

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

**Application No :** 18/01537/FULL1

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

**Address :** 34 West Common Road Hayes Bromley  
BR2 7BX

**Objections: Yes**

**OS Grid Ref: E: 540441 N: 166014**

**Applicant :** Mr James Cross

### **Description of Development:**

Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping.

Key designations:

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

### **Proposal**

Planning permission is sought for:

- The demolition of existing buildings;
- Construction of 28 sheltered apartments for the elderly (age restricted to 60 years and over) 14 x 1 bed and 14 x 2 bed units;
- Electric buggy/cycle store;
- Refuse bin store; and
- 28 car parking spaces.

The following information has been submitted to support the application:

- Design Statement
- Planning Statement
- Affordable Housing Statement
- Statement of community Involvement
- Financial Viability Assessment
- Heritage Statement
- Transport Statement
- Planting Maintenance Schedule
- Completed CIL Questionnaire
- Noise Impact Assessment

## **Location**

The site is located on the north-west corner of West Common Road and Ridgeway and is within a 500 metre level walk of Hayes Town centre and the railway station.

To the east of West Common Road opposite that site is Hayes School playing fields and also marks the western extent of the neighbouring Bromley, Hayes and Keston Conservation Area. The application site falls outside but adjacent to the Conservation Area.

The site is located in a predominantly suburban residential area with housing neighbouring the site to the north-east, north-west and south-west.

The site is occupied by an assortment of single storey buildings of various ages and appearance that have been converted over the years for office/storage use.

The site was previously occupied by heating and plumbing engineer company (until July 2017) who used the site for office administration, storage and retail trade counter purposes.

## **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:

- Impact on neighbouring residential amenity;
- Impact on road and pedestrian safety
- Overdevelopment of the site;
- Small residential properties would be more appropriate;
- Concern over the construction phase and the impact on the roads/parking conditions in the area and consider all construction traffic should be contained on site;
- Development is out of keeping with the area;
- Road had retained a semi-rural feel;
- Concern over the marketing of the site as it was set around £100,000 which is too high;
- Building proposed is too large;
- Not all the neighbours were consulted by agent or Bromley Council;
- Design is out of character, too prominent, overbearing and incongruous form of development;
- Use of materials out of character;
- Two storeys would be more appropriate in this location;
- Concerns over the living conditions of further occupiers given that West Common Road is very busy the occupiers would suffer from traffic noise and pollution;
- Given the orientation and solar gain together with the busy road next to the development the occupiers would be unable to open with the windows and

given the lack of shading to the windows – the only windows which do have shade are below balconies which would in itself reduce natural light, and result in hot air being trapped under balconies leading to poor living conditions for the occupiers;

- Road is narrow with a number of cars parking during the day restricting it to a single lane;
- Concern that neighbouring house values might be lowered

#### Support:

- Efforts should be made to restrict parking on the narrowest sections of the road at peak periods;
- This is exactly with the corner needs;
- Will allow for larger homes to be put on the market;
- Housing for older people will be a benefit and keep them within the borough;
- Insufficient specialised housing in the area;
- Would be in keeping with the area.

#### Comments:

Comments and questions were raised by a local resident, the agent has responded to these questions in email dated (11/06/2018). These documents are available on the Council Website.

#### Local Groups:

Hayes Village Association:

Whilst the support the application in principle, concerns area raised over the adverse effect the development may have on an already congested access/egress.

*Please note the above is a summary and full text is available on the Council's website.*

#### **Comments from Consultees**

Secure by Design: I have reviewed the submitted plans for this development and feel that it could achieve secured by design, with the assistance of the South East design out crime office I have reviewed the submitted plans for this development and feel that it could achieve secured by design, with the assistance of the South East design out crime office. I would request that should this development be granted planning permission, that a Secured by Design condition should be attached, and that my contact details be passed to the applicant for Secured by Design consultation.

Thames Water: No objections subject to appropriate conditions regarding surface water drainage and informatives regarding water pressure.

Conservation Officer: The site is just outside the western boundary of the Bromley, Hayes and Keston Commons Conservation Area. A detailed heritage assessment of the buildings has been included and the conclusion that the structures hold very little

architectural and historic interest is one I would agree with. In this respect the applicable policy is BE13 relating to development adjacent to Conservation Areas and in particular views into and out of those areas.

The proposal is generally 3 stories in height and occupies most of the existing site. In terms of views into the Conservation Area I do not see that any are negatively affected. Views out of the Conservation Area would generally be those across the playing fields but given the separation of the road and the tree screening I would conclude that there would be no negative or overbearing impact on the Conservation Area. I raise no objection to the proposal and would note that the proposed style and materials would not be at odds with the wider context. If minded to recommend permission I suggest the materials are conditioned to ensure a high quality finish.

Environmental Health Pollution Officer: No objection in principle would have no objections to permission being granted subject to conditions regarding contamination.

With regards to impact on neighbours I have looked at the Noise Impact Assessment prepared by Clarke Saunders (doc ref AS10843.181114.NIA1.1) and agree with the conclusions.

The report includes measured ambient noise levels and then considers the impact of car park activity on the nearest habitable room in neighbouring premises. It is stated in the Report that existing noise is due to road traffic in West Common Road, and does not refer to any noise originating on the site itself.

