

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

Application No : 19/00953/FULL1

Ward:
Petts Wood And Knoll

Address : 75 Queensway Petts Wood BR5 1DQ

Objections: Yes

OS Grid Ref: E: 544338 N: 167513

Applicant : The News and Book Supply (East) Ltd

Description of Development:

Detached two storey building with accommodation in roof space comprising 2 two bedroom maisonnettes, with 2 car parking spaces on land to the rear of 75 Queensway

Key designations:

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

Proposal

It is proposed to construct a part two/three storey building comprising 2 two bedroom maisonnettes which would front onto Nightingale Road. Although described as maisonnettes on the application form, the proposals are effectively for 2 semi-detached dwellings as they are separated vertically, apart from a corridor from maisonette 2 which runs along the rear of maisonette 1 in order to access its private garden. One parking space per dwelling is located off the rear service road behind the shops.

It is proposed to retain the existing oak tree located towards the western end of the site which is covered by a Tree Preservation Order issued in December 2017 (TPO 2637).

The application was supported by the following documents:

- Arboricultural Impact Assessment
- Design and Access Statement
- Planning Statement

Location and Key Constraints

This site is located on land to the rear of No.75 Queensway which is an end-of-terrace shop with residential accommodation above that lies within Petts Wood

District Shopping Centre. The site is currently a disused garden and measures 0.02 ha in area.

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

Comments from Local Residents and Groups

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

Objections

- Loss of light and privacy to neighbouring residential properties
- Overdevelopment of the site
- Building would be out of character with the area
- The proposals are three bedroom properties not two bedroom (study could be used as a bedroom)
- Detrimental impact on parking in the area
- Detrimental impact on protected tree - is unlikely to survive the development
- Would contravene the general building line in Nightingale Road
- Sub-standard accommodation for future occupiers of the development
- Northern parking space could not be used due to the position of the retained tree
- Hazardous access for cars.

Local Groups (Petts Wood & District Residents' Association)

- Overdevelopment of the site
- Maisonettes would be three bedroom rather than two bedroom as the study could be used as a bedroom
- Limited amenity space provided
- Detrimental impact on the protected oak tree
- Overlooking of neighbouring properties
- Inadequate parking provision
- Front elevation of proposed building would lie immediately adjacent to the footway - detrimental impact on privacy to future occupiers
- Out of character with the surrounding area
- Lack of side space.

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

This application was called in to committee by a Ward Councillor.

Comments from Consultees

Drainage Engineer: No objections are raised

Highways: The site is within a moderate (4) PTAL area. There is one parking space shown for each unit which is in line with the Local Plan standards. There is less than 6m shown behind the parking spaces for manoeuvring but the spaces are wider than normal so that may not be an issue. The block plan supplied indicates that cycle parking and bin storage will take place within this area as well. There is also a large tree in this area which, if the rear boundary to the development is in the same place as the existing fence, doesn't appear to be shown in the correct position on the block plan. The width of the tree trunk also seems small, and hardstanding and parking so close to the tree may not be considered acceptable.

There should be no rear boundary enclosure in order to allow manoeuvring. The side boundary fence abutting the access needs to be lower to provide better pedestrian sightlines, therefore a boundary enclosure condition would be suggested. Additionally, no structures such as the porches should overhang the highway.

Trees: The TPO Oak (identified as T1) is a high quality category A tree and appears to be the only tree constraint on this site. The footprint of the proposed building would encroach on a very small section of the RPA of T1, from which no undue impact is predicted. The potential impact of the proposed parking spaces under the canopy is proposed to be controlled by the use of a cellular confinement surface to minimise any digging. Whilst this is a recommended technique to reduce such an impact where new surfacing at the edges of an RPA is unavoidable, this proposal covers a significant area of the centre of the RPA and is likely to result in some degree of impact on long term soils conditions for the Oak, due to the inevitable extra obstruction to the movement of water and gases.

There is significant cause for concern over the extent to which the crown of T1 dominates the site and the pressure that would be generated to prune/remove as a result of both the parking area and the small amenity spaces being wholly under the canopy as well as the built structure being in such close proximity. This is highly likely to cause such concern for new residents that they request harsh pruning or felling in the very near future. In addition, the cars in the parking areas, people using the amenity space and the building would all represent the introduction of targets that would inevitably change the nature of any risk assessment, such that future applications to the Council to fell/prune T1 could not be easily dismissed. Ultimately, works that would negatively impact the amenity provided by the tree would become significantly more likely in the event that the proposal is granted permission.

In light of the above, it is considered that the proposal would have an unacceptable arboricultural impact on the TPO tree through the long term impact on soil conditions in the RPA and the future pressure to prune/remove the tree that would inevitably reduce its longevity. The proposal would therefore be contrary to Policy 73 of the Bromley Local Plan.

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.

London Plan Policies

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

8.3 Community infrastructure levy

Bromley Local Plan

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

Supplementary Planning Guidance

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

Planning History

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

Permission was refused in October 2018 (ref.18/02541) for a detached two storey building with accommodation in the roofspace comprising 1 three bedroom, 4 two bedroom and 1 one bedroom flats with undercroft parking on land to the rear of 75 Queensway.

Considerations

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

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

Resubmission

The current proposals are for a smaller development of 2 maisonettes rather than 6 flats, and the building would cover only half of the site rather than the whole site as in the previous scheme. Two surface car parking spaces would be provided rather than four undercroft spaces.

Principle

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

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 100 dwellings per hectare with the table giving a suggested level of between 45-130 dwellings per hectare in suburban areas with a 4 PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan. The proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

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

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

The revised proposals consist of a part two/three storey building that would cover only half of the site rather than the whole site as in the previous scheme, but it would still project 3m forward of the side wall of No.75 Queensway, and approximately 6.5m forward of the general building line in Nightingale Road. This would still therefore result in a bulky overprominent form of development within the street scene that would be out of character with the surrounding form of development.

Standard of residential accommodation

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

Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

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

The minimum space standards for the proposed units are 108sq.m. for a three bedroom flat for 6 persons over three floors and 79sq.m. for a two bedroom flat for 4 persons over three floors. The proposed 2/3 bedroom maisonettes would provide 109sq.m. floorspace each which would comply with the required standards.

With regard to the layout of the maisonettes, the proposed first floor study/bedroom to Unit 2 would have only an obscure glazed window located in the north-eastern

flank elevation and would not therefore have adequate light to or outlook from a habitable room.

The proposals now include a private amenity area for each unit, however, they would be only 7m in depth and would be covered by the branches of the protected oak tree, thereby limiting their usability.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

No highways objections are raised in principle to the provision of 2 car parking spaces for the development, but the usability of the spaces is questioned due to the close proximity of the large protected tree.

Neighbouring amenity

Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The revised building would now be set 12m further away from the residential properties in Nightingale Road, but it would still be very close to the rear of the flats above the shops in Queensway, and would result in loss of light to and outlook from these properties. The revised proposals are therefore considered to have a detrimental impact on residential amenity.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Trees

Although it is intended to retain the protected oak tree on the site, the proposals would instead have an unacceptable arboricultural impact on the TPO tree through the long term impact on soil conditions in the Root Protection Area, and the future pressure to prune/remove the tree that would inevitably reduce its longevity. The proposals are therefore likely to result in the loss of the protected oak tree which is considered to contribute greatly to the visual amenities of the area, and would therefore be contrary to Policy 73 of the Bromley Local Plan.

CIL

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

Conclusion

The proposals would result in an unacceptable impact on the protected oak tree, and would have a detrimental impact on the amenities of nearby flats above the shops in Queensway. The building would appear unduly prominent within the street scene due to its size, height and projection forward of the general building line in Nightingale Road, and there would be an unsatisfactory standard of accommodation provided for future occupiers of the flats.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed building, by reason of its size, height and projection forward of the general building line in Nightingale Road, would result in a bulky and prominent form of development within the street scene that would be out of character with the surrounding form of development, thereby contrary to Policies 4 and 37 of the Bromley Local Plan.**
- 2 The proposals are likely to result in an unacceptable impact on the protected oak tree through long term impact on soil conditions and future**

pressure to prune or remove the tree which makes a significant contribution to the visual amenities of the area, and would thereby be contrary to Policy 73 of the Bromley Local Plan.

- 3 The proposed building, by reason of its size, height and close proximity to residential flats above the shops in Queensway, would result in loss of light and outlook from adjacent properties, thereby contrary to Policy 37 of the Bromley Local Plan.
- 4 The development would result in an unacceptable standard of accommodation for future occupiers by reason of the limited usability of the amenity space, and lack of adequate outlook from the study/bedroom to Unit 2 which would be seriously detrimental to the amenities of those occupiers and contrary to Policy 37 of the Bromley Local Plan.

You are further informed that :

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