

Application No : 19/01794/FULL1

**Ward:
Hayes And Coney Hall**

**Address : Hayes Common Bowls Club West
Common Road Hayes Bromley BR2 7BY**

OS Grid Ref: E: 540613 N: 165693

Applicant : Michael Hirsch

Objections : YES

Description of Development:

Change of use of the existing bowls pavilion to D1 (non- residential institution use), and erection of a 3 storey building plus basement to provide a 60 bed care home (Use Class C2), with associated outdoor and indoor amenities, parking spaces and landscaping.

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 51

Urban Open Space

Proposal

This is a full planning permission for the change of use of the existing bowls pavilion building to a non-residential institution use (Class D1), to be occupied by CASPA (Children on the Autistic Spectrum Parents Association) as an office. A new pedestrian access path would be created and located adjacent to the outdoor spaces associated with the care home.

The proposed building would provide a 60 bed care home with indoor communal facilities such as day rooms, dining rooms, lounge/café library, therapy room, cinema and a gym. The proposed building would comprise four floors (3 storey plus basement) and would be located to the north of the pavilion building. The footprint of the proposed building would form an L shape, measuring 46.2 metres in width, 46.2 metres in depth and 10.8 metres high to the top of the ridge line when measured from the ground level. Two communal gardens and outdoor activity areas would be provided.

A total of 32 parking spaces including 4 disabled parking spaces would be provided.

It is indicated that the proposed care home would provide a total of 60 full time or equivalent new employment opportunities. The pavilion building would also provide employment spaces for CAPSA and 7 staff would be employed.

It is indicated that an agreement is in place with the Council's Adult Social Care that up to 10 bed spaces would be provided for Bromley residents on the Council's Register for a period of up to 5 years. This is subject to and subject to 5 clauses (updated draft head of terms).

The application was supported by the following documents:

Demographic Needs Analysis (prepared by Cushman and Wakefield for Carebase, dated April 2019)

This report indicates that there is a demand for care homes in the Borough. This study assesses the bed supply of the existing care provision within a 5 mile drive of the site. It has identified 39 care homes and 44 nursing homes with a combined total of 3, 141 beds. The study anticipates that many of the smaller and older care homes will exit the market over the next few years due to viability issues and the supply should be revised to 2, 574 .The study anticipates a shortfall of 1,421 beds by 2,028 and it is this aging population for which no new homes are proposed, that there will be an undersupply of 1, 421 beds in the Borough by 2028. This report indicates Bromley has a dementia diagnosis rate of 67.5% which is above the national average of 66.7%.

Landscape and Visual Impact Assessment (prepared by PDP Landscape and Urban Design Ltd)

This report has been prepared to assess the visual and landscape impact of the proposal including impact on Urban Open Space. A total of 5 viewpoints are identified which suggests that the impact from View point 2 at the communal site entrances would be between high to medium. The impacts from other viewpoints would be between low to medium. The effect of significance is considered to be neutral and the magnitude of change is considered to be none or negligible.

Design and Access Statement (prepared by Ryder)

The document outlines the design principle and access arrangements for the proposed 60 bed dementia and aged care home and an office to be occupied by an autism charity group, CASPA. The site is designated as Urban Open Space and is under private ownership. The proposal would occupy around 1.2% of the Urban Open Space when taking into account the designated land outside the application site and the fact that the proposal would be located within an area which has already been developed. The design and layout of the proposed building would minimise the impact to Burton Pynsent House for which planning permission was granted for a residential block in 2005. The site is vacant at present and Hayes Common Bowls Club surrendered their lease in 2014.

Tree Survey (prepared by Down To Earth, dated May 2019)

53 individual trees and 6 groups of trees were surveyed. 5 Category C trees (T43g, T45, T48, T48 and T59) and 2 Category U trees (T44 and T54) are proposed to be removed. 2 trees would be pruned (T26g and 27) to facilitate the proposal.

A letter from an Estate Agent, Linays (dated 10th May 2019)

This states that there is no realistic commercial demand for bowls clubs. The main interest was for residential use, a nursery, or a pre-school. The site was marketed on 10th October 2017 and an advertisement board was erected at the property and

on their website. Details of the site were distributed to those registered on their database, this included leisure and sports facilities registered in Bromley, all local surveying and commercial property practices and surveying practices based in central London and nationally. The site was listed in Co-Star, Rightmove and EGi. The site was also marketed by Bespoke Senior Leisure in relation the previous planning applications. It is noted that the Council Highway Department has raised concern regarding to highway safety. Bowls England and Sports England were approached and there was little assistance or guidance received and they were informed that there are adequate bowls facilities in the area. The marketed price was not unrealistic and was recently reduced with the instruction by the planning agent. The rental cost details of the Roebucks Cricket Club is not available. Linays Estate Agents has agreed the terms of a lease for CASPA to relocate their office at the Hayes Bowls Club site

A letter from an Estate Agent, Linays (dated 27th July, 2017)

This letter states that the marketing of such a property on the basis of the existing use is extremely limited. Bowls Clubs do not appeal to young or middle-aged audiences and with the experience of preparing valuation reports for several bowls clubs within the Borough of Bromley and Sevenoaks, bowling clubs require additional income sources such as catering, wedding and religious ceremonies to be sustainable. A former owner of the site, DBS Limited has negotiated a rent increase of £4,000 to £15,000 per annum for a 5 year period with the club. It was the professional opinion of Linays that this rental level was unrealistic to provide a return on such an investment.

Transport Statement (prepared by Ardent, dated May 2019)

This statement states 2 parking surveys were undertaken on Tuesday 27th March 2018 at 02:00am and Wednesday 28th March 2018 at 04:30am and the parking stress near the site was 15 percent. The site has a PTAL of 1b to 2, the nearest bus stop is 630 metres away from the site on Baston Road with 2 bus routes (Number 146 and 353). 32 parking spaces including 4 disabled spaces would be provided and would comply with the Council's Policy. In the weekday peak hours two-way vehicle movement is expected to be more than its former site use and would have a negligible impact on the highway network.

Flood Risk/ Foul and surface water management statement (prepared by Arden, dated May 2019)

This previously developed brownfield site is located within a Flood Zone 1 and is not subject to fluvial, tidal, ground water, surface water flooding. Detailed hydraulic modelling has been carried out which demonstrates that the proposed surface water drainage system can withstand the impact of a 1:100 year event and would comply with the NPPF requirement.

Statement of Community Involvement (prepared by SP Broadway, dated April 2019)

The statement states that the applicant has undertaken a community engagement with the local community and the Council prior to the submission of this planning application. A public exhibition was held in the Hayes Village Hall on the 15th November 2017. A total of 812 invitation letters were sent to the households near to the site. However, 2 invitees and other people attended the exhibition. There is a

low number of feedback responses which suggests only a very small number of residents are interested in the detail of the scheme.

Preliminary Ecological Appraisal Survey (prepared by Arbtech Consultant, dated June 2018)

This statement states that further surveys normally required for protected species are not required. Any vegetation removal and site clearance work should not be undertaken between March and September. In the event that bats are found during any stage of the development, a suitably qualified ecologist should be contacted for advice.