This predicted noise includes both manoeuvring noise as well as door-slam noise as these are both treated differently in the guidance.

The boundary wall provides an effective barrier and the noise from the nearest cars was not considered as there is no line-of-sight to the first floor window, instead the noise from cars on the other side of the car park have been taken as the worst-case for the door slam noise.

In the daytime, the predicted noise from vehicle movements was found to be below the existing ambient noise level and therefore the impact will be negligible. The night-time door slams (expressed as L<sub>max</sub>) are not expected to exceed guideline levels even with the windows open.

My view is that noise from the car park would not result in loss of amenity and if used as grounds for refusal would be difficult to defend in an Appeal. It would be common for an Appellant to predict or measure the noise from the existing permitted use and make comparisons with the proposed use, which the Consultant has at this stage not done.

Drainage Engineer: The submitted "Drainage Strategy" Report carried out by Arch Associates dated April 2018 to provide permeable paving, attenuation cellular tank and hydrobrake to limit surface water run-off to 5l/s are acceptable. Therefore if the application is permitted conditions regarding a surface water drainage scheme for the site based on sustainable drainage principles and SUD conditions are requested.

Highways: West Common Road is a busy thoroughfare for vehicles and there are already concerns about speed of road traffic. The site is located in an area with low PTAL rate of 2 (on a scale of 0 – 6b, where 6b is the most accessible).

Vehicular access- The existing would be modified to 4.8m wide leading to the car parking area. This is satisfactory in principle All redundant vehicular crossovers should be reinstated to footway level. The issue of sight lines has been raised in the safety audit; however I agree with Paul Basham Associates response that “An assessment of road accidents in the area (as set out in the Transport Statement) indicates no such incidents have occurred at the access point. This access has therefore been working safely in its current arrangement. In addition the proposals would result in a reduction in vehicles using this access therefore providing betterment to road safety”.

Car Parking- Twenty eight car parking spaces (inclusive of 2 disabled spaces) are indicated on the submitted plans; which is satisfactory.

Cycle parking- acceptable in principle.

Refuse storage- The refuse store is located adjacent to the site access, 6m from the highway boundary.

Please include conditions regarding Car Parking Layout, sight lines, refuse, cycle parking, Lighting, Construction Management Plan, Stopping up of the existing access and Highway Drainage with any permission:

### **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 24<sup>th</sup> 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 4<sup>th</sup> 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 (2016):

- 2.6 Outer London: vision and strategy
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.16 Protection and enhancement of social infrastructure
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

### Unitary Development Plan (2006):

- BE1 Design of New Development
- BE13 Development adjacent to a conservation area
- C1 Community Facilities
- C6 Residential proposals for people with particular accommodation requirements
- H1 Housing Supply
- H2
- H3 Affordable housing
- H4 Supported Housing
- H7 Housing Density and Design
- H9 Side Space
- IMP1 Planning Obligations
- NE7 Development and Trees
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T9 and
- T10 Public Transport
- T17 Servicing of Premises
- T18 Road Safety
- EMP5 Development Outside Business Areas

### Draft Local Plan (2016):

- 1 Housing Supply
- 2 Provision of Affordable Housing
- 4 Housing Design
- 8 Side Space
- 11 Specialist and Older People's Accommodation
- 21 Opportunities for Community Facilities
- 26 Health & Wellbeing
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 37 General Design of Development
- 42 Development Adjacent To a Conservation Area
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 83 Non-Designated Employment Land
- 99 Residential Accommodation
- 116 Sustainable Urban Drainage Systems (SUDS)
- 120 Air Quality
- 123 Sustainable Design and Construction
- 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy

Supplementary Planning Guidance

Planning Obligations SPD

Affordable Housing SPD

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

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

Housing (March 2016)

Homes for Londoners - Affordable Housing and Viability (2017)

**Planning History**

90/02153/FUL – Planning permission was granted for a detached single storey storage building (Section 63 Application) (04.10.1990).

06/00444/FULL1 – Planning permission was granted for a single storey office extension, 2m high boundary fence and 36 car parking spaces (24.05.2006).

**Considerations**

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

- Principle of Development
- Heritage Assets
- Layout, Scale, Massing and Design
- Affordable Housing
- Housing Standards
- Wheelchair and accessible housing
- Impact on trees and landscaping
- Impact on Amenities of occupants of nearby residential properties
- Highways and Transport issues including cycling
- Refuse Storage
- Drainage
- Energy and Sustainability
- Contamination
- Secure by Design
- Planning Obligations
- CIL

Principle of development

The proposal would result in the loss of the existing commercial site and re-development of the site for retirement living (Class C3).

UDP Policy EMP5 resists loss other than where both criteria i) and ii) are demonstrated. The draft policy for non-designated sites (Policy 83) is subject to

minor modifications proposed for clarification in response to a representation. The current version of the policy is as follows:

*“Proposals for change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:*

- a. whether there is a demonstrated lack of demand for the existing **permitted uses** or any potential alternative, ~~employment generating use~~ including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,*
- b. whether all opportunities for ~~re-let and sale for reuse~~ or redevelopment for employment **generating** uses have been fully explored, both in terms of existing and any alternative ~~employment generating~~ uses and layouts, including small/more flexible business units, and”*
- c. where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of floorspace for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.*

The policy moves away from financial viability and elaborates on the marketing element, including specifying a marketing length of 6 months (whereas Policy EMP5 was silent on specific period), and physical capabilities of the site. This is consistent with the London Plan and the Land for Industry and Transport SPG.

With regards to the loss of the commercial unit the Planning statement which was submitted with the application together with a supporting document from James Commercial states that the site has been marketed for a range of commercial possibilities since February 2017. The outcome of this marketing has resulted in only two external viewings of the site. The submission also includes a viability appraisal which considers the costs of redevelopment/refurbishment for alternative suitable commercial uses.

These reports conclude that the buildings on site are reaching the end of their economic life and the timber framed storage structures have a limited life span. Furthermore the buildings are fragmented in their layout which would make it difficult to find a tenant in their current condition. The report also highlights the limitations with the access to the site, given the narrow width of West Common Road. The report considers the possibility of the redevelopment of the site for employment purposes including offices and light industrial uses, and concludes that this would not be viable. It is accepted that the range of employment generating uses that might be acceptable at the site would be limited by virtue of the location of the site, including the restricted access arrangements and the sensitive northern and western site boundaries which adjoin existing residential development.

With regards to the provision of housing Policy 3.3 of the London Plan relates to increasing housing supply. There is a pressing need in London for more homes in order to promote opportunity and provide choice for all Londoners. Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and

which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.14 of the London Plan relates to existing housing and identifies the need to retain existing housing stock for all elements of the community. Paragraph 3.83 refers to the retention of existing sites providing an element of care and indicates that where shortfalls of specialist housing needs have been identified the possibility of using these sites for other providers of specialist or supported needs accommodation should be explored. Over the London plan period 2015 - 2025 older Londoners may require 3,600-4,200 new specialist units per annum (Para 3.50B). Annex A5 of the London Plan gives an annual indicative requirement benchmark figure for Bromley of 205 specialist housing units comprising a mix of private and intermediate sale to be provided.

Policy C6 relates to residential proposals for people with particular accommodation requirements – this policy would be applicable to specialist housing for older people. It requires suitably landscaped amenity space and convenient location for shops services and public transport appropriate to the mobility of residents. The site is less than 400m from Hayes Town Centre, 450m from Hayes Station and 100m from 2 bus routes to destinations including Bromley and Orpington.

Draft Local Plan Policy 11 supports the provision of specialist housing (including older persons accommodation) across all tenures.

The proposed scheme provides specialist housing for older people which clearly falls within Use Class C3 and as such the scheme is subject to affordable housing policy. The ability of the scheme to contribute towards the provision of affordable housing is considered in more detail elsewhere in this report.

Annex 5 to The London Plan sets out indicative annualised strategic benchmarks to inform local borough targets for specialist housing for older people, based on a 2014 assessment of demand set out in the Mayoral Housing SPG (2016) (Paragraph 3.7.11). The Bromley indicative annualised strategic benchmark is 205 units, however, given that this would be a significant proportion of the Borough housing target (641 units) the Mayoral Housing SPG (paragraph 3.7.13) notes that this is likely to be a reflection of the extent that overall housing need outstrips currently identified capacity, rather than a suggestion that the majority of additional housing should be specialist older person's accommodation.

What Annex 5 indicates is the tenure need being predominantly for private units, with some intermediate unit but not for social rented units. However, where exceptional circumstances are demonstrated to support PiL this should reflect the tenure split as set out in draft Local Plan Policy 2.

The supporting text for Draft Policy 11 recognises that over the last decade there has been reduced reliance on residential care homes and a shift towards enabling people to retain their independence, remaining living in the community with appropriate support or in Extra Care Housing (ECH) which provides improved opportunities for the physically frail, and reducing the demand for residential care. However, there remains a potential growth in demand for both nursing and residential care for "Elderly Mentally Infirm" (EMI) people (para.2.1.80).

In addition, policies C5, C6 and H4 of the UDP all relate to the provision of specialist facilities including those for vulnerable groups and those for people with particular accommodation requirements. In all cases, development proposals will be subject to other environmental constraint policies such as design and highways considerations, will need to be conveniently located for local shops and services, should provide suitably landscaped amenity space and should not result in significant harm to neighbouring residential amenity. The application site is conveniently located for Hayes Town Centre and the site would be capable of providing suitable landscaped amenity space. These issues are considered in detail below.

In terms of the provision of sheltered housing for older people it is acknowledged that this would be welcomed in the borough but whilst the NPPF indicates certain circumstances where 'great weight' is to be given to proposals it does not indicate that this should not outweigh other considerations such as design policies. The applicant has stated in support of the application that since 2014 there has only been 48 units of specialist sheltered housing provided in the Borough. Less than 10 units per year against a target of 205 units per year (London Plan AMR 2018) and as such there has been an under-provision of such units which should be taken into consideration.

Overall, the submission is generally consistent with the requirements under Draft Policy 83 and Policy EMP5 of the UDP and on balance given the provision of residential units and given the constraints of the site, the principle of the redevelopment of the site for housing would be considered acceptable subject to an assessment of all other matters.

### Density

London Plan Policy 3.4 states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. It is not appropriate to apply Table 3.2 mechanistically, with density ranges for particular types of location being broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.

The site is within PTAL zone 2 where there is a maximum range of 150 – 250 habitable units per hectare. The proposal scheme is for a density of 225.8hr/ha which would be compliant in this instance. However this is at the upper end of the range and as set out in the following section, this results in a form of development that would not be in keeping with the form, scale and pattern of development in the vicinity of the site.

### Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be

demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The site is located adjacent to the Bromley, Hayes and Keston Commons Conservation Area and as such Policy BE13 of the UDP and Policy 42 of the Draft Local Plan which seeks those development proposals adjacent to a Conservation Area will be expected to preserve or enhance its setting and not detract from view into or out of the area.

The site is just outside the western boundary of the Bromley, Hayes and Keston Commons Conservation Area. A detailed heritage assessment of the buildings has been included and the conclusion that the structures hold very little architectural and historic interest.

The proposal is generally 3 stories in height and occupies most of the existing site. In terms of views into the Conservation Area it is considered that the development would not have a significant impact and in terms of views out of the Conservation Area, these views would generally be those across the playing fields but given the separation of the road and the tree screening it is therefore considered that there would be no negative impact on the adjacent Conservation Area. However, it is considered that the proposal would result in harm to the character of the wider area in more general terms, as set out in the following section of the report.

#### Layout, Scale, Massing and 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 developments, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires LPA's 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, while not preventing or discouraging appropriate innovation. New developments 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.

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 130 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

UDP Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

The site is on the junction with West Common Road and Ridgeway and is highly visible from an appreciable distance from both directions. West Common Road is relatively busy with on-street parking during the day which therefore restricts the width of the road to a single lane. The area surrounding the site comprises a mix of new and older style buildings and includes both residential and non-residential

development. The residential properties to the south and west of the site comprise mainly inter-war period (1930's) two storey semi-detached and detached houses. Opposite the site to the east is Hayes School playing fields which are bounded by tall trees. To the north is a single dwelling which fronts onto West Common Road, with the Rosary Church and Priest House beyond. The general character of residential development in the vicinity of the site is larger dwellings set in plots fairly uniform depth and width, with a traditional frontage development layout with generous rear gardens.

With regard to the site itself, it is acknowledged that the commercial use is not generally in keeping with the wider residential context. However, the existing buildings are long established and are all low rise, and therefore have a limited visual impact in the wider area and on neighbouring occupiers.

Conversely, the proposed development would comprise a single building in excess of 60m in width (along the West Common Road frontage) and of significant depth and height, which would appear overly large and be at odds with the established character of the locality. The development would have the appearance of filling the entire length of the site in West Common Road, with insufficient separation to boundaries to provide an appropriate setting for a building of the scale proposed. Whilst the architectural approach adopted takes cues from the existing domestic properties in the area, including use of half-timber gables, bay windows, facing brickwork and pitched roofs, the building is of a significant scale that would dominate this prominent corner site and appear as a discordant feature in the street scene.

The height and scale of the building, with three storey elements and accommodation in the roof space, would be at odds with the established domestic character and scale of the locality. Whilst the proposed building has been set back from the front and side boundaries fronting West Common Road and Ridgeway, the separation is not adequate to offset the significant mass of the building, which would appear overly dominant and as a consequence would fundamentally alter and harm local character. Whilst attempts have been made to articulate the building with gables, recesses and varied material treatment, the building would still be perceived as being far larger and bulkier than any other building in the vicinity of the site. In addition the building would sit ahead of the building line in West Common Road established by the properties to the north at No. 32 and to the south at No. 56 and beyond.

It is considered that the proposed building would appear cramped when viewed from West Common Road and Ridgeway given the very limited separation to boundaries for such a large single building. The northern edge of the site would be dominated by hard standing required to accommodate the off-street parking proposed, with limited space retained at the rear of the building to provide communal amenity space. It is not considered that this would be sufficient to provide an appropriate landscaped setting for the development, or to offset the significant scale of the building. Consequently the degree of site coverage would be excessive; the site would be dominated by buildings and hard surfaces with little relief in the built form to enable the development to assimilate into the wider area. Having regard to the above, it is considered that the proposal would result in a cramped overdevelopment of the site, which would fail to respect or complement the established character of the locality, resulting in harm to the visual amenities of the street scene.

## Affordable Housing

Affordable housing will be sought on sites capable of providing 10 dwellings or more, a site area of 0.5ha or on sites providing over 1000 square metres of residential floorspace. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. The Mayor's Housing Supplementary Planning Guidance reflects the tenure imbalance across London, and encourages the provision of a range of housing options which reflect the diversity of tenure amongst older households.

Policy 3.12 of the London Plan requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The London Plan (2016) Annex 5 indicates a specialist housing for older people "annualised strategic benchmark" for Bromley of 140 private sale units per annum and 65 intermediate sale units. There is a zero benchmark for affordable rented units. Draft Local Plan Policy 2 Provision of Affordable Housing will ensure that intermediate models, which developers are still devising, come forward to meet the need, subject to viability.

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 of the UDP and Draft Policy 2. Draft Policy 2 which is gaining increasing weight as the Local Plan progresses, requires 35% provision (on a habitable room basis). Given the zero benchmark for affordable rented units this provision will be sought as "intermediate" provision.

Policy H3 of the adopted UDP states that payment in-lieu of affordable housing on site will only be acceptable in exceptional circumstances and where it can be demonstrated that on-site provision of affordable housing would reduce the viability of the scheme to such a degree that it would not proceed, or on site provision of affordable units would not create mixed and balanced communities. In such instances the maximum level of affordable provision must be sought.

The applicant has submitted a report on Affordable Housing and Viability which concludes that the scheme could not viably support the provision of affordable housing on site. This is on the basis that the development would generate a deficit against the benchmark land value, which the applicant has based on the value of an alternative residential development for 10 dwellings on the site. As set out in the Planning Practice Guidance, benchmark land value should be based upon the existing use value of the site, including a premium for landowners. The Homes for Londoners SPG echoes this and states that the existing use value plus premium is usually the most appropriate approach, and that an alternative will only be considered in exceptional circumstances. Furthermore, if an alternative use value approach is sought, this must fully reflect policy requirements and will generally only be accepted where there is an implementable planning permission for that use. Where there is no such permission,

the SPG advises that this approach should only be used if the alternative use would fully comply with development plan policies.

In this instance, there is no implementable planning permission for the alternative development that the developer is seeking to rely on and officers do not consider that the alternative use value approach has been justified. The applicant's 10 dwelling scheme would fall below the recommended density range set out in London Plan Policy 3.4 and contrary to the applicant's view would give rise to a liability for affordable housing, meaning that its value is overstated within the applicant's assessment.

The applicant's viability assessment has been independently reviewed by an expert consultant appointed by the Council and it has been confirmed that the scheme would generate a surplus against the benchmark land value (based on the existing use value of the site) and would therefore be able to viably support the provision of affordable housing units. Even if the Council were to accept the applicant's approach to utilise an alternative use value to establish the benchmark, the independent assessment of the viability concludes that a surplus would be generated against their proposed alternative scheme, indicating that the residual land value of the development would exceed the applicant's own benchmark.

Whilst the preference in policy terms would normally be for the provision of affordable housing on site, in this instance it is accepted that, given the nature of the residential accommodation for retirement living, a payment in lieu would be acceptable on balance. The applicant has stated that the special characteristics and nature of sheltered retirement housing is such that it is not practical or feasible to include an element of affordable housing within the proposed development. The applicant goes on to state that furthermore, by reason of the communal nature of the shared facilities within the development together with the management arrangement for providing a concierge/house manager and services covering regular maintenance of the building, access, parking and communal landscaped gardens, Registered Housing Providers are either unable or unwilling to meet these charges.

Having regard to the above, the Council is of the opinion that the development can viably make a contribution towards affordable housing. However at the time of writing, agreement has not been reached with the applicant as to the contribution and as matters stand the development would be contrary to Policies H2 and H3 of the Unitary Development Plan, Policy 2 of the Draft Local Plan and Policies 3.9, 3.11 and 3.12 of the London Plan.

### Housing Standards

London Plan policies 3.4, 3.5 and 3.8 set out housing standards relating to density, minimum unit size standards and housing choice. These policies provide the context for the Mayor's Housing SPG May 2016 which sets out the current guidance in respect of the standards required for all new residential accommodation. The Housing SPG deals with the quality of residential accommodation, setting out baseline and good practice standards for dwelling size, room layouts and size, circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 3.3 of London Plan Policy 3.5 sets out the minimum unit space standards for new development. Annex 1 of the Housing SPG set out all the current standards. All of the proposed units will be required to meet the minimum standards to ensure that all baseline standards are met and units are capable of providing a good standard of accommodation throughout. Whilst the minimum standards are acceptable it is reflective of the level of development proposed. Larger units would be welcomed and provide a better level of residential amenity as well as being more desirable.

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight (standards 29 and 32, Housing SPG). There must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement.

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight (standards 29 and 32, Housing SPG). There must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement.

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements. The 2016 Minor Alterations to the London Plan adopted the DCLG Technical Housing Standards - nationally described space standard (March 2015) which standard 24 of the SPG says that all new dwellings should meet.

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight (standards 29 and 32, Housing SPG). There must be an area of unobstructed window/door glazing (natural lighting) to a habitable room (i.e. bedroom or dining room) equivalent to at least 1/10th of the room's floor area to achieve the requirement for natural light. There must also be an area of openable window equivalent to 1/20th of the floor area to the room to achieve the natural ventilation requirement.

The Housing SPG also says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. Policy 7.15 of

the London Plan states that development proposals should seek to manage noise by mitigating and minimising potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development. At the same time development proposals should improve and enhance the acoustic environment and promote appropriate soundscapes (including quiet areas); separate noise sensitive development from major sources (such as road, rail, etc) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation; and where it is not possible to achieve separation of noise sensitive development and undue noise sources, without impacting other sustainability objectives, then any potential impact should be mitigated through the application of good acoustic design principles.

The layouts indicate that all the flats would meet the minimum space standards for one and two bedroom units. However, a number of units would be single aspect, however none would be south facing.

Policy 3.5 also requires design of new housing development to consider elements that enable the home to become a comfortable place of retreat. All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. The minimum depth and width for all balconies and other private external spaces should be 1500mm.

Where communal open space is provided, development proposals should demonstrate that the space is overlooked by surrounding development; accessible to disabled people, including people who require level access and wheelchair users; designed to take advantage of direct sunlight; and has suitable management arrangements in place.

The majority of flats benefit from either a terrace or balcony which meets the minimum standards in the SPG. Due to their relationship with The Knoll and in order to protect the amenity of neighbouring occupiers and to avoid mutual overlooking from adjacent flats within the development site, some units do not benefit from any private amenity space. However, the applicant has proposed additional internal living space which is generally equivalent to at least the area of the open space requirement. The Housing SPG, at paragraph 2.3.32 advises that this is acceptable "In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings...". In this instance, and given the proposed communal open space, this is considered acceptable.

Having regard to the above, the development would provide an adequate standard of living accommodation for all future occupiers and would therefore accord with Policy BE1 of the UDP and draft policy 37.

#### Wheelchair and accessible housing

In accordance with London Plan Policy 3.8, 90% of all new dwellings will be required to meet Building Regulation requirement M4 (2) 'accessible and adaptable

dwellings'. The remaining 10% of dwellings will be required to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Only in cases where the Local Authority will have nomination rights over occupants (social or affordable rent) will a unit be required to be fitted out as a wheelchair accessible unit (in accordance with Part M4 (3) 2b). Any market or Intermediate units will therefore need to be designed to be adaptable for use as a wheelchair unit in future.

The accommodation schedule and floor plans submitted demonstrate that the proposed units would all comply with the minimum space standards set out in the Technical Housing Standards. A lift is provided at each floor of accommodation and the applicant has also provided written confirmation that 90% of apartments are M4 (2) compliant subject to some very minor amendments to internal door positions. They also confirm that minor internal amendments to flats 2, 4 and 7 will make these M4 (3) compliant.

Conditions would be required to secure the relevant category of building regulations for the units which are wheelchair accessible and adaptable and those designated as wheelchair user dwellings if planning permission was forthcoming.

#### Impact on Trees and landscaping and biodiversity

Landscaping is an integral part of the development and is fundamental to ensuring that the development responds appropriately to the character of the site and surrounding area and provide a high standard of amenity for future occupiers. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

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

This application was accompanied by an indicative landscaping plan and a Tree Constraints Plan (TCP). The site address is free of tree protection legislation and the significant trees are identified and categorised as B.

Subject to the imposition of a landscaping condition and tree protection conditions no objections are raised in this respect.

### Impact on the amenity of occupants of nearby residential properties

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. This is supported by Policy 7.6 of the London Plan.

Concern is raised over the proximity of the new building to the properties in the surrounding roads, namely The Knoll. It is considered that the siting and scale of the development is too close to the boundary and would result in an unreasonable sense of enclosure to the adjacent properties.

When considering the car parking area immediately adjacent to No. 32 West Common Road concern was raised over the introduction of a parking area adjacent to the property. It is noted that there is a high level of hard-surfacing to the existing commercial site; this was only used during 'businesses hours' and the introduction of a residential car parking area close to the neighbouring property may lead to increased noise and disturbance. To address these concerns a Noise Impact Assessment prepared by Clarke Saunders (doc ref AS10843.181114.NIA1.1) was submitted

The report includes measured ambient noise levels and then considers the impact of car park activity on the nearest habitable room in neighbouring premises. It is stated in the Report that existing noise is due to road traffic in West Common Road, and does not refer to any noise originating on the site itself.

This predicted noise includes both manoeuvring noise as well as door-slam noise as these are both treated differently in the guidance.

The boundary wall provides an effective barrier and the noise from the nearest cars was not considered as there is no line-of-sight to the first floor window, instead the noise from cars on the other side of the car park have been taken as the worst-case for the door slam noise.

In the daytime, the predicted noise from vehicle movements was found to be below the existing ambient noise level and therefore the impact will be negligible. The night-time door slams (expressed as Lmax) are not expected to exceed guideline levels even with the windows open.

It is therefore considered that noise from the car park would not result in any significant loss of amenity. However concerns are still raised over the impact on the amenities of the neighbouring properties in The Knoll give the scale of the development would result in an unreasonable sense of enclosure.

### Highways and Transport issues including cycling and refuse

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. All developments that generate significant amounts of

movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe (Para.32).

Plans and decisions should also ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised while at the same time taking into account policies set out elsewhere in the Framework. Therefore developments should be located and designed to, among other things: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (Paras.34-35, NPPF).

London Plan and UDP Policies also encourage sustainable transport modes whilst recognising the need for appropriate parking provision. In accordance with paragraph 39 of the NPPF, if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development, its accessibility in relation to public transport, the type, mix and use of development, local car ownership levels and the overall need to reduce the use of high-emission vehicles. Car parking standards within the UDP, the Draft Local Plan and the London Plan should therefore be used as a basis for assessment.

West Common Road is a busy thoroughfare for vehicles and there are already concerns about speed of road traffic. The site is located in an area with low PTAL rate of 2 (on a scale of 0 – 6b, where 6b is the most accessible).

With regards to vehicular access the existing would be modified to 4.8m wide leading to the car parking area. This is satisfactory in principle and all redundant vehicular crossovers should be reinstated to footway level. The issue of sight lines has been raised in the safety audit; however the Council's Highway Engineers are in agreement with Paul Basham Associates response that "An assessment of road accidents in the area (as set out in the Transport Statement) indicates no such incidents have occurred at the access point. This access has therefore been working safely in its current arrangement. In addition the proposals would result in a reduction in vehicles using this access therefore providing betterment to road safety".

While there are no specific parking standards within the development plan for 'retirement housing', given the site's PTAL rating twenty-eight car parking spaces (inclusive of 2 disabled spaces) are indicated on the submitted plans, this parking provision is considered acceptable.

Cycle parking is proposed in the form of 2 Sheffield stands which is in excess of the London Plan's requirement for 1 short-stay space per 40 units. Due to the intended

demographic of the development, relatively few residents will own or ride bicycles and they have also provided an area for residents to store mobility scooters. These storage facilities are located close to the main entrance of the building and easily accessible to the highway. As such this is considered acceptable.

Overall, the proposed car parking arrangements for this development are considered acceptable, given the likely traffic to be generated by the development and, there is unlikely to be any demand for additional on-street parking to serve the development. Sufficient sightlines have been proposed to ensure that vehicles can safely enter and exit the site onto West Common Road.

### Refuse storage

All new developments should provide adequate facilities for refuse and recycling, 3 x 1100ltr bins for general waste, 5 x 240ltr bins for recyclables and food waste are proposed within an internal storage area towards the front of the building. The rate of bins per number of units proposed falls below the Council's normal requirements for refuse and recycling. Given the extent of space surrounding the proposed building, there is sufficient space for alternative means of refuse storage to be agreed post decision and this can be managed through a planning condition.

### Drainage

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

Any application should demonstrate how the principles of Sustainable Drainage Systems have been applied to the development in line with the guidance contained in the NPPF and the London Plan. Bromley requires surface water runoff rates and volumes from development to be managed in accordance with the London Plan.

The submitted "Drainage Strategy" Report carried out by Arch Associates dated April 2018 to provide permeable paving, attenuation cellular tank and hydrobrake to limit surface water run-off to 5l/s are acceptable.

Conditions have been suggested with regards to this and SUDS.

Thames Water has also not raised any objections subject to appropriate.

### Energy and 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. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of

carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, Chapter 5 of the London Plan (2016) and the Supplementary Planning Guidance entitled Sustainable Design and Construction (the latter document provides an example of a report format for an Energy Statement that the Council has found relevant and comprehensive). This is also covered in Policy BE1(vi) of the UDP, regarding sustainable design and construction and renewable energy.

To comply with Policies 5.7 – 5.11, the development should provide at least a 20% reduction in CO2 emissions from on-site renewable energy generating technology. This is to be calculated after savings from the inclusion of energy efficiency measures and the main efficient source of energy (where this is not in itself renewable) have been taken into account. If a reduction of 20% is not feasible, the energy assessment should explain why. An Energy Statement should be submitted with the application that is related to the particular development proposed for the site and should demonstrate the feasibility of installing the particular measures proposed.

The layout of the scheme should ensure that there is sufficient space on site for any equipment and fuel storage, if required, and should investigate implications of fuel delivery. The potential site and form of buildings and flues should be included in the information submitted with the application. In cases where the form of renewable energy cannot be fully determined at time of application, feasible options must still be presented. It is unlikely to be possible to submit details for the compliance of a condition regarding energy efficiency / renewable energy where additional permissions may be required (e.g. for flues or buildings not in the original application).

To accord with Policy 5.3 “Sustainable Design and Construction”, the Design and Access Statement should demonstrate how the proposal will meet the minimum standards regarding sustainable design principles as set out in the Mayor’s SPG.

To accord with Policy 5.6 “Decentralised Energy in Development Proposals”, the proposal should seek to connect to existing or planned decentralised energy networks, or the feasibility of a site wide Combined Heat and Power system should be considered.

To accord with Policy 5.9 “Overheating and Cooling”, the Energy Statement should demonstrate how the development will reduce potential overheating and reliance on air conditioning.

An energy statement has been included within the design and access statement. The report suggests that the design of the entire development would follow a ‘fabric first’ approach. This is to improve the fabric thermal performance, reduce thermal bridging, improve air-tightness and install energy efficient ventilation and heating services. They propose to use timber frame construction. Also taking into account passive solar gains, natural daylight and ventilation with regards to orientation and

siting. A ground source heat pump is also proposed to provide heating and hot water to the residents.

However the energy statement submitted does not provide sufficient detail as set out in the GLA guidance on preparing energy assessments (March 2016). The purpose of an energy assessment is to demonstrate that climate change mitigation measures comply with London Plan energy policies, including the energy hierarchy. It also ensures energy remains an integral part of the development's design and evolution.

The energy assessment must fully address requirements in Policies 5.2 to 5.9 inclusive and, recognising the integrated nature of London Plan policies, take account of relevant design, spatial, air quality, transport and climate change adaptation policies in the Plan. The energy assessment must clearly outline the applicant's commitments in terms of CO2 savings and measures proposed. It is also important to consider and mitigate any potential air quality impacts arising as a result of technologies proposed. Part 2 of this document provides guidance on details required within an energy assessment.

The submitted energy assessment lacks sufficient detail to be able to assess whether the carbon reduction targets set out in Policy can be achieved on site, and the application is therefore considered to be unacceptable in this regard.

### Contamination

The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (Para.109, NPPF).

No objections to permission being granted in principle have been raised by the Environmental Health officer subject to conditions regarding contaminated land assessment and associated remedial strategy together with a timetable of works.

### Secured by Design

The proposal should incorporate Secured by Design principles (as required by Policy BE1 (vii)) to take account of crime prevention and community safety.

Details over how the development could achieve secure by design principles have been included within the Design and Access Statement and as such it is considered that given this is a new building these would be achievable subject to conditions if permission was forthcoming.

### Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions

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

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

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

Policy IMP1 (Planning Obligations) of the UDP, Draft Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

As outlined in the Housing SPG, from 1 October 2016 the Mayor will apply a zero carbon standard to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E). Given the deficiencies in the submitted energy assessment it is not known whether a carbon offsetting contribution would be required.

The development, as proposed, would necessitate the following contributions, however at the time of writing the report these have not been agreed:

Health: £32,946.00

Provision of Affordable Housing.

In accordance with the Planning Obligations SPD the Council would be seeking a contribution to health care infrastructure. In terms of health contribution the applicant considers that there are significant benefits on healthcare deriving from sheltered housing and the Planning Statement (Section 4) references examples and evidence of how sheltered housing leads to improved health, reduced cognitive decline and overall savings to the NHS. Accordingly the applicant has not agreed to the required financial contribution towards Healthcare.

With regard to education infrastructure, no contributions are sought on the basis of the accommodation proposed as retirement flats, which is not anticipated to result in

increased education impacts. In the event that the development was acceptable in all other respects, it is anticipated that the specific nature of the accommodation would be controlled by planning condition.

## 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 proposed re-development of the site for use as sheltered accommodation / retirement living apartments would result in the increased provision of a specialist housing type that would meet an identified need. It is considered that the loss of the employment use has been justified in line with Policy EMP5 of the UDP and Policy 83 of the Draft Local Plan and therefore the principle would be acceptable as it would contribute to the strategic aims of the London Plan in promoting housing choice, taking account of the changing age and varying needs of London's older population.

However the proposed design, layout and scale of the proposal is not considered to respect surrounding development and respond to the context of the site and would have a significantly detrimental impact on the amenity of neighbouring occupiers.

Insufficient evidence has been provided with regards to the Energy and Sustainable Design Principles, to demonstrate that the required standards can be met. In terms of contributions no agreement has been made with regards to Healthcare contributions and the provision of affordable housing required by Policy H2. Insufficient justification has been provided to demonstrate that affordable housing could not be provided as part of this development given the outcomes of the Council's appointed independent assessors of the applicants Financial Viability Assessment.

The proposed development would result in an additional 28 residential units within a sustainable location, which would boost the supply of housing within the Borough and make a contribution towards meeting a 5 Year Housing Land Supply. However, in this case it is not considered that this contribution would outweigh the other policy objections with particular regard to affordable housing and the harmful impact on the character of the area. It is therefore recommended that planning permission is refused.

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 26.09.2018 16.11.2018 22.11.2018**

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

**1. The proposed development by reason of its prominent siting, height, scale, massing, dominant design and excessive degree of site coverage in this prominent location, represents an uncharacteristic punctuation in the streetscene out of character and context to the scale and massing of the existing buildings and general pattern of lesser scale of development in the vicinity harmful to the visual amenities of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan (2006), Policies 4 and 37 of the Draft Local Plan and Policies 7.4 and 7.6 of the London Plan.**

**2. Insufficient information has been provided to demonstrate that the development can achieve the sustainability requirements set out in new building would be building would be built in accordance with Sustainable Design Principles contrary to Policy BE1 of the Unitary Development Plan (2006), Policy 124 of the Draft Local Plan and Policies 5.2, 5.3, 5.6, 5.9 of the London Plan.**

**3. The proposed development would fail to provide an adequate level of affordable housing on site or as a payment in lieu, contrary to Policies H2 and H3 of the Unitary Development Plan (2006), Policy 2 of the Draft Local Plan and Policies 3.9, 3.11 and 3.12 of the London Plan.**

**4. The applicant has not agreed to the payment of the healthcare contribution required to mitigate the impact on healthcare infrastructure in the Borough arising from the development, contrary to Policy IMP1 of the Unitary Development Plan and Policy 125 of the Draft Local Plan and the Council's Planning Obligations SPD.**