

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

Application No : 18/03042/FULL1

Ward:
Copers Cope

Address : Crusader Hall High Street Beckenham

Objections: Yes

OS Grid Ref: E: 537312 N: 169520

Applicant : Mr ADLER

Description of Development:

Demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments together with the provision of cycle, refuse/ recycling storage, amenity space and associated pedestrian access.

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Background

Members should note that there are two applications on this agenda for the same site under refs: 17/03898/FULL1 and 18/03042/FULL1. The main difference between the two applications is that the 2017 provides 9 car parking spaces whilst the 2018 application is car free.

Proposal

This proposal is for the demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments.

Surrounding the block are communal gardens, with each unit also benefiting from private amenity space. The proposal also includes the provision of cycle storage to the south together with a refuse/ recycling store at the east of the site adjacent to the substation. No car parking is included in this proposal.

The new proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of brick and render.

The application was supported by the following documents

- Design and Access Statement
- Arboricultural Report
- Energy Statement
- Transport Statement
- Archaeological Desk Based Assessment
- Daylight and Sunlight Assessment
- Preliminary Ecological Appraisal

Location and Key Constraints

The application site consists of a single storey community hall, known as Crusader Hall. Access to the site is obtained via an existing vehicular and pedestrian access between 132 and 134 Beckenham High Street.

The site falls outside of the Beckenham Conservation Area, but the access to the site does fall within the Conservation Area. It is also located within an Area of Archaeological Significance and a Flood Zone 2.

The site is within an area rated as having a public transport accessibility level (PTAL) of 4.

Consultations

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

Objection:

- Concern over ownership of the land
- Development will be visible from rear gardens of surrounding houses
- Loss of privacy
- Concern over the lighting will be detrimental to wildlife
- The building should be lowered by two stories
- Will spoil the natural sight lines over the trees and St Georges church
- The external materials proposed would not fit with the character of the area and should be less obtrusive
- Concern over the impact on the trees and local wildlife
- Proposed development not in keeping
- Building works will be noisy and create dust and pollution
- Concern that the alley is not large enough to accommodate vehicles required for buildings
- Development will put pressure on existing drainage network
- Concern over loss of trees
- Increase in noise and light pollution with additional residents
- Existing bins are already overflowing it is unclear how the new arrangement would be managed
- The plans do not indicate any new fencing along boundary
- Concern over pedestrian and vehicular safety with the increase in residents
- There is Japanese knotweed at the site and will require proper removal

- Overdevelopment of the site
- Development will encroach onto the Conservation Area and should not be allowed
- If allowed will set a precedent for further developments

Central Beckenham Residents' Association (CBRA):

The CBRA objects on the following grounds:

1. The area of the High Street is a designated Conservation Area. This also applies to the buildings accessible to the High Street, and therefore the Crusaders building is protected and cannot be demolished.

2. The area that is indicated on the plans for development is known as part of 'The Woods' and owned by the residents of The Drive. It is not legally the possession of Mr Adler.

3. The area is part of an Area of Archeological Interest which discourages any development in such areas.

4. The access road, on The High Street, is single track on the brow of a hill. Although the proposed scheme is deemed to be 'car free', there would inevitably be a need for car access for emergency vehicles, carers, those with disabilities etc. It is unlawful to discriminate against those who might need physical assistance (ie the elderly, those with disabilities) by refusing them access to vehicles when they need them.

5. It would be very dangerous for cars to use this access road due to the camber of the access, and the fast traffic onto the High Street. The bus stop which is directly outside would potentially block the access road.

6. Light, and noise from the proposed development would also affect those living in nearby properties which overlook from the High Street and The Drive/Church Avenue.

7. The transport report does not allow for the new seating area at the bus stop outside the Card Factory and the new cycle store that will be installed later this month. This will lead to a higher footfall of people in this area of the High Street and therefore a risk for cars to use this access road.

8. The area is a known flood zone. The area last flooded in 1979 and has flooded at least 4 times over the past 100 years. Contrary to previous planning applications, the area is in fact at high risk of flooding.

Comments from Consultees

Highways:

The site is located in an area with a PTAL rate of 4.

Vehicular/ pedestrian access - this would be from the existing access point between 132 and 134 High Street, Beckenham. High Street, Beckenham (A222) is a London Distributor Road. However the access to the site has poor visibility splays. A Stage 1 Road safety Audit has been carried out and a Stage 2 should be completed if planning permission is forthcoming.

Cycle Parking - No cycle parking is indicated. The applicant should provide the following secure and sheltered spaces:

1 space per 1 bed unit
2 spaces per all other units

Car Parking - No car parking would be provided; this is unacceptable. The applicant should provide 9 car parking spaces.

The applicant has no justification as to not provide parking spaces. The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit):

PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) – 1 (max)	1 (min) 1.5 (max)

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

Car ownership in Bromley is high; the applicant has no justification as to not provide parking spaces. The car ownership in Copers Cope ward is 87% which translates to a minimum of 8 car parking spaces. However I am willing to relax this even further and ask for 5 car parking spaces only.

In response to this the agent has stated that:

“The justification is provided in the Transport Assessment submitted as part of the planning application and the draft London Plan which provides the strategic policy context.

A car free development is consistent with this draft policy. NPPF2 is also clear in its advice to local authorities in setting local parking standards (see paragraph 105) and this is based on a wider range of factors than local car ownership level”.

Refuse - The storage is located should be closer to the highway boundary, the proposed arrangement looks small for 9 flats and any increase in storage area could further squeeze the parking layout. The main concern is refuse vehicle(s) ability to service the site the access road is too narrow for LBB refuse vehicle to enter and exit in a forward gear. This needs to be addressed.

The swept path analysis clearly indicates that the fire appliance(s) would have difficulty gaining access onto the site; furthermore the issue of refuse vehicles access to the site should also be addressed.

In response to this the agent has stated that:

“The scheme complies with LBB NOTES FOR DEVELOPERS AND ARCHITECTS October 2016 The Storage and Collection of Refuse from Residential and Commercial Buildings. Because the storage is in excess of the standards there is no further need for more storage”.

Thames Water:

No comments have been received at the time of writing the report.

Drainage:

No objections subject to conditions regarding surface water drainage scheme and SUDS to be included with any permission.

Environment Agency:

Having reviewed the proposal as submitted, including the Flood Risk Assessment (FRA) (referenced: WFR-FRA-2016-01-Q32, revision B, dated 6 July 2018) we object to the planned development for the following reasons:

Finished Floor Levels

The development proposes self-contained residential units located on the ground floor, including sleeping accommodation. The Environment Agency generally opposes any living accommodation on the ground floor within areas of flood risk due to the potential risk to the posed to the occupants, especially if there is no internal access to upper floors provided.

In addition, although the submitted FRA recommends that the Finished Floor Levels (FFL) of the development should be set at 34.12m AOD (300 mm above the modelled 1% AEP event in any year plus an 35% climate change allowance), it is not evident within the submitted plans if FFL's will be raised accordingly. As such, we are unable to ascertain if the residents of this development will be safe for the lifetime of the development.

Overcoming our objection

The applicant can overcome our objection by submitting plans that show there will not be any sleeping accommodation located below the predicted flood level during the 1% AEP event in any year 35% climate change allowance. This is in line with the recommendations within the Bromley Strategic Flood Risk Assessment section 11.2.1.

Proximity to the River Beck

The proposed development is within close proximity to The Beck, which is located to the north of the site. We require an 8 metre offset between the closest element of any built structure and the top of bank of a main river to allow access for any maintenance and for ecological enhancement.

The applicant has not submitted any drawings to show how close the works will be to The Beck and as such, we are unable to determine if there will be an acceptable amount of offset between the development and the river. Please note this information will be required as minimum when submitting a Flood Risk Activity Permit therefore it is important that this information is submitted at planning stage to resolve any potential issues.

Overcoming our objection

The applicant can overcome our objection by presenting plans that show there will not be an unacceptable level of offset between any built structure and The Beck.

Informative

Flood Risk Activity Permit

- Please be aware that the Beck is a designated 'main river' and under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).
- To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environment-agency.gov.uk.

3. Sequential Test

- We would like to highlight that no information has been provided to determine if the site has passed the Sequential test.

4 Access and Egress

- We would like to highlight that the evacuation route described in Section 8.3 states that the occupants should turn left on to the A222 and then left again onto the A2015, while Figure 12 shows the evacuation route turning right and then right again. We would recommend that the evacuation route shown in Figure 12 should be adopted for any development on this site as if the occupants were to turn left, they may be exposed to flood waters.

The agent provided further information on the 14th December 2018 stating that:

"This application was submitted and validated without the Council requesting the submission of a sequential test. The site is after all a brownfield site located in a town centre location – both in themselves attributes that support redevelopment over say greenfield sites".

The EA have responded to this on the 30th January 2019 with the following:

Our objection related to finished floor Levels being below the flood level and no further information has been submitted to address this therefore our objection

remains on that aspect and unsure if the applicant attempted to address this. With regards to the refuse store being close to the river, the repositioning of the refuse store potentially brings it's close to the river than the previous location. Considering it is 4m from the river edge and the store itself is not a large permanent structure we would not object to the principle of it being located here depending on the outcome of the Flood Risk Activity Permit that the applicant will have to apply for given works are within 8m of the river.

The applicants comments regarding the Sequential Test refer to the validation process however it is not defined that a LPA will not validate an application if it fails the Sequential Test. The LPA can refuse an application for this reason at any stage as far as I am aware. The Sequential Test purpose is to steer development towards areas with the lowest probability of flooding solely.

Following this a revised FRA dated 17th December 2018 (WTFR-FRA-2016-01-Q32 (Rev.C) was provided together with drawing No. PL02 Rev D which shows the finished floor levels at 34.12m AOD, which is 300mm above the long term flood level for the 1 in 100 year (+35%) climate change allowance.

The EA have responded to the additional information on the 15th January 2019 with the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*).

Trees:

The application has been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. Some of the trees included in the works schedule would benefit from management, regardless of the proposal seen in this application.

The pruning pressure and lack of amenity space that leads me to oppose the scheme. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints and should be reviewed. I would recommend the application be refused due to conflict

with Policies H7 and NE7 of the Bromley Unitary development Plan (adopted July 2006).

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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan (2016):

- 2.6 Outer London: vision and strategy
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

7.6 Architecture
8.2 Planning Obligations
8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Bromley Local Plan (2016):

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 37 General Design of Development
Policy 30 Parking
Policy 32 Road Safety
Policy 42 Development adjacent to a conservation area

Planning Obligations SPD
Affordable Housing SPD

Planning History

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

17/03898/FULL1 - Demolition of existing private clubhouse (Class D2) and redevelopment of site for 2 No.1 bed flats and 7 No. 2 bed flats with associated parking (Pending consideration)

Considerations

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

- Principle
- Standard of living accommodation and amenity space
- Layout, Scale, Massing and Bulk and Design and Appearance
- Impact on Neighbouring Amenities
- Car Parking
- Cycle Parking
- Refuse
- Sustainable Development and Renewable Energy
- Landscaping
- Mayoral CIL
- Planning Obligations

Principle

In terms of the land use principles there are two main issues to address, the first being the loss of the existing building and the second being the suitability of the site for a more intensive residential use. It is not disputed that both national and

local plan policies promote optimising site potential and as the proposal involves the redevelopment of previously used land, the principle of its redevelopment to a more intensive level is in accordance with national planning guidance and local plan policies which encourage optimising the potential of brownfield sites, subject to an assessment of all other matters.

Policy 3.16 of the London Plan resists the loss of community facilities stating that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

Policy 20 of the BLP resists the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. It is understood that the hall is currently vacant, however no evidence as to why the applicant considers there is no longer a need for the community facility has been submitted to address the aforementioned policies. The evidence would need to include a marketing report setting out the details of the marketing campaign for a continued D2 use of the site for at least 6 months (sale and rent) showing there has been no interest in the site.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and 4 of the BLP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 4. The London Plan sets the density ranges at 200–700 hr/ha for urban areas.

The scheme proposed in this application would provide a density level of approximately 179hr/ha which is within the urban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity.

Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,

- A high standards of separation and landscaping is provided

No justification has been provided for the loss of the community use and concern is also raised with regards to the location of the development. This is a tight site located to the rear of a commercial High Street. Whilst it is appreciated that there are residential units above the ground floor commercial units in the High Street and nearby, given the site constraints taking into account the restricted access and trees (as discussed below), it is considered that the proposal constitutes an undesirable backland development, which would be an overdevelopment of the site and out of character with the locality.