Ecological Mitigation Plan (prepared by Arbtech Consultant, dated July 2018)

The pavilion building was inspected and the building is of a good condition without any missing or broken tiles and is not considered suitable for bat roosting. The roof is constructed with timber shingles without any large gaps suitable for bat roosting. The exterior timber cladding walls are intact and no suitable roosting crevices or access into the loft space is available at present. As such, the building is not suitable for bat roosting. Bats could use the adjacent tree lines to the north and east as dark corridors. It is recommended that 3 x bat tubes be inserted into the southern, south-eastern or south-western elevations of the proposed building. 3 further bat boxes should be erected on retained trees on site prior to the commencement of works. Should any bats be found during any stage of development, works should be ceased and advice from an ecologist sought. It is recommended that no lighting should be installed within the wider site. No up-lighting be used near the tree lines where new bat boxes are to be located or near any of the bat tube entrances.

A minimum of 6 bird boxes and hedgehog housing should be installed across the site. A landscaping monitoring, management and maintenance plan should be in place to maintain or enhance the biodiversity value of site.

Construction Management Plan (prepared by Strutt and Parker, dated May 2019)

This is a preliminary construction management plan outlining the construction period and measures that would be required to minimise the impact of the construction works. The construction period would be 18 to 24 months and works would be carried out after 8am and before 5.30pm Monday to Saturday. There will be no works on Sunday or Bank Holidays. An indicative site layout plan for parking, material and equipment storage and a site office are referred to. Materials will be brought to the site via the existing access along West Common Road. Suitable arrangements will be in place to minimise the impact on the existing roads in terms of scheduling deliveries outside peak hours and the use of a banksman to direct vehicles into and out of the site.

Noise Assessment (prepared by Arden Consulting engineers, dated May 2019)

Noise levels have been measured at two locations within the site and residential use is considered to be a low risk development. Any fixed plant and equipment associated to the development should be designed to achieve a cumulative rating level of 33dBA during the day and 22dBA at the closest receptors at night. Control

measures will be implemented to manage potential impacts from construction noise.

Planning Statement (prepared by Strutt & Parker, dated August 2019)

This statement outlines the characteristics, constraints, planning policies and planning application history of the site. The ownership of the former Bowls Club site has changed since the implementation of the 2015 planning permission to provide a cricket pavilion, bowls pavilion, bowling green, croquet lawn, reinstatement of tennis court and a residential building. The proposed building is designed to minimise the impact. The existing bowls pavilion would be occupied by CASPA. 32 parking spaces would be provided and the access to the site would be off West Common Road, via the existing shared drive. Local consultation with ward members and residents were carried out prior to the submission of this planning application. The proposal would not comply with Urban Open Space Policy 55. However, this policy states the Council will weigh any benefits being offered to the community such as new recreational or employment opportunities against the loss of open space. The proposal would create 60 full time jobs on a shift work basis for the care home and 7 jobs for the office. It is stated that CASPA have been looking for an office for 2 years. There is a need in Bromley for more care homes with the ageing and growing population. The site is considered to be suitable for the proposal as the site is located approximately 700 metres from Hayes Railway Station and there is a bus stop located approximately 500 metres from the site.

The proposal would provide up to 10 bed spaces for a period of up to 2 years and this would be provided to the local Bromley Residents on the Adult Social Care Register. This provision is subject to a review after 12 months. This statement states that there will be a short fall of care home bed space as a result of the increase in the ageing population. There is a need to provide more care homes.

Location and Key Constraints

The application site is designated as Urban Open Space in Bromley's Proposals Map. The site comprises a single storey bowls pavilion building with changing room facilities, a bowling green and a dedicated car park measuring approximately 5,500sq.m in area. The single storey pavilion building has an internal floor area measuring circa 125sq.m, an outdoor bowling green measuring 40m wide and 40m deep and a car park. The site was last occupied by Hayes Bowl club as a private sports club.

The application site forms part of the wider Hayes Country Club site which covers an existing cricket pavilion building, cricket pitch and a part two and part three storey residential building, known as Burton Pynsent House. It should be noted that the wider Hayes Country Club site was also under private ownership.

The former Hayes Country Club building was 2 storeys in height with a footprint measuring approximately 32 metres in depth and 24 metres in width. This former Hayes Country Club building has been demolished and replaced by the Burton Pynsent House following the granting of planning permission in 2005 to provide a new bowls club facility. This included a bowling green, croquet lawn, cricket club facility and 10 residential units in Burton Pynsent House. The footprint of the

residential building (Burton Pynsent House) is of a size similar to the former club house and measures approximately 31 metres in depth and 22 metres in width. It should also be noted that the siting of Burton Pynsent House is identical to the former Club House.

The setting of the site is considered as suburban. The site is predominantly surrounded by low density domestic development with detached houses located on Baston Road, Redgate Drive and West Common Road. The site adjoins Hayes School to the north. The access to the site is via a shared drive, off West Common Road.

The Public Transport Accessibility rating of the site is rated between 1b and 2, on a scale between 0 to 6b where 0 is Worst and 6 is best. The nearest bus stop is located approximately 512 metres from the communal shared drive. The communal drive has a length which measures over 150 metres. There are 2 bus routes in the area (No. 356 with an average frequency of 4 buses per hour and No. 146 with an average frequency of 1 bus per hour). West Common Road is not a classified road and there is no dedicated pedestrian pavement or kerb line on either side of this road.

Hayes village is centered at Hayes Street on generally flat ground, near a village school and the parish church of St Mary the Virgin. The village and the urban settlement have evolved and expanded towards the west with a railway station and to the south, near Hayes Hill towards the higher ground on Warren Road and West Common Road. Hayes is a suburban village in Bromley and was under an administration of a Kent Parish Council until with the local government reorganization in the 1930s at which point it then became part of Bromley Borough.

Hayes Railway Station (former Mid-Kent line) was first opened in 1857 connecting Hayes Village to Courthill Loop North Junction, south of Lewisham. Hayes Station is a commuter station located on Station Hill and is located approximately 700 metres from the site.

The site adjoins the Bromley, Hayes and Keston Commons Conservation Area to the North and South. Further to the south of the site is a Site of Interest for Nature Conservation (SINC) and Area of Archaeological Significance. The Environment Agency Flood Map and Surface Water Flood map indicate that the site is located within Flood Zone 1.

Comments from Local Residents and Groups

132 neighbouring properties were consulted on the 5th June 2019. A total of 51 letters of support utilising a pro-forma prepared by the applicant were received and the grounds of support are summarised as follows: -

1. The building is sensitively designed and would not have an adverse impact on the surrounding buildings.
2. It is noted that the site is in Urban Open Space. The club has not been in active use for years and the care needs of the Borough represent a very good case to justify development at this location.

3. There is a severe shortage of care beds and this should be a priority need for Bromley Council;
4. This is a positive proposal and would provide much needed accommodation for the elderly population and growing population as well as providing opportunities for residents to downsize.
5. There is a national and local need for care beds. The proposal would provide private and council funded beds to the area
6. There will be plenty of residents interested to live in such state of the art facilities and meeting their care needs. More homes and care are needed in Bromley. Residents have to travel to Warringham or Green Street Green/ Cudham Lane to visit their relatives in the care homes

A petition against the proposal was received. A total of 54 letters of objection were received and the grounds of objection are summarised as follows:-

1. Loss of sport facilities
 - The Bowl club was an active club in the area with almost 100 members. There was a waiting list to join the club. The Club was forced out due to the tripling rent hike to an unaffordable level. The significant increase in the annual rent payable by the former Hayes Common Bowls Club has made the club financially unviable.
 - The redevelopment of the former Hayes Country Club was to enable the re-provision of an improved facility including new sports and community facilities. The redevelopment was granted with the condition to reinstate the tennis courts and provide a croquet pitch. These have not been complied with.
 - The Hayes Common Bowls Club was a friendly bowls club providing a healthy and pleasant facility for the members. These facilities appear to be less available in the Borough.
 - The outdoor recreation facilities should be safeguarded.
 - Loss of a sport facility and a valuable outdoor recreation space.
 - The bowls club site appears to be left derelict on purpose.
 - The applicant considered the site has no public benefit and described it as "derelict". This is incorrect as this urban open space contributes to part of the heart of the local area as well as an opportunity for future outdoor recreation uses.
 - There is a breach in the section 106 agreement associated with Burton Pynsent House. The residential development within the wider site was granted on the basis that the sport facility would be bought back to use and available for the community. The site was last used as a sports club. The bowls club was forced out of the site due to the rent sought by the owner. A tennis and croquet lawn were not delivered as part of an earlier agreed scheme.
2. Impact on Urban Open Space
 - Loss of urban open space and loss of openness.
 - The proposal would constitute overdevelopment on a small site of Urban Open space.

- An earlier appeal decision for one dwelling was dismissed and not considered acceptable in the Urban Open space. This is despite a tennis court being provided as part of the last proposal.
- The land is designated as Urban Open Space and should be used for sport activities only. The residential development was granted on the basis that the land would be used for a sporting facility only.
- The site is part of a larger area of UOS and the pavilion building and the adjoining Bowling Green have been in a long-established outdoor recreation use (Class D2). The proposal would be contrary to LB Policy 55 which allows for small scale development related to existing or allocated use only and that is outdoor recreation use. Para 97 of the NPPF states existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space buildings or land to be surplus to requirement; or;
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

3. Scale and massing

- The setting of the site is rural and such a large scale development would have an adverse impact on the setting of the area.
- The scale of the proposal would be substantial with basement excavation.
- The proposed building should be 2 storeys in height.
- The proposed building would appear out of character with the surrounding area and would constitute over development.

4. Impact on wildlife

- An earlier appeal decision at the site confirmed that fencing and boundary treatment would harm the openness of the site (APP/G5180/W/16/3160356) impact on local wildlife;

5. Site location and suitability as a care home

- The site being close to transport links is incorrect. The site is not located within an area close to public transport or local amenities, the nearest bus stop is located 500 metres away and does not have the benefit of any pavement on both sides of the road.
- The site is located on a hill from the station and not in an area with easy access to local amenity.
- CASPA and CAREBASE are two different entities and should be considered under two planning applications.

6. Marketing

- The Hayes Bowl Club had been in existence since 1952 was forced to close due to an increased rent from £4,000k to £14,350k. It is stated that the site was advertised at £30k per annum instead of 2.5k per annum stated in the submitted document. The marketed rate is completely unrealistic and it is clear that the developer did not have any intention to bring this land back

into sport/community use. The estate agent has also informally advised that the site is not available for renting. The suggested marketing is unrealised and has not been marketed in a fair manner.

7. Access and parking

Access

- Access to the site is unsuitable and the proposal would have an adverse impact on road safety.
- Additional traffic on a narrow road without direct public transport and footpath.
- Impact on pedestrian safety, in particular pupils and residents walking down the road.
- The access to the site is via a blind corner of West Common Road. The transport statement is misleading as it does not take into account the existence of Hayes School. The census data is out of date, completed some 8 years ago and does not include the additional car ownership of the residents of the recently developed former EEPTU building and grounds.
- The access leading to the site is via a single track and a controlled gate. There are commuter and school associated cars parked on the road and the proposal would further reduce the visibility of the site due to the parked vehicles.
- West Common Road and Warren Road are relatively narrow and operate essentially as one way roads during normal working time hours. The available parking spaces are limited.

8. Parking

- The on-street parking capacity survey presented in the Transport Statement were not conducted at an acceptable time of day and does not take into account the commuter and school parking.
- Traffic surveys were conducted on Tuesday 27th March 2019 at 0200 and Wednesday 28th March at 0430 at a time period where the parking level is very low. This survey is not considered therefore to be of any significance in reaching or concluding that the proposed uses for a care home and office are not going to impact on highway safety and parking.
- West Common Road is blocked by the 6th formers and employees of the school which prevent emergency vehicles travelling down West Common Road.
- The residents in the BPH have a right to use part of the proposed site for visitor parking. The submitted plans for a new care home also show our overflow car park spaces being integrated already behind care home gates without consulting the residents of Burton Pynsent House. It is unclear how the spaces would be managed after construction.
- West common road is a narrow road used by pedestrians, cyclists and motorists without any lighting.

9. Impact on residential amenity

- Noise and disturbance during construction.
- The pavilion building is located in a very close proximity to the existing residential building BPH. The proposal would encircle the existing residential building and would be an intrusive development to the residents in BPH.

- The proposed building would appear to be imposing and would result in loss of outlook and privacy, in particular the first and second floors.
 - Light pollution, noise and disturbance at night time as the proposed care home is a 24 hours facility;
 - Increased sense of enclosure for the residents in Burton Pynsent House;
 - Loss of light to neighbour's garden
 - The proposed car park is less than 10 metres from the neighbouring property and such provision would lead to security issues such as trespass;
 - Increased air pollution due to the traffic associated to the car park
 - There is a low level of hedge separating the residential and pavilion building at present. Boundary treatment would be required to separate the uses and would have a visual impact on the residential amenity in terms of enclosure and outlook.
10. Archaeology
- The proposal will affect the already poor and inadequate management of West Common Road. The redevelopment is alongside the well documented Hayes Bronze Age site on Hayes Common.
11. Others
- The leaflet provided by Carebase suggested that the proposed building is located some distance away from the BPH and this does not represent the true relationship on site.
 - There is an influx of letters in support of this proposal but it appears none of these writers live near to the site;
 - The applicant did not discuss the design of the proposal with the residents in BPH.
 - The residents of Burton Pynsent house have offered to rent the bowls club and this has been ignored by the current owners.
 - The Statement of Community Involvement does not support the view of a robust, engaging political and community consultation. The applicant states that the number of feedback responses received were low. This only demonstrates there is a fundamental lack of support for the proposal in general.
 - The applicant states that there was post-exhibition consultation. However, this was not the case as the offer was declined by Hayes Village Association in March 2019

Comment from Consultees

Sport England

Objection is raised due to the loss of the bowls facility and long term viability of the cricket club. Sport England considers that a list of bowls sites within 5 miles of the site is not sufficient to constitute an adequate assessment of the need of bowls in the local area. The applicant has not undertaken an adequate assessment of the demand for bowls in the local area and the Council can require one to be provided. The Council will also need to consider whether the site is suitable for an alternative use or facility for open space. There is an area of open space adjacent to the site and it is not clear who will manage this in the future and whether or not it will be

publicly assessable. The relationship between the cricket club site and the proposed site is unclear. Sports England may withdraw its objection to this application if;

- a. Further information is provided regarding the operation of the cricket ground and parking access. The Cricket Club use the same access road as that which forms part of this application. The applicant may need to provide additional parking spaces/ confirmation of access arrangements to accommodate the users of the playing field. Sport England is consulting the ECB on this matter and will provide a further response on receipt of this information and confirmation that the Cricket Club can continue to use the access to the site.
- b. A financial contribution (Section 106) payment is made to the Council to be invested in sport, such as other bowls facilities within the local area.

Should the Council be minded to grant planning permission for the development, the application should be referred to the Secretary of State, via the Planning Casework Unit. In addition, the application is also considered to prejudice the use of a playing field of more than 2 hectares. A copy of this application must be sent to the Mayor of London for consideration.

Officers comment:

The Cricket Club site measures approximately 1.7 hectares in area. The Cricket Club is under separate ownership and in use at present. The Cricket Club does not form part of this planning application. The applicant has advised that the parking area associated to the cricket club is located to the north of the Cricket Building and this does not contravene with the details approved under the earlier application in 2005. At the time of writing this report, no further comment has been received and the above information has been provided to Sport England including the target committee date to determine this planning application. Should there be any further comment received these will be reported to the planning committee for consideration.

Natural England

No comment to make on this application and the standing advice should be used to assess the impact on protected species.

London Fire Brigade

No comment has been received.

Designing Out Crime

Should planning permission be granted, a secure by design planning condition requiring the development to achieve Secured by Design accreditation should be attached. Clarification should be provided on issues such as building and lobby security, in particular out of hours, the standards of doors and windows into the fabric of the building, details of operation of the access control system, defensive space around the ground floor properties, mail delivery, visitor's strategy, lighting standard, vehicular security and boundary treatment.

Thames Water

Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

An application and consent to use main water for construction purposes will be required from Thames Water. More information and how to apply can be found online at thameswater.co.uk/buildingwater. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

LB Bromley - Highway

The public transport accessibility is rated at 2 on a scale between 0 to 6b where 0 is Worst and 6b is Best. There are waiting restrictions on West Common Road near Hayes School and there are vehicles parked on West Common Road.

Access

The access to the site would be via an existing access point which measures approximately 4.8m wide at the entrance from West Common Road and reduces to 4.1m wide along the shared access road beyond the access gate. The main site access is to retain the existing gates for both the vehicular access and pedestrian footway, providing a secure development. The gates are set back into the site in order to allow a vehicle to wait at the gates clear of the public highway. The proposal would include a 60 bed care home and an office as stated in the Transport Assessment.

Trip generation

The applicant has undertaken an assessment of likely number of trips associated with the proposed care home using the TRICS database for comparable developments. It is estimated that the proposed care home will generate 9 movements during the morning period hour (08:00 -09:00) and 8 movements during the afternoon peak hour (17:00 - 18:00) and 3 to 4 vehicle movements two ways for the proposed office use. It is indicated that the level of traffic will result in a minor impact on local highway network.

Parking

The parking surveys were undertaken using on Tuesday 27th March 2019 at 02:00am and Wednesday 28th March 2019 at 04.30am which covers part of the West Common Road and Warren Road. The survey methodology is stated for residential in the Transport Assessment.

32 parking spaces including 4 disabled spaces would be provided. 20% of parking spaces installed would include an electric charging point. Clarification should be provided to confirm whether the existing residential development has the right to use the existing car park as an overflow car park.

Cycle and waste collection

1 cycle store space per 5 staff and 1 space per 20 bedrooms should be provided. It is anticipated that the waste would be privately collected.

LB Bromley -Drainage

Planning conditions requiring a detailed surface water drainage design scheme, based on sustainable drainage principles set out in the Flood Risk/Foul & Surface Water Management Statement (prepared by ARDENT Consulting Engineers, dated May 2019) shall be submitted to, and approved by the Local Planning before any commencement of work.

LB Bromley -Tree

No objection to remove 5 Category C trees (T43g, T45, T47, T48 and T59) and 2 Category U trees (T44 and T54). The proposed tree protection measures should be carried out in accordance with the Arboricultural Method Statement. The excavation works in the car park should be supervised by an appointed Arboricultural Consultant and a supervision report shall be the Local Planning Authority.

LB Bromley - Environmental Health

Details of a Site Specific Construction Environmental Management Plan (SSCEMP) including noise mitigation measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of work. A scheme of noise insulation measures for all residential accommodation is required. There is no land contamination issue at this site.

LB Bromley - Conservation Area

No objection is raised.

LB Bromley - Adult and Social Care

Bromley's Adult Social Care Department is unable to accept the proposed and updated offer providing up to 10 bed spaces for up to 5 years at the Council's guide rate, as specified in the updated Draft Heads of Terms. The applicant's comment regarding to the shortfall of beds and financial checks that would be undertaken on the prospective residents are noted. The ability to ensure the supply of affordable care homes without relying on public funds and pressure on existing care homes is essential in terms of providing for long term and secure affordable care. The proposal did not fully consider the full potential impact upon adult social care and health services. Whilst financial checks may ensure residents do not default, it becomes the responsibility of adult social care when their funds are depleted.

LB Bromley - Energy

Inadequate information is submitted to quantify the baseline and on-site carbon reduction emissions against both the Energy Hierarchy and the proposed initiatives.

Policy Context

National Planning Policy Framework 2019

Chapter 2 Achieving sustainable development

Chapter 4 Decision making

Chapter 5 Delivering a sufficient supply of homes

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well-designed places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

London Plan 2016

Table A5.1 in the London Plan Annex 5 sets indicative annualised strategic benchmarks to inform local targets and performance indicators for specialist housing for older people between 2015 and 2025.

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.19 Sports facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.16 Waste net self-sufficiency
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing acoustic environment and promoting appropriate soundscape
- 7.18 Protecting open space and addressing deficiency

- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community Infrastructure levy
- 8.4 Monitoring and review

Bromley Local Plan 2019

- 1 Housing Supply
- 2 Provision of Affordable Housing
- 4 Housing Design
- 8 Side Space
- 11 Specialist and Older People Accommodation
- 20 Community Facilities
- 21 Opportunity for Community Facilities
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 37 General Design of Development
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Draft London Plan

Planning London's Futures

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Transport

- T4 Assessing and mitigating transport impacts
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Funding the London Plan

- DF1 Delivery of the Plan and Planning Obligations

Relevant planning application history of the site

1. 02/00419/FULL1 - refused
Detached single storey building for club house with car parking areas (Hayes Bowls Club)
2. 02/00424/FULL1 -refused
Demolition of existing buildings and erection of 3 detached five bedroom houses with detached garages
3. 03/01800/FULL1 refused. The subsequent planning appeal was dismissed.
Demolition of existing buildings and erection of two/three storey block comprising 8 two bedroom and 2 three bedroom flats with 20 semi-basement and 5 surface level car parking spaces. Single storey pavilion building with 26 car parking spaces and cycle parking, tennis court, formation of croquet lawn and alteration of existing access from West Common Road

4. 05/02956/FULL1 - granted

Demolition of existing buildings and erection of two/three storey block comprising 10 two/three bedroom flats with 20 basement and 5 surface level car parking spaces, 2 single storey pavilion buildings with 26 car parking spaces and cycle parking, tennis court, formation of croquet lawn and alteration of existing access from West Common Road. A further amendment relates to the internal layout and size of the cricket pavilion was granted in 2010 under planning reference 05/02956/AMD.

6. 07/04051/FULL and 07/04051/FULL - withdrawn

Single storey pavilion building and alterations to access arrangements amendment to scheme permitted under ref 05/02956 for demolition of existing buildings and erection of two/three storey block comprising 10 two/three bedroom flats with 20 basement and 5 surface level car parking spaces/ 2 single storey pavilion buildings with 26 parking spaces and cycle parking/tennis court/formation of croquet lawn and alteration of existing access from West Common Road.

7. 07/04087/FULL1 - granted

Single storey pavilion building and alterations to access arrangements (amendment to scheme permitted under ref 05/02956 for demolition of existing buildings and erection of two/three storey block comprising 10 two/three bedroom flats with 20 basement and 5 surface level car parking spaces/ 2 single storey pavilion buildings with 26 car parking spaces and cycle parking/ tennis court/ formation of croquet lawn and alteration of existing access from West Common Road)

8. 08/01635/FULL1 - refused

Demolition of existing buildings and erection of two/three storey block comprising 10 two/three bedroom flats with 20 basement and 5 surface level car parking spaces, 2 single storey pavilion buildings with 26 car parking spaces and cycle parking, tennis court, formation of croquet lawn and alteration of existing access from West Common Road (Amendment to scheme permitted under ref.05/02956 to include two terrace conservatories to second floors)

10. 11/02042/FULL4 - withdrawn

Variation of Section 106 Agreement relating to application ref. 05/02956 granted for block of 10 flats, 2 pavilions, car parking etc to provide that the cricket ground and pavilion be available for use for at least 8 days in the cricket season each year, rather than providing that a 25 year lease be granted to a suitable organisation for the ground and pavilion

11. 16/00972/SCHPA - withdrawn

Prior Notification for the change of use of existing Bowls Club to registered Child Care Nursery (56 day application for prior approval under Class T of Part 3 of schedule 2 of the GPDO 2015)

12. 16/01076/RESPA - withdrawn

Prior Notification for the change of use from Assembly and Leisure (D2) to Offices (B1) see CORRES/16/00185.

13. 16/03072/FULL3 - refused. The subsequent planning appeal was dismissed on 5th January 2017 (Appeal reference APP/G5180/W/16/3160356).

Change of use of former Bowls Club Pavilion from (Class D2) to 3 bedroom bungalow (Class C3) and an all weather tennis court with chain link fence max height 4m.

14. 16/05125/FULL1 - refused

Change of use of former Bowls Club Pavilion (Class D2) to 2 bedroom bungalow (Class C3) and formation of a grass tennis court.

Planning considerations

- Background
- Land Use
- Impact on UOS
 - Loss of available sport facilities
 - Loss of sports and community facilities and marketing details
 - Location and need for a care home
 - Compatibility of the proposed uses within the wider site
- Layout, Scale and Massing;
- Impact on residential amenities
- Transportation and Highway
- Climate changes and carbon off-setting;
- Tree and Ecology;
- Surface water drainage strategy
- Planning Obligation and CIL; and

Background

- Planning obligations associated to the existing and wider former Hayes Country Club Site

In 2005, planning permission was granted for the redevelopment of the former Hayes Country Clubhouse site which comprises of the application site, the Roebucks Cricket Club and Burton Pynsent House (ref: 05/02956/FULL1). As part of this approved planning consent, a unilateral legal agreement was completed on the 28th November 2005 which requires the provision of a range of outdoor sports facilities including a bowling pavilion building, bowling green, croquet lawn, tennis court, cricket pavilion and cricket pitch with parking spaces for the bowls club, secure cycle parking area and new landscaping. Clause 5.3 of the legal agreement also required a 25 year lease be provided for bowls use.

At pre-application stage, the applicant was advised the site is subject to a completed Unilateral Legal agreement which requires a lease to be granted to the Bowls Club for a term of 25 years in respect of the bowling green, the pavilion and associated car park. The applicant was also advised to provide details of any signed tenancy agreements including the rent level details associated to the former bowls club for future planning considerations. However, this information has not been provided.

The former secretary of Hayes Common Bowls Club has advised that the former bowls club was well used by their private members until the club was unable to meet the rental demand and vacated the site in January 2016.

Land Use

- Impact on Urban Open Space

The site is identified as Urban Open Space (UOS) in the Council's Proposal Map and is under private ownership and has been as such for over two decades. The primary purpose of the UOS policy is to protect the open character of sites considered to be of local significance. Not all sites designated Urban Open Space have public access, but they nevertheless fulfill specific functions within their localities and provide important breaks within the built-up area. London Plan Policy 7.18 states that the loss of protected open spaces must be resisted unless better quality provision is made within local catchment areas. Whilst the proposal would provide two communal gardens for the care home, the proposal would result in a net loss of urban open space without adequate replacement.

Bromley Local Plan Policy 55 states that proposal for built development in UOS will be permitted only under the following circumstances:

- a. The development is related to the existing or allocated use
- b. The development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- c. Any replacement buildings do not exceed the site coverage of the existing development of the site.

The proposal does not fall within the three circumstances above and the principle of introducing a new building is not considered acceptable. The footprint, size and scale of the proposed building is considered to be substantial and measures 46.2 metres in depth, 46.2 metres in width and would be three storeys in height. It is considered that the proposed building would have a significant impact on the open nature of the site and would be harmful in terms of its visual impact on the visual amenities resulting in further erosion and fragmentation of UOS.

Policy 55 also states that 'subject to the clauses above, the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space. The scale, siting and size of the proposal should not unduly impair the open nature of the site'.

The applicant is of the view that other than being an open parcel of land, the site serves no purpose or function. The proposal would provide public benefits to the community in terms of the creation of 60 full time employment opportunities, 60 care home bed spaces and employment opportunities for a local charitable group. Whilst these points are noted, Officers do not consider that these merits are a unique circumstance to justify harmful development in UOS. The planning merits of this proposal can be derived from sites other than UOS. Given the size, scale, bulk

and use of the proposed building, it is considered that the proposal would be contrary to London Plan Policy 7.18 and Bromley Local Plan Policy 55.

In terms of the visual impact of the proposal and the findings outlined in the Landscape and Visual Impact Assessment report, the applicant considered that effect of significance would be neutral and magnitude of changes would be between none and negligible.

It is noted that the site is under private ownership and the proposed building would be located approximately 150 metres from the communal entrance of West Common Road. However, the proposed building would be sited within an area of open space where large scale urbanized buildings would not normally be present. The proposed building would be visible from the public view and would cover the former bowling green in an excessive manner. It is considered that the siting, scale and nature of the proposal would be harmful to the UOS.

- Loss of outdoor sport and community facilities

Paragraph 96 of the NPPF states that existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or,
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or,
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

London Plan Policy 3.19 states that any proposal that results in a net loss of sports and recreation facilities should be resisted. This is consistent with Bromley Local Plan Policy 58 which states the Council seeks to retain sports, recreation and playing fields and will resist their loss unless it can be demonstrated that the open space, buildings and other land uses for sport, recreation and play are surplus to requirements.

Bowling is a national sport activity recognized by Sport England and Bowls England. For recreational and sports facilities, it is also categorized as social infrastructure in the London Plan (Glossary). The Council's Open Space, Sport and Recreation Assessment (published in 2017) provides an audit of open space, sport and recreation provisions in Bromley. There were 20 operating outdoor bowling greens in Bromley and these are mainly located in the north east of the borough. Based on the 2011 census, this is equivalent to 0.06 greens per 1,000 population.

The site was last occupied as an outdoor bowls club providing outdoor sport facilities. The proposal would result in a loss of outdoor sport and community facilities. No assessment has been undertaken to suggest and confirm there is a surplus of bowls club provision in the area and the Borough, except a list of 29 bowls clubs within a 5 mile radius of the site (Planning statement - Appendix A).

However, it should be noted that 12 of the identified clubs should be discounted. 9 of the identified clubs are located outside the administrative boundary of Bromley. Bromley Common Bowl is closed. One of the bowls clubs is operating as an indoor bowls club. The sport facilities and membership at the Met Police Bowls Club (The Warren) is exclusive for the retired police officers and police staff.

It is unclear whether all the remaining clubs within the administrative area of Bromley have a waiting list for new members and what their capacity is. In the absence of an up-to-date assessment of the current and future community needs, it is considered that the loss of an existing readily available bowls club site is not acceptable, contrary to London Plan 3.19 and Bromley Local Plan 58.

In addition, Bromley Policy 20 states that planning permission will not be granted for proposals that would lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves or it can be demonstrated that the facilities are no longer needed. A 6 month period of marketing which is current and robust at a realistic value should be provided.

Planning Statement indicates that the site has been subjected to extensive marketing exercises. An estate agent, Linays was approached in July 2017 and the former bowls club was put on the market for let at a rental cost of £30,000 per annum in October 2017. The advertisement indicates that the pavilion building was constructed in 2008 with a bowls green and a club house. It is stated that an advertisement board was placed at the site, particulars were distributed to the relevant companies and individuals and the site was listed on various websites such as Co-Star, Rightmove and EGI. However, there is limited detail regarding the time periods of the advertisement on the Linays and/or other websites. There is also limited detail provided to confirm whether any responses were received to the local / national selected companies to whom the marketing was targeted. The advertisement also indicates that visitors to Burton Pynsent House are permitted to use the car park associated to the bowls club and that it is subject to a five year rental review.

A further marketing appraisal letter from Linays (dated 10th May 2019) is submitted. This letter states that an agreement was reached with CASPAS to use the pavilion as an office in November 2018. The site was re-marketed with a reduced rental cost at £22,500 per annum. However, it should be noted that this marketing relates to the former bowling green and does not include the existing pavilion building. It is unclear how the revised rental value is reached. It is also uncertain whether the marketing exercise is designed to reach the target audience. The attractiveness of the site is considered to be substantially reduced without the sports pavilion and the purpose built changing rooms, kitchen facilities and parking spaces. Furthermore, an Option Agreement (under Clause 7) to purchase the site has been registered/agreed between the current owners of the site and the applicant, Carebase Limited on the 2nd June 2017. This is prior to the suggested marketing period from October 2017.

The marketing appraisal indicates that Bowls England was approached and suggested that there is adequate sports and club facilities in the area. The growth

of Bowls sports is stagnant with a number of existing clubs struggling financially. However, Bowls England has advised that there was no record of having correspondence regarding the application site.

Based on the information provided, inadequate marketing details have been provided and the suggested marketing periods are not supported. It is also uncertain whether the site has been advertised in a robust manner to attract the relevant audience. Overall, it is considered that inadequate marketing information has been submitted.

- Location and need for care homes

London's population is expected to grow and with the increase in life expectancy, there is a growing pressure for the Government at all levels to ensure new housing can be delivered at the right place and right time to meet the need of the communities. The proposal would contribute to the Council Housing Supply with a net increase of 60 care home bed spaces. It should also be noted that the proposal would also provide up to 67 full time equivalent employment opportunities.

Officers note that Carebase is a national operator with 13 care homes across the country providing nursing care. The applicant has indicated that up to 10 beds for a period up to 5 years will be made available for residents on the Councils list. However, the nomination rights will be subject to a review. The schedule of accommodation in terms of the timing of allocation is also subject to a review after the first 12 months of operation. As such, it is considered that the merits in providing 10 bed spaces for a temporary period of 5 years would be very limited.

A demographic need analysis (prepared by Cushman and Wakefield) is submitted in support of this application. This report indicates that there are a total of 3,141 care home bed spaces within a 5 mile drive of the site and there is a need for a care home in this locality. The analysis anticipates that there will be a shortfall of 1,421 beds by 2028.

Officers consider that the findings above do not fully represent the current demand and supply of care need in Bromley. This is due to the catchment area being limited to a 5 mile driving distance from the site. Bromley is the largest London Borough in terms of area which covers 59 square miles. The catchment area does not cover some of more urbanized areas in Bromley such as Orpington and Crystal Palace. The catchment area does cover part of the wards in Bromley such as Clock House, Penge and Cator Ward, Coopers Cope Ward, Plaistow and Sundridge Ward, Chislehurst, Biggin Hill, Chelsfield and Pratts Bottom and Mottingham and Chislehurst North. Due to this limitation, a number of operating care homes in Bromley are not included in their analysis. Furthermore, 567 existing bed spaces are discounted from their analysis due to the size of its operation being below 30 beds and an assumption that smaller and older homes will exit the market over the next few years. Neither the addresses of these smaller care homes totalling 567 beds nor evidence are provided to confirm this assumption. Given the limitations of this analysis report, it is considered that the findings contained in their report do not present the true shape of care home need in

Bromley. Based on the said data, the suggested under-supply projection appears to be a further distortion in their analysis.

The Council expects care homes to be located in the area of identified need, also conveniently located with a range of local shops and services including public transport, appropriate to mobility of the residents (Bromley Local Plan Policy 11 and London Plan Policy 3.17).

Whilst the proposal would provide dementia residential care and add to the Council's care home housing stock, the site along with the properties on West Common Road, Station Hill and Ridgeway are located on a hill. The ground level is elevated against the ground level of Hayes Railway Station where most of the local shops and amenities are located. Given that the site is not located near to any defined centre (the nearest shop is located over 700 metres from the communal gate) with a poor public transport accessibility rating of 2, it is considered that the location of the site is not suitably located within an area with good transport links. It should be noted that distance between the communal access gate to the front door of the proposed care home measures approximately 180 metres. There is no dedicated pedestrian path within/across the site and West Common Road. Due to the distance to the local amenities and the road, it is considered that the site is not located within an area within an easy reach to local amenities and transport links, contrary to London Plan Policy 3.17 and Bromley Local Plan Policy 11).

- Compatibility of the proposed uses within the wider site

As part of this proposal, the existing pavilion would be converted into a non-residential institution use (Use Class D1) as specified by the applicant. However, the applicant has indicated that the building would be occupied by a charitable organization (CASPAS) as a headquarter office providing employment opportunities for up to 7 people. Office accommodation is generally categorized under Class B in the Use Class Order. It is uncertain whether the proposed use would be an office or a non-residential institution use. As such, the impact and planning merits of this proposal cannot be fully assessed.

The applicant indicates that the office accommodation is in advance agreement with CASPAS. CASPAS operates regular activities at Link Youth Centre in Orpington, Phoenix Children's Centre in Bromley and Hawes Down Centres in West Wickham. Officers are unable to seek confirmation for the Co-Founder and Chair of Trustees to confirm the above. Nonetheless, the introduction of an office adjacent to the care home would also appear at odds as this office would be surrounded by communal gardens associated to a care home and a residential building.

Furthermore, the proposed 60 bed care home (Use Class C2) would be located at the north east corner of the wider Hayes Country Club site, near to the residential accommodation Burton Pynsent House (Use Class C3). Whilst a noise impact assessment is submitted which indicates any fixed plant and equipment serving the proposal including construction works would not have an adverse impact on the residential amenities, it should be noted that the operation and use of a care home is not identical to residential dwellings where carers, nurse and staff would attend

the site on a daily and 24 hour basis with visitors to the 60 bed care home visiting during the weekends and evening during the weekdays.

The access to the site is shared with other users living in the Burton Pynsent House and an active Cricket Club. It is also uncertain how the communal access can be managed between the uses and the parking arrangement within the wider site. The highways impacts will be assessed in the highway section of this report.

Design and Layout

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. This is supported by London Plan Policies 7.1, 7.4 and 7.6 and Bromley Local Plan Policy 37 both require new development is of a high standard of design and layout.

- Layout

The design of the building would be modern. It is noted that the design, style and configuration of the residential buildings along West Common road is different from Hayes School. However, it should be noted that the dwellings and the school has a direct interaction and relationship with West Common Road. This forms part of the established pattern of development in the area.

The position of an isolated and excessive building at the corner of the former Hayes Bowls Club would appear at odds without a direct relationship with the road. The arrival at a building is one of the important design factors in making new proposals safe, secure, welcoming and accessible for all. The proposed layout would create a frontage with a main entrance obscured from public view, facing its care park. As such, it is considered that the proposed building would undermine the established pattern of development the area.

The existing pavilion building would be retained and converted into an office. The access to the existing bowls pavilion would be located between two communal gardens and appear to be an add-on arrangement rather than an integral part of the design. The siting and layout of the proposal does not appear to positively respond to Burton Pynsent House and the Cricket Club which share a communal entrance.

- Scale and massing

It is noted that the ground level of the site is lower than Burton Pynsent House. However, the footprint of the proposed building would form an L shape measuring 46.2m wide and 46.2m deep. The proposed building coverage would be significantly larger than the existing pavilion building measuring 18m wide and 7m deep (126sq.m) and the Burton Pynsent House measuring 30m wide and 22m deep (660sq.m). It is considered that the proposed building coverage would be

excessive in the UOS, especially when compared with the existing pavilion buildings and Burton Pynsent House.

Given that the site is mainly surrounded by 2 storey buildings with the exception of a part2/part 3 storey building, Burton Pynsent House which occupies the same footprint of the former Hayes Country Club 2 storey building, it is considered that the scale and massing of the proposed three storey building would be excessive in the locality.

- External material

The external finishes of the building would mainly comprise yellow brickwork, with timber louvre panels. The windows would be made of aluminium and inward opening.

Impact on residential 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. The key amenity issues to consider are the impact of the development on existing residents in terms of loss of outlook, privacy, daylight, sunlight and overshadowing and noise.

Burton Pynsent House (BPH)

Burton Pynsent House comprises the closest residential dwellings and are located in between the cricket and bowling pavilion. The outdoor sports activities mostly take place during the day hours in the weekend under the dry weather. It should be noted that the existing facilities are not serviced with floodlights and activities are mostly carried out during the daytime within sociable hours.

The introduction of a 60 bed care home, an office and provision of 32 car parking spaces would not only provide 60 new bed spaces for the future users, but would also attract a significant amount of employment related activities with 67 full time equivalent jobs, including the office use. The nature of the proposed uses would also attract visitors to the site. Whilst the proposed care home would be located to the rear of Burton Pynsent House, the volume of people attending the site would be likely to occur on a regular and 24 hour basis depending on the need of the future users. Given that the site is located within an area of a suburban character and having considered that the level of activities associated to the existing uses, it is considered that the proposal would have an adverse impact on the residential amenities in terms of noise and disturbance, in particular during late and earlier hours of the day. It should be noted that the operation of a care home is on a 24 hour basis and it would not be prudent to control its operating hours and the volume of traffic visiting the site. As such, it is considered that the proposal, by reasons of its proposed use and the scale of the development would have an adverse impact on the peaceful enjoyment of the neighbouring properties, contrary to Bromley Local Plan Policy 37.

The proposed building would be located approximately 39 metres from BPH. Due to this distance, it is considered that the proposal would not have an adverse impact on residential amenities in terms of loss of sunlight, loss of daylight and privacy. However, the proposed building would be located to the rear of BPH, it should be noted that the proposal would be 46.2 metres in width and 46.2 metres in depth and 3 storeys in height. Due to the scale and bulk of the proposed building, it is considered that the proposal would appear as an unneighbourly development and have an adverse impact on the residential amenities in terms of visual impact and loss of outlook.

Houses on Baston Road and Redgate Drive

The distance between the proposed building and the rear wall of the houses on Baston road and Redgate Drove measures approximately 70 metres and 78 metres respectively. Whilst the proposed building would not be fully screened by the existing tree line, it is considered adequate distance between the proposed building and the houses on Baston Road can be maintained and would not result in an adverse impact on residential amenities.

Houses on West Common Road

The proposed building would be located over 150 metres from the houses on West Common Road and as such it is not considered that the proposal would have a harmful effect on residential amenities.

Standard of accommodation

The standard of accommodation is governed by the Care Quality Commission and there is no planning policy requirement setting a minimum or maximum room standard. The proposed floor plan indicates that a number of communal facilities such as a library, day rooms, therapy rooms, private dining room, dining room, gym and cinema would be provided. The proposed building would be accessible by 2 internal lifts. The internal layout and size appears to be acceptable. It is noted that some of the ground floor beds would be located close to the opposite wall/fence and should ideally provide a greater separation distance from the boundary to provide a better outlook. A number of ground floor beds would be facing a communal garden and could result in privacy issues within the care home.

With regard to affordable housing provision, there is no minimum or maximum threshold for care home proposals, except supporting text (para 3.51) of the London Plan encourages the principles of affordable housing policies (Policy 3.10 to 3.12) to be applicable for development falling under Class C2. As part of this proposal, up to 10 bed spaces for a period up to 5 years would be provided to the residents on the Council's Adult Social Care list. The proposed development would positively contribute to the supply of care homes in the Borough and meet the relevant need. However, such provision would be limited to a temporary period of 5 years. The updated head of terms indicates that the nomination rights and schedule of accommodation would be subject to a review after the first 12 months. The Council's Adult Care Services was consulted and is unable to accept this

updated provision. As such, it is considered that the merit of this aspect of the proposal is very limited.

Transportation and Highway

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 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.

Access

London Plan Policy 6.3 states that development should not adversely affect safety on the transport network. The existing vehicular access leading to the existing parking area would be re-used and this is considered acceptable.

The access to the site is via a communal private access gate and access road, off West Common Road. The width of the existing access road measures approximately 4.8 metres at the entrance from West Common Road and this narrows to approximately 4.1 metres when approaching the site. Whilst there is no minimum standard for a private access road, it should be noted that this access road is shared with the Burton Pynsent House and the existing Cricket Club.

The level of traffic and parking demand associated with the proposed 60 bed care home is expected to be increased and this is reflected by the increase in the number of parking spaces proposed within this proposal. It is noted that the application site was last used as a bowls club, and that the activities associated with the former bowls club is unlikely to be carried out during the peak hours

Having considered the width of the communal access, the scale and uses of the proposal, it is considered that inadequate arrangement would be provided to ensure the highway safety of the existing and future users. Furthermore, there is no dedicated pedestrian path leading to the existing and proposed uses along the private road. There is no refuge area for pedestrians along the shared private road, except the lawn in the Cricket ground. In view of the level of traffic and activities associated to the proposed 60 bed care home and office, it is considered that a safe access arrangement for all users cannot be demonstrated.

Parking Survey

The site is located within a sub-urban area and is mainly surrounded by low density development. The site has a poor public transport link as there is no bus stop on West Common Road. There is a commuter railway station located on Station Hill. The public transport accessibility of the site is rated between 1b and 2, on a scale between 0 to 6B where 0 is Worst and 6B is Best.

The parking surveys were undertaken on Tuesday 27th March 2018 at 02:00am and Wednesday 28th March 2018 at 04.30am which covers part of the West Common Road and Warren Road. The methodology for the parking survey is residential and does not take into account the nature of the proposed uses. This survey indicates that the parking stress level is low at 15 percent. However, it should be noted that the survey date and hours did not fully take into account the existing activities and uses which occur in the area including the commuter station. the volume and flow of traffic in the area which are heavily influenced by the Railway Station and the School including the out of school hours activities, such as Rugby, sport matches with other schools, music and drama events which are open to the members of the public during weekdays and weekends.

The site was visited on four different occasions during the working hours and work days. Whilst there are some parking restrictions near to Hayes school, on-street parking on West Common Road, Warren Road, Station Hill, Ridgeway and Hawthorndene Road do exist. However, it should be noted that the availability of on-street spaces near to the Station depleted as early as 7:15 am in the morning. The on-street parking spaces are saturated and dispersed onto West Common Road and further afield.

In addition, it should be noted that there are no footways or public pavements along this part of West Common Road. The Council's Highway officer has advised that West Common Road is often blocked during the school peak hours with vehicles parked on the road. As such, it is considered that the parking survey and transport assessment has failed to take into account the existing activities and uses in the area including the parking condition in the neighbouring roads.

Parking standard

Table 6.2 under London Plan Policy 6.13 sets a maximum standard for plan making purposes. Paragraph 6.42 of the London Plan states that "in outer London a more flexible approach for applications may be considered acceptable in some limited parts of areas within PTAL 2".

The former bowls clubs car park has a capacity of 26 spaces. The car park would be reused to provide 32 parking spaces including 4 disabled spaces. The proposed care home would provide up to 60 full time equivalent employment and a further 7 employment opportunities would be generated from the office use (CASPAS).

The proposal would provide dementia care for 60 residents. It is unclear the degree of care that would be provided to the future residents and whether any parking spaces would be allocated for the future residents/services. It is also unclear whether the proposed non-residential use (Use Class D1) to convert the pavilion building would be occupied by CASPAS as a headquarter office and its associated activities. In the absence of these details and an adequate parking survey, it is considered that this part of the proposal cannot be fully assessed.

Trip Generation

The applicant has undertaken an assessment of likely number of trips associated with the proposed care home using the TRICS database for comparable developments. It is estimated that the proposed care home will generate 9 movements during the morning period hour (08:00 -09:00) and 8 movements during the afternoon peak hour (17:00 - 18:00) and 3 to 4 vehicle movements two ways for the proposed office use. It is indicated that the level of traffic will result in a minor impact on local highway network. However, the trip generation assessment is limited to weekday only and does not fully represent the nature and type of the proposed uses.

Cycle

Table 6.3 under London Plan Policy 6.9 requires a minimum of 1 long stay cycle spaces to be provided for every 5 staff and a minimum of 1 short stay cycle storage spaces to be provided for every 20 bedrooms. For other non-residential institutes, a minimum of 1 long stay space should be provided per 8 staff.

The proposed site plan includes an area of cycle parking which would be located within a communal garden area. Whilst the details have not been provided, it is considered that these details can be secured by a planning condition and would not warrant as a reason for refusal, should this application be considered acceptable.

Waste and recycling storage

The proposed site plan indicates that a refuse and recycling storage area would be located in the car park. A tracking plan is provided which confirms a waste vehicle can leave the site in a forward gear. Whilst the details of waste storage enclosures and sizes have not been provided, it is considered that these details including servicing and delivery plans can be secured by a planning condition and would not warrant as a reason for refusal, should this application were considered acceptable

Climate change and carbon offsetting

London Plan policy 5.2 sets out that proposal for non-domestic building between 2016 and 2019 should meet the carbon saving requirements set out in the Building Regulations. This policy was adopted on a presumption that in 2016 the Government would introduce more stringent carbon saving requirements for non-domestic buildings through the Building Regulations. However, the expected amendments were not brought forward and therefore current guidance from the GLA on preparing energy assessments (March 2016) sets out that in order to comply with the overarching objective of policy 5.2, which is to minimise carbon emissions from development, that nondomestic buildings should achieve a minimum carbon saving of 35% beyond Part L of the Building Regulations 2013 (the pre-2016 policy target). Bromley Local Plan Policy 124 requires major non-residential development to achieve 35% reduction and in line with the GLA's Energy Guidance

An Energy Statement acknowledges the carbon reduction policies requirements for non-residential development is submitted. Whilst it is stated that a combination of Solar PV, air source heat pumps and combined heat and power measures are considered to be of priority for future assessment, the carbