

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/02541/FULL1

Ward:
Petts Wood And Knoll

Address : 75 Queensway Petts Wood Orpington
BR5 1DQ

OS Grid Ref: E: 544338 N: 167513

Applicant : Mr Bullock

Objections: YES

Description of Development:

Detached two storey building with accommodation in roofspace comprising 1 three bedroom, 4 two bedroom and 1 one bedroom flats with undercroft parking on land to the rear of 75 Queensway

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Primary Shopping Frontage
Smoke Control SCA 8

Proposal

It is proposed to construct a part two/three storey building comprising 6 flats (1 three bedroom, 4 two bedroom and 1 one bedroom) which would have undercroft parking for 4 vehicles at the western end accessed off the rear service road. The building would cover the entire site, and the entrance to the flats would be directly off the footway in Nightingale Road.

The proposals would require the removal of a large oak tree located towards the western end of the site which is covered by a Tree Preservation Order issued in December 2017 (TPO 2637).

The application was supported by the following documents:

- Arboricultural Impact Assessment

Location and Key Constraints

This site is located on land to the rear of No.75 Queensway which is an end-of-terrace shop with residential accommodation above that lies within Petts Wood District Shopping Centre. The site is currently a disused garden and measures 0.02 ha in area.

The site backs onto the rear service road for the parade of shops, and beyond this are residential semi-detached dwellings in Nightingale Road.

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 (including a petition)

- Overdevelopment of the site
- Unacceptable loss of protected oak tree
- Building would be forward of the general building line in Nightingale Road
- Out of character with the surrounding area
- Inadequate parking for 6 flats
- Difficulty of accessing the proposed parking spaces
- Loss of light, outlook and privacy to neighbouring residential properties
- Lack of amenity space for the proposed flats
- Inconsistencies in the submitted plans
- Detrimental to visibility at junction of access road and Nightingale Road
- Query rights of access over the rear service road
- Inadequate means of escape for proposed flats and existing flat at No.75A
- Noise and disturbance during construction works.

Local Groups (Petts Wood & District Residents' Association)

- Overdevelopment
- Flats may not meet internal space standards
- Lack of any amenity space for the flats
- Overlooking of neighbouring properties
- Loss of protected oak tree
- Lack of adequate car parking
- Building would open onto the footway which is unacceptable
- Location of bin store would cause problems with smells to neighbouring properties and passers by
- Additional residents would cause additional pressures on local services
- Lack of a Design and Access Statement.

The application has been called in to committee by a Ward Councillor.

Comments from Consultees

Drainage: No objections are raised.

Highways: The site is within a moderate (4) PTAL area. There are 6 flats proposed (1 x 3 bed, 4 x 2 bed and 1 x 1 bed), and 4 parking spaces are shown which scale at 5m x 2.1m. This is too narrow to accommodate a car. The width of the accessway behind the spaces scales at 3.3m which is well below the normally required 6m manoeuvring space. It appears that two of the spaces may be usable which is well below the requirement of 6 or 7 parking spaces using the standards in the draft Local Plan.

There would also be a requirement for 11 cycle parking spaces. The bin store appears to be in the area shown for car parking for the existing flats.

The wall of the proposed building should not abut the back of the footway, it should be set back so that the footings are not under the highway and any window sill or pipework etc would not overhang the highway.

Trees: The application includes arboricultural reports in support of the proposal. It is evident that the only supporting justification supplied is with regard to the lack of housing provision.

The protected oak tree is considered a high amenity feature and has therefore merited preservation. The proposal would negate the objectives of the TPO and conflict with Policy NE7, BE1 and H7 of the Bromley Unitary Development Plan (adopted July 2006). The application should be refused.

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:

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

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
H7 Housing Density & Design
T3 Parking
T18 Road Safety
NE7 Development and Trees

Emerging Local Plan

4 - Housing Design
30 - Parking
32 - Road Safety
37 - General Design of Development
73 - Development and Trees

Supplementary Planning Guidance

Major's Housing SPG
National Planning Policy Framework (NPPF)

Planning History

There is no relevant planning history relating to the application site.

Considerations

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

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

Principle

The site is located adjacent to mixed commercial/residential properties to the north and residential properties to the south and west, and the Council would consider residential infill development to be acceptable in principle in this location, but only where it is designed to complement the character of surrounding developments, the design and layout would provide suitable residential accommodation, no important trees would be lost, and it would provide adequate parking and amenity space.

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 300 dwellings per hectare with the table giving a suggested level of between 45-130 dwellings per hectare in suburban areas with a 4 PTAL location. The proposals would therefore result in an intensity of use of the site that would be considerably above the thresholds in the London Plan. 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.

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.

The proposals consist of a part two/three storey building that would cover the whole site, and would project 3.5m forward of the side wall of No.75 Queensway, and approximately 7m forward of the general building line in Nightingale Road. This would result in a bulky overprominent form of development within the street scene that would be out of character with the surrounding form of development.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building

Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

The minimum space standards for the proposed units are 74-95sq.m. for a three bedroom flat, 61-70sq.m. for a two bedroom flat, and 39-50sq.m. for a one bedroom flat. The submitted plans do not provide information on the total floor areas of each flat, nor the sizes of the bedrooms (ie. whether they are double or single rooms). However, scaling from the plans, the proposed 3 bedroom flat on the first floor would provide 96sq.m. floorspace, the 2 bedroom flats on the ground and first floors would provide 91sq.m. floorspace, and the 1 bedroom flat on the ground floor would provide 48sq.m. floorspace, all of which would comply with the required standards. The floor areas of the second floor 2 bedroom flats cannot be ascertained as there is insufficient information regarding head heights within the flats.

The bedrooms in the northern part of the building would have a poor outlook into a lightwell and facing other bedroom windows to neighbouring flats in close proximity.

There is no amenity space provided for any of the flats which is considered unacceptable as five of the flats would have two or three bedrooms and could be accommodated by families.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

Highways objections are raised to the proposals on grounds of insufficient parking, inadequate manoeuvring space, and possible encroachment onto highway land.

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.

The proposed building, by reason of its size, bulk and close proximity to neighbouring residential properties in Nightingale Road and the flats above the shops in Queensway, would result in significant loss of light to and outlook from these properties. Bedroom and living room windows in the upper floors of the proposed building would overlook properties to the west in Nightingale Road, whilst second floor bedroom windows would face the rear of the flat at No.75A.

The proposals are therefore considered to have a detrimental impact on residential amenity.

Sustainability

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

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

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

Trees

The proposals would result in the loss of a protected oak tree which contributes greatly to the visual amenities of the area, and the only justification given for its loss is the general need for housing in the area.

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 considered to result in a cramped overdevelopment of the site at an excessive density, and the building would appear unduly prominent within the street scene due to its size, height and projection forward of the general building line in Nightingale Road. The proposals would also result in the unacceptable loss of a protected oak tree, and would have a detrimental impact on light, privacy and outlook from nearby residential properties.

Furthermore, there would be inadequate parking provision, and an unsatisfactory standard of accommodation would be provided for future occupiers of the flats.

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 proposals would result in a cramped overdevelopment of the site at an excessive density, and would thereby be contrary to Policies H7 and BE1 of the Unitary Development Plan, Draft Policies 4 and 37 of the emerging Local Plan, and Policy 3.4 (Optimising Housing Potential) of the London Plan.**
- 2 The proposed building, by reason of its size, height, width across the whole site and projection forward of the general building line in Nightingale Road, would result in a bulky and prominent form of development within the street scene that would be out of character with the surrounding form of development, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Draft Policies 4 and 37 of the emerging Local Plan.**
- 3 The proposals would result in the unacceptable loss of a protected oak tree which makes a significant contribution to the visual amenities of the area, and would thereby be contrary to Policy NE7 of the Unitary Development Plan and Draft Policy 73 of the emerging Local Plan.**

- 4** The proposals would be lacking in adequate parking for the development, with inadequate manoeuvring space provided, and would thereby be contrary to Policies T3 and T18 of the Unitary Development Plan and Draft Policies 30 and 32 of the emerging Local Plan.
- 5** The proposed building, by reason of its size, height, close proximity to neighbouring residential properties, and projection forward of adjacent properties in Nightingale Road, would result in loss of light, outlook and privacy to adjacent residents, thereby contrary to Policy BE1 of the Unitary Development Plan and Draft Policy 37 of the emerging Local Plan.
- 6** The development would result in an unacceptable standard of accommodation for future occupiers by reason of lack of any amenity space, and lack of adequate outlook from some habitable rooms, which would be seriously detrimental to the amenities of those occupiers and contrary to Policy BE1 of the Unitary Development Plan and Draft Policy 37 of the emerging Local Plan.

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