Standard of living accommodation and amenity space:

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the units range between 37 sqm for the 1 person units, 51sqm for the 2 person unit, 62 – 64sqm for the 2 bed 2 person units and 70 sqm for the 2 bed 4 person units. The nationally described space standard requires 37 sqm for a 1-bed 1 person units, 50sqm for a 1-bed 2 person unit, 61sqm 2-bed 3 person and 70sqm for a 2-bed 4 person unit. On this basis, the floorspace provision for all of the units is considered compliant with the required standards and is considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space, Policy 4 states that the provision of sufficient external, private amenity space that is accessible and practical should be provided. The flats propose to have private amenity space and access to the shared garden of 450sqm, as such this provision would be acceptable. However, concern has been raised over the usability of the amenity space given the number of trees nearby and the resultant increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development on a site covered by a woodland TPO.

Layout, Scale, Massing and Bulk and Design and Appearance:

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The development plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

With regard to aesthetics, environmental protection and the quality of the building environment, Policies 4 and 37 of the BLP and Policy 7.4 of the London Plan requires new development in particular should take note of urban design principles and specific guidelines. This includes a respect for the locality and topography, the character of adjoining buildings, local materials, context and scale, a proper relationship with the street scene, the treatment of spaces between buildings, the creation of a good living and working environment, and concerns for the needs of local residents.

As the site is adjacent to the Beckenham Town Centre Conservation Area Policy 42 of the BLP states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

The scale and design of any scheme would be crucial to successfully accommodating the residential units on this site whilst respecting the adjacent residential units to the west of the site.

The proposed development is a modern block of flats with a flat roof together with a setback top floor to provide subservience. The design ethos takes a contemporary approach with a simple palette of materials. The proposed building is two storeys with a recessed second floor with a break in the built form to reduce the bulk and mass. Although the building is lower than the buildings along Beckenham High Street and the top floor set back, the site is heavily constrained given the backland location together with the restricted access and woodland TPO covering the site. It is not considered that the site can accommodate the amount and scale of development proposed as a result of these constraints, and accordingly the proposals would constitute an undesirable form of piecemeal backland development.

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Impact on Neighbouring Amenities:

Policy 37 of the BLP seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in Policy 7.6 of the London Plan.

The location and orientation of the proposed buildings on site combined to avoid overlooking through design and arrangement. The existing building sits behind the units fronting High Street Beckenham. The concerns in respect of the scale of the building have been assessed above.

A daylight/sunlight assessment has been submitted with the proposal it concludes that the residential properties which would be most likely to be affected lie to the south above the terrace of shops which are approximately 20m away. The loss of daylight and sunlight to all of these windows analysed would be negligible and well within the BRE guidelines.

In terms of the impact on other neighbouring residential properties, given the distance and the scale of development proposed it is considered that the orientation, location of the buildings and their relationship would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the rear are to be located towards the north-western boundary with The Drive and also towards Church Avenue at first and second floors (roof level). Given the distance between these balconies and the nearest neighbouring properties it is considered that there would be no significant impact to neighbouring amenity. To ensure the development would not result in loss of privacy to the future occupiers by way of mutual overlooking a screening condition could be imposed if planning permission was forthcoming.

Windows are also proposed in the south elevation at first and second floor levels. These would be conditioned to be obscure glazed and non-opening to ensure that there is no loss of privacy from these windows if planning permission is forthcoming.

With regards the concerns raised in respect of noise, disturbance and pollution during construction a Construction Management Plan Condition has been suggested to mitigate any problems arising from deliveries times associated with the school times and disturbance to nearby residents and the adjacent nursery building. This condition will also cover mitigation methods for dust and other pollutants.

In terms of increased noise and disturbance associated with residential units the site is located to the rear of Beckenham High Street and existing access to the flats above these units which in itself could generate a number of occupants and associated activity and comings and goings. The additional units on this site would inevitably generate activity that would increase the potential for noise and disturbance as a result of having 9 units on the site, however given the location of the development and the existing situation it is considered that on balance the development would not be significantly harmful to the existing living conditions of the occupants of the neighbouring properties over and beyond the current situation.

Highways and Car parking:

The proposed development provides no off-street parking spaces. The Council's Highway Officer has reviewed the current application and consider this to be unacceptable.

No justification as to not provide parking spaces has been provided. The car ownership in Copers Cope ward is 87% which translates to a minimum of 8 car parking spaces. Policy 30 states for PTAL level 2*-6a a minimum of 0.7 – maximum 1 space per 1-2bed.

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

The applicant has stated that they have justified a car free development within the Transport Assessment. And also the Draft London Plan which provides the strategic policy context:

“A car free development is consistent with this draft policy. NPPF2 is also clear in its advice to local authorities in setting local parking standards (see paragraph 105) and this is based on a wider range of factors than local car ownership levels”.

As such it is considered insufficient information has been provided to support a car free development in this context.

With regards to the access, whilst no additional cars will be using this for parking at the site, there would be an increase in pedestrians using this access and concern has been raised over the intensification and the possible conflict and general safety of pedestrians, cyclists and highway traffic.

Cycle parking:

Cycle parking is required at 1 space per 1 bed unit and 2 spaces per all other units. The applicant has provided the location of the store however further details regarding the size, external appearance and security would be required. Given the size of the site a condition can be attached to any permission to ensure adequate facilities are provided.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage.

Concern is raised over the location of the refuse store as it is over 18m from the main highway, however there are existing flats to the rear of the 134-158 High Street, Beckenham which are served by a refuse lorry and therefore it is considered that subject to a condition regarding the refuse store the proposal would provide adequate facilities for this scale of development.

Landscaping:

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard.

Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

The application has also been supported with an Arboricultural Impact Assessment (AIA) that outlines the tree constraints associated with the proposed development. Tree Preservation Order (TPO) 740 covers the eastern side of the application site. The TPO has been applied as a woodland designation and protects trees of any species or age.

The AIA indicates 7 trees are to be removed to enable the development's implementation. The result of the development will be increased pressure on retained trees both within the site and on third party land. The amount of useful amenity space is not considered sufficient to avoid conflict with retained trees given the location of the trees. Whilst each application is assessed on individual merits, the question should be raised to whether it is acceptable to allow this level of development within a woodland TPO.

The design of the scheme is not sympathetic of existing tree constraints it is therefore considered that the application be refused due to conflict with Policies 4 and 73 of the Bromley Local Plan.

Flood Risk:

The site is located within Flood Zone 2 and the proposed development would be within 8m of the River Beck.

The application is supported by the Flood Risk Assessment; the EA have confirmed that the proposed development will only meet the requirements of the National Planning Policy Framework if the finished floor levels detailed in the submitted with this application are implemented and secured by way of a planning condition on any planning permission requiring finished floor levels to be set no lower than 34.12m above Ordnance Datum (AOD) in accordance with approved drawing 14710/PL 02 (*Site Layout*). As such the proposal is therefore complies with Policy 5.12 of the London Plan (2016).

Mayoral Community Infrastructure Levy (CIL):

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

Conclusion

Taking into account the issues discussed above it is considered that the proposed development is unacceptable, resulting in an overdevelopment of the site which is out of character with the locality, no information has been provided to demonstrate that the site is no longer suitable for community use. The development as proposed would impact detrimentally on the retention and well-being of a number of trees which are protected by a Tree Preservation Order. No information to the contrary has been provided to support a car free development and intensification of use of the access for emergency vehicles.

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

as amended by documents received on 14.12.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. Insufficient information has been provided to support the loss of the community use of the site, contrary to Policy 20 of the Bromley Local Plan (2019).**
- 2. The proposed development constitutes an undesirable form of piecemeal backland development in view of the constrained access to the site and the impact on protected trees, resulting in an overdevelopment of the site with the potential to establish an undesirable pattern for similar piecemeal infilling in the area, contrary to Policies 3, 4 and 37 of the Bromley Local Plan (2019).**
- 3. No off-street car parking facilities can be provided within the curtilage of the site and insufficient information has been provided to support this. As such the proposed development would be contrary to Policy 30 of the Bromley Local Plan (2019).**
- 4. In the absence of sufficient information to demonstrate the proposed development which would intensify the use of the access for pedestrians and refuse vehicles which would also be likely to lead to conditions prejudicial to the free flow and general safety of pedestrians and highway traffic contrary to Policy 32 of the Bromley Local Plan (2019).**
- 5. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies 37 and 73 of the Bromley Local Plan (2019).**