

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

**Application No :** 19/00651/FULL1

**Ward:**  
**Crystal Palace**

**Address :** Land Adjacent To Rochester House 2 -  
10 Belvedere Road Anerley London

**Objections: Yes**

**OS Grid Ref:** E: 533574 N: 170393

**Applicant :** BG Funding Ltd

### **Description of Development:**

Demolition of existing bin store fronting Belvedere Road and removal of 6 no. car parking spaces to the courtyard with erection of 4 bedroom three storey townhouse with associated car parking and replacement bin-store.

#### Key designations:

Conservation Area: Belvedere Road  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 6

### **Proposal**

This application has been "called in" for determination at Committee by the local ward member.

The application relates to the erection of a detached three storey dwelling. The proposed dwelling and curtilage would be situated where at present there is a detached refuse store and 6 no. car parking spaces serving the flatted development adjacent.

The dwelling would have a rectangular footprint, measuring approx. 5.2m wide and 10.6m deep. It would be approx. 9.2m high and would have a flat roof with mounted photovoltaic cells set within a green roof. 1m side space would be retained between the south eastern flank elevation of the dwelling and the boundary of the site with Mason Court.

The dwelling would be constructed with facing brick with stone copings, with the flank elevation facing Rochester House featuring inset brick panels. Similarly, at the front and at the rear the elevations incorporate detailing around the windows, which stone-edged full-height windows with obscure panelling to the lower half.

The majority of the site would be paved, including the front garden which incorporates a refuse store and boundary wall separating the front garden from the existing electrical cabinet and BT installation. Cycle storage would be provided within this area.

The north western flank elevation would mainly be hard against the tarmacked access way and land associated with Rochester House, with a refuse collection area being shown adjacent to the flank elevation. To the rear of the dwelling a tapering strip of soft landscaping is proposed to be provided, linked to the remaining 20sqm amenity space for the proposed dwelling. To the rear of this amenity area it is proposed to provide a new bin store with trellis, serving the adjacent flats. The amenity area would be bounded by brick walls which would be approx. 1.8m high, with the boundary between the garden and the flats at Rochester House incorporating a fence above the 1.8m high wall to an overall height of approx. 2.35m.

2 designated car parking spaces are proposed to be provided at the rear of the communal refuse store, within the existing car park, utilising existing parking spaces associated with the neighbouring flats.

The application was supported by the following documents:

- Design and Access Statement (which includes transport statement/lifetime homes statement/energy and sustainability statement)

### **Location and Key Constraints**

The application site lies on the southern side of Belvedere Road. The red line site connects with the blue line area of land owned by the applicant, encompassing the site of Rochester House and the parking and other servicing land associated with that building. The surrounding area is characterised by residential properties, although some commercial premises are located close to the site.

The buildings on either side of the area within which the dwelling would be constructed are 3/4 storeys in height, with Rochester House incorporating a mansard floor above the main three storey building. Opposite the site is a terrace of modest two storey dwellings which are Grade II statutorily listed and are former alms-houses.

The site lies within the Belvedere Road Conservation Area.

The site has a PTAL rating of 5 on a scale of 1 to 6 where 6 being the most accessible.

The site is currently occupied by the refuse store serving the adjacent flats as well as 6 car parking spaces.

### **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

- The side of the building will be directly outside the bedroom window of a neighbouring flat
- Proposal will block out natural light and may be unsightly
- Impact on property value
- Concern regarding the construction noise and disturbance including dust
- Rooms in neighbouring flat will overlook the area
- Loss of light to neighbouring habitable rooms
- Overlooking/loss of privacy associated with construction workers and occupants

Comments received from the Crystal Palace Triangle Planning Group raise objections to the proposal on the basis:

- The poor design detracts from the conservation area
- It is a generic modern block of flats with no attempt to match Rochester House
- Would result in visual clutter, taking into account also the set back from the road, the communal refuse store and the front wall
- Fenestration offers no relationship to Mason Court or Rochester House
- Powder coated frames unacceptable in a conservation area
- Yellow stock brick would stand out against the solid darker brick of Mason Court and the weathered stock brick of Rochester Court
- Proposed roof is flat and would not complement neighbouring buildings
- The building would appear alien and out of character, with its narrow proportions between 2 large blocks adding to visual mess
- The amenity space is poor, shoe-horned into a car park and resulting in poor quality of amenity for prospective residents
- Impact on neighbouring amenity
- Impact on highways - safety and traffic issues

## **Comments from Consultees**

APCA:

No objection.

