulting in an overintensive use of the site undermining how the area functions in terms of the movement of people and vehicles as well as the identity of the immediate locality and sense of place contrary to Policy H7 and BE1 of the Unitary Development Plan, Draft Policies 4 and 37 of the Proposed Submission Draft Local Plan and Policy 3.8 of the London Plan.
- 2** The proposed development by reason of its scale, massing and design represents an overbearing, visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout and be out of character with surrounding development and be harmful to the residential amenities of neighbouring property and visual amenities of the area contrary to Policies BE1 and H7 of the Unitary Development Plan, Draft Policies 4 and 37 of the Proposed Submission Draft Local Plan and Policies 7.4 and 7.6 of the London Plan.
- 3** The proposed development would fail to provide a satisfactory layout and standard of good quality accommodation for future occupiers by reason of its lack of reasonable outlook for internal spaces of Unit 9 contrary to Policies BE1 and H7 in the Unitary Development Plan, Draft Policy 4 of the Proposed Submission Draft Local Plan, Policy 3.5 of the London Plan and Supplementary Planning Guidance: Housing of the London Plan Implementation Framework.
- 4** The proposed development would not provide adequate car parking on site and would result in the intensification of the use of the vehicular access to and from the site and would be liable to prejudice the free flow of traffic and conditions of general safety along the adjacent highway contrary to Policies T3 and T18 of the Unitary Development Plan, Draft Policies 30 and 32 of the Proposed Submission Draft Local Plan and Policies 6.12 and 6.13 of the London Plan.