Conservation Officer:

No objections raised. The proposal site is within the Belvedere Road CA and therefore BLP Policy 41 applies. The site itself forms part of a circa 13m gap in the street frontage between the 1970s style Mason Court Flat block and the 19th Century Rochester House which is a former commercial building converted to residential use. The gap in itself does not make any particular contribution to the CA and is not an identifiable characteristic of the area. In that respect some well-designed infill would be appropriate.

The proposed building is contemporary in design and uses London stock brick which can be seen widely in this area. The bulk and scale is subservient to the neighbouring properties and on balance no demonstrable harm can be attributed. If minded to recommend permission I suggest a materials condition to ensure a high quality finish.

Drainage Engineer:

No objections raised. Pre-commencement condition recommended.

Highways:

The development will result in the loss of 6 car parking spaces as well as 2 additional spaces to the side where the proposed bin store would be provided. Two off-street parking spaces would be provided. Concern is raised regarding the existing charging regime where residents are charged up to £60 per month\*\* to park on site, resulting in occupiers choosing to avoid the charges and park on street, creating more congestion to an area that is already very heavily parked up. Furthermore, an increase in parking demand in an area where few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. This would cause inconvenience, and in some locations, risk to traffic and pedestrian safety.

(\*\*NB - The submitted Design and Access Statement refers to a monthly charge of £100).

## **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 Policies

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.14 Improving Air Quality  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

## Bromley Local Plan

Policy 1 Housing Supply  
Policy 4 Housing Design  
Policy 3 Backland Development  
Policy 8 Side Space  
Policy 37 General Design of Development  
Policy 30 Parking  
Policy 41 Conservation Areas

## Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles  
Supplementary Planning Guidance 2 Residential Design Guidance  
Belvedere Road Conservation Area SPG  
Mayor's Housing Supplementary Planning Guidance 2016

## Planning History

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

04/03635/FULL1-Elevational alterations, third floor extension and change of use of first and second floors to provide 6 one bedroom, 6 two bedroom, 5 three bedroom and 2 four bedroom flats, with continued use of ground floor for offices (Class B1); 33 car parking spaces and refuse and cycle storage, and new boundary wall and gates to Belvedere Road frontage (Rochester House)

Permitted- Date issued-27.05.2005. Subject to on-going conditions, including that the parking spaces and turning areas be provided in accordance with the approved details as retained as such (parking and manoeuvring space) thereafter.

07/00814/FULL1-Erection of satellite dish and aerial on roof

Permitted - Date issued-30.04.2007 (Rochester House)

08/00869/FULL1-Part one/two storey dwelling with integral garage adjacent to Rochester House

Refused- Date issued-02.05.2008

08/03886/FULL1-Detached two storey one bedroom dwelling with integral garage (located to rear/south part of car park).

Permitted- Date issued-09.01.2009

14/05049/RESPA-Change of use of units 1, 2, 6 and 7 from Class B1 (a) office to Class C3 dwellinghouses to form 6 one bedroom and 2 two bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Prior Approval Granted- Date issued-20.02.2015

15/01677/RESPA-Change of use of units 4 and 5 from Class B1 (a) office to Class C3 dwellinghouses to form 1 two bedroom and 1 one bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Prior Approval Granted- Date issued-01.06.2015

16/05152/FULL1-Construction of a 4 x bed detached house.

Refused- Date issued-10.02.2017

For the following reasons:

1. The proposed development, by reason of its design, siting and scale would result in a cramped, awkward and unattractive form of development, which would also fail to retain a minimum 1 metre side space to the flank boundary, harmful to the appearance of the street scene and the character of the Belvedere Road Conservation Area, contrary to Policies H9, BE1, BE11 of the Unitary Development Plan and the Belvedere Road Supplementary Planning Guidance.

2. The proposed dwelling, by reasons of its design, in particular, the proposed terrace area would appear incongruous and out of character with the surrounding area, detrimental to the visual amenities of neighbouring residents and the appearance of the Belvedere Road Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance, Belvedere Road Supplementary Planning Guidance and London Plan Policy 3.5 (2015).

3. The proposed development, by reason of its design, siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant loss of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

4. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan.

5. The proposal will result in a bin store being located over 40 metres from the highway, this is unacceptable in terms of refuse collection arrangements and therefore detrimental to the amenities of the proposal contrary to Policies H7 and BE1 of the Unitary Development Plan.

17/03411/FULL1 Construction of a 4 bedroom detached house

Refused. Date issued 15/9/17

Reasons for refusal:

1. The proposed dwelling, by reasons of its design, in particular, the proposed terrace area would appear incongruous and out of character with the surrounding area, detrimental to the visual amenities of neighbouring residents and the appearance of the Belvedere Road Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance, Belvedere Road Supplementary Planning Guidance and London Plan Policies 3.5, 7.6 and 7.8 and the NPPF (2012).

2. The proposed development, by reason of its design, siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant loss of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

3. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan.

## **Considerations**

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

- Resubmission
- Principle
- Design and impact on the character and appearance of the conservation area
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

## Resubmission

The application has been submitted following the refusal of planning permission under reference 17/03411 for the construction of a 4 bedroom dwellinghouse. Permission was refused on grounds relating to:

- Design - in particular the terrace area - having a detrimental impact on the visual amenities of neighbouring residents, the area in general and the Belvedere Road Conservation Area
- Loss of outlook to occupiers of neighbouring properties and giving rise to loss of privacy (overlooking to the prospective occupants of the proposed dwelling)
- Potential increase in on-street parking.

The current application seeks to overcome the previous refusal by amending the scheme as summarised below:

- Height of building reduced from 11.8m to 9.2m. with deletion of third floor and roof terrace
- Increased separation to boundary with Mason Court (1m separation in total)
- Elevational/design alterations

- Provision of 2 car parking spaces within the rear land
- Transport Statement provided within the D&A statement and a parking study provided, showing excess spaces within the car park ranging from 19-25 unused spaces.

### Principle

In the previous application it was stated within the delegated report that there is a presumption in favour of sustainable development and that housing is a priority use of all London Boroughs. The provision of small-scale infill development is welcomed provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential environments and there is adequate provision of garden and amenity space.

The site is located in a generally residential area where the Council will consider infill development provided that:

- It is designed to complement the character of surrounding development
- The design and layout provide suitable residential accommodation
- Adequate garden/amenity space is provided
- The proposal addresses any adverse impact on neighbouring amenity, heritage and conservation issues along with biodiversity or open space.

In terms of the principle of the development therefore, this needs to be assessed in relation to the impact of the development on the character and appearance of the surrounding area, the residential amenity of neighbouring properties and the proposed residential unit, conservation and heritage issues as well as the car parking and traffic implications of the development. Sustainable design, energy, community safety and refuse arrangements will also be considered.

### Design

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

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

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the

arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policy 4 of the Bromley Local Plan relates to Housing Design and with regards to the design and layout of development, states that the site layout, buildings and space around buildings should be designed to a high quality, recognising and complimenting the qualities of surrounding areas. Minimum space standards set out in the London Plan and the London Plan Housing SPG should be adhered to. Sufficient external private amenity space that is accessible and practical should be provided. Off-street parking that is well integrated within the overall design of the development should be provided. The layout should be designed to give priority to pedestrians and cyclists over the movement and parking of vehicles. Safety and security measures should be integrated into the development.

Policy 37 of the BLP relates to the design of development in general. It requires that development proposals should be imaginative, attractive to look at, complementing the scale, form, proportion, materials and layout of adjacent areas and buildings. Development should contribute positively to the existing street scene, and space around the building(s) should provide opportunities to create attractive settings with hard or soft landscaping. The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate into and between buildings.

The proposed dwelling would not directly replicate existing buildings within the street scene and is not a pastiche design. Its narrow width in conjunction with its three storey height is unusual in the context of the street scene. However, appropriate materials are proposed to be used in the external elevations of the building and the design detailing to the front, west and rear elevations in particular is considered to introduce an appropriate level of visual interest. While the proposed building would not be a replication of existing buildings in the locality, which would be difficult in the context of the large flatted development to the east (Mason Court) and the significant massing of the flats/premises at Rochester House), it would in its detailing and materials complement the character and appearance of the area. In reducing the height of the development and altering the design and placement of window openings the incongruous "skinny" appearance of the building has been reduced and the structure more successfully complements the distinctive qualities of its surroundings.

It is noted that there is limited provision within the layout of the site to provide meaningful landscaping to soften the development, with this limited to a small planter box adjacent to the vehicular accessway/car park. The predominance of

hard surfacing within the site is not uncharacteristic of this side of the street and the generally urban setting of the development however.

### Heritage Impact

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.

Paragraphs 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

Within or adjacent to a Conservation Area:

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.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. The site lies opposite and approx. 18m from a row of two storey stuccoed Grade II listed dwellings, on the other side of the road. In view of the separation to the Listed buildings it is considered that the proposal will not adversely impact on the setting or special interest of the Listed buildings.

The Belvedere Road Conservation Area SPG states that the character of the conservation area is one that "is derived from harmonious diversity: seldom are any neighbouring buildings identical." Unifying factors that are identified are:

- In general the original houses are large, of three or even four storeys

- The area is still mainly residential in character (although many of the large houses have been subdivided into flats)
- Original windows and doors remain and have been sensitively repaired

Para. 3.5 of the SPG states that the Council will expect all proposals for new development to conform with the character of that section of the CA surrounding the proposal site and with the general character of the area, in particular in regard to the scale and height of construction, location within a plot, design and materials used.

It is considered that while the proposed dwelling would not directly replicate existing built development within the immediate locality, its design detailing and appearance would contribute to the characteristic diverse harmony of the CA. The bulk and scale of the building would be subservient to neighbouring properties and while of a contemporary design it is not considered that the proposal would result in demonstrable harm to the Conservation Area.

It is acknowledged that objections have been received from the CPTPG and local residents regarding the proposal in terms of the impact upon the locality, including the CA, critiquing the design and materials used. The SPG refers to materials at paragraph 3.10 stating that where stucco is a common finish, elsewhere yellow stock bricks predominate. The SPG states at paragraph 3.12 that the diversity of exterior materials in the CA "allows considerable scope in selecting an exterior finish for a new building." As a new build development with brick buildings to either side and opposite stuccoed dwellings, it is not considered that the materials proposed to be used would be significantly jarring nor would they undermine the character and appearance of the conservation area. However, if permission is granted it would be appropriate to impose a pre-commencement condition requiring the submission and approval of materials, including windows, in order to safeguard the visual amenities of the conservation area.

#### 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 Bromley Local Plan 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 standard for the proposed units is 130sqm based on the accommodation being set over three storeys, with 4 bedrooms and a potential occupancy of 8 persons. The proposed dwelling would have a GIA of 137sqm.

Amenity space is provided by way of a rear garden space which would be bounded by walls/fencing. The area is 20sqm which is considered adequate for the proposed dwelling. The space does lie immediately adjacent to the proposed trellis-topped replacement refuse store for the flats

It is considered that the internal floor space and external amenity space in tandem with the internal layout of the development would provide a residential dwelling of an adequate standard of amenity for prospective occupants.

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

When planning permission was granted for the conversion of the upper storeys of Rochester House, it was subject to a condition requiring the provision and retention in perpetuity of the parking layout provided within the application (04/03635). It appears that the parking has been provided but is subject to a charging regime rather than those spaces being freely available, and the applicants have stated in their Design and Access statement that the charge levied is £100 per month which

equates to £1200 per annum. The proposal would utilise the land associated with some existing car parking spaces, and would provide within the remaining car park area two designated spaces for the proposed dwelling. It is not confirmed within the application whether these spaces would be subject to a charge for their use.

Application 17/03411 was refused on three grounds, including ground 3 which stated:

"3. The proposal has the potential to lead to an increase in local residents parking on surrounding streets, thus generating considerable pressure to on-street car parking, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan."

Policy 30 of the Bromley Local Plan relates to parking and sets out residential parking standards per unit. It is noted in the supporting text that Bromley has one of the highest car ownership levels in London. Policy 4 of the BLP states that development should include off-street parking "that is well integrated within the overall design of the development." Policy 32 states that the potential impact of any development on road safety will be considered and the Council will ensure that it is not adversely affected by development proposals.

The application is accompanied by an Existing Parking Study which notes the availability within the site car park of spaces at different times/on different days. The Design and Access statement includes a Transport Statement section which states that many of the flat owners in Rochester House do not have parking as a consequence of the siting of the development, noting there being an on-site surplus according to the survey of car parking spaces within the car park associated with the flats. The statement refers to the charge levied for parking, stating that this is commensurate with "all private, secure parking."

From a technical highways perspective concerns are raised stating that the loss of 6 car parking spaces as well as the 2 spaces associated with the proposed bin store is regrettable. This is framed by the context of existing residents being charged to park within the site, with the resultant cost potentially leading to occupiers choosing to park outside of the site, in an area with high parking demand. This is allied to the increased pressure for on-street parking demand and attendant likelihood that this will result in risk to traffic and pedestrian safety associated with unsuitable or illegal parking and manoeuvring.

The submitted statement is limited to a traffic survey associated with the private car park serving the flats and does not comment on or assess the availability of on-street parking outside of the application site, in neighbouring streets. The introduction of parking charges within the private car park (which was not referred to in the application for permission for the residential conversion at Rochester House) is not identified by the applicant as a deterrent to the use of the car park.

The site parking survey indicates that 31 parking spaces exist within the application site. The number of spaces would be reduced to a total of 25 spaces. These

spaces would serve the flats at Rochester House as well as the dwelling proposed (which would have 2 designated spaces). The introduction of charging for parking serving the flats is considered to be a private matter between the landowner and the tenants/owners of the flats, over which the Local Planning Authority has no control. On the basis that there would be 253 retained spaces to serve the flats on site as well as 2 designated spaces to serve the dwelling it is not considered that the refusal of planning permission in this instance would be warranted on highways grounds alone, taking into account the high PTAL rating for the site.

### Neighbouring amenity

Policy 37 of the Bromley Local Plan 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. It states that the amenity of neighbouring buildings should be respected, as well as those of future occupiers, ensuring inter alia that they are not harmed by noise and disturbance, inadequate daylight and sunlight, loss of privacy of lack of privacy and adverse overshadowing.

Concerns have been raised by local residents regarding the impact of the development on the residential amenities of neighbouring properties. Some comments relate to the impact in terms of noise and disturbance and loss of privacy associated with the construction period should permission be granted, including in relation to dust associated with the implementation of the development. These issues do not comprise material planning considerations. It is generally acknowledged that construction works can be noisy and cause disturbance, but these impacts are recognised to be finite, limited to the period of building works and not enduring beyond the completion of development. If permission is granted for the proposal it would be appropriate to impose a pre-commencement condition requiring the submission of a construction and environmental management plan to set in place appropriate measures to ensure that the construction period is well-managed with mitigated impact on residential amenities and traffic/parking. With regards to noise and pollution associated with construction, the applicant is advised of the need to comply with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

Concerns raised have not been limited however to the disruption associated with building works, but also to the proposed dwelling itself. It is noted that the proposed building would be substantially high, sited directly opposite the residential windows of the adjacent building at Rochester House. These windows provide outlook and daylight/sunlight to the east facing habitable rooms within the development at that site. The proposed building would be positioned approx. 6.1 - 7.15m from these windows which appear generally to serve bedrooms at Rochester House, some of which have a dual aspect to the east and north and some of which have their main aspect to the east with openings onto the enclosed terraces in the southern projection of the structure.

The proposed dwelling would not project beyond the position of the winter garden/terraces associated with the flats, although it would be visible from these areas. The structure would however be directly visible from the first and second floor flat windows which are east facing. In view of the proximity of the building to these windows which at present have a more open outlook with separation to Mason Court of approx. 13.5m, it is considered that the proposal would result some impact on outlook, which would be more marked at first and second floor level, since the attic rooms are positioned higher than the proposed development. It is acknowledged that the overall height of the structure has reduced in comparison with the previously refused proposal and that design detailing in the flank elevation would provide visual interest to the side of the development. On balance, it is considered that this reduction in height in tandem with the introduction of design detailing to the flank elevation would adequately mitigate the impact of the proposal on the neighbouring flats and that the impact of the proposal on outlook and light in relation to those flats would not be so significant as to warrant the refusal of planning permission..

With regards to privacy, concern was raised in the previously refused proposal regarding the mutual potential overlooking resulting from the proposal. It is noted that the current proposal includes a substantial screening wall/fence to the side of the proposed amenity area which would limit some views of the garden from the neighbouring winter garden/terraces and flank facing windows. On balance, taking into account the screening wall and the elevated position of the adjacent flats it is not considered that the proposal would result in a significantly increased sense of overlooking or loss of privacy, being mindful that the proposed dwelling would occupy a currently open parking/refuse storage area. Similarly, the boundary enclosures proposed to be provided are considered to result in an adequately private rear garden/amenity space for the proposed dwelling which would not be out of context with the urban setting of the development.

The proposed flank windows would be obscure glazed and would serve shower/bathrooms, as a consequence of which a condition requiring the installation and permanent retention of obscure glazing would appropriate.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and 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.

## 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**

With regards to the impact of the proposal on the visual amenities of the area in general and in particular the character and appearance of the conservation area, no objections have been raised by the Conservation Officer or by the Advisory Panel. It is considered that the scale, bulk and form of the dwelling would not have a detrimental impact on the visual amenity of the street scene. The SPG for the conservation area makes clear that there is no defined uniformity of buildings within the conservation area, with "harmonious diversity" recognised within the SPG. It is considered that the design detailing, bulk and appearance of the building would preserve the character and appearance of the area, subject to control regarding the materials used for the external surfaces of the building.

It is acknowledged that the proposal has elicited local representations expressing concern at the impact of the proposal on residential and visual amenity, as well as upon the character and appearance of the conservation area. Concerns relating to the impact of the construction phase and upon property values do not comprise material planning considerations and cannot therefore be taken into account in the determination of the application.

With regards to the impact on the residential amenities of neighbouring properties, while the structure would be visible from neighbouring properties, occupying the existing open space between the flats at Rochester House and the blank flank wall at Mason Court, the proposal would not have so significant an impact in terms of loss of outlook, daylight and sunlight as to warrant the refusal of planning permission on this basis. The proposal would provide a dwellinghouse of a reasonable standard of amenity for prospective occupiers.

The Highways Officer has expressed regret at the loss of existing on-site car parking spaces to serve the flatted blocks as well as with regards to the correlation between the levying of a parking charge with the uptake of on-site parking. However, the imposition of a parking charge is considered to fall outside planning control - the parking spaces remain available notwithstanding there being a charge for their use. The applicant's agent was asked to clarify the intention regarding the parking spaces (2no.) associated with the proposed dwelling and stated that the dwelling will probably be sold including parking spaces, rather than rented. This is a private legal matter however and cannot therefore be controlled by way of a condition.

The concerns expressed from a highways perspective regarding the loss of on-site parking are acknowledged. However, the applicant has submitted a parking survey which indicates that there are spaces available at most times within the car park and there is no evidence to counter this information. The flats formed within the conversion of Rochester House were generally 1/2 bedroom properties which are generally recognised as generating lower demand for parking than is the case in

dwellings with a higher potential occupancy. The site is located in an area with a high level of public transport accessibility. Taking this into account, it is considered that the refusal of planning permission on highways grounds would not be warranted in this instance.

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: PERMISSION**

**Subject to the following conditions:**

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990**

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.**

- 3** (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

**Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan**

- 4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:**
- (a) Dust mitigation and management measures.**
  - (b) The location and operation of plant and wheel washing facilities**
  - (c) Measure to reduce demolition and construction noise**
  - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-**
    - (i) Rationalise travel and traffic routes to and from the site as well as within the site.**
    - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.**
    - (iii) Measures to deal with safe pedestrian movement.**
    - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works**
    - (v) Parking for operatives during construction period**
    - (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.**
  - (e) Hours of operation**
  - (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis**
  - (g) The development shall be undertaken in full accordance with the details approved under Parts a-f**

**Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.**

- 5 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.**

**(b) The development shall be carried out in accordance with the approved details.**

**Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area**

**6 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

**(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

**Reason: In order to comply with Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

**7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

**8 Before the development hereby permitted is first occupied the proposed windows in the north western flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained as such.**

**Reason: In the interests of protecting residential amenity in accordance with Policy 37 of the Bromley Local Plan.**

**9 The flat roof above the dwelling shall not be used as a balcony or sitting out area and there shall be no access to the roof area other than for maintenance.**

**Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties**

**10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions,**

**alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

**Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan**

**You are further informed that :**

- 1 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)**
  
- 2 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](http://www.bromley.gov.uk/CIL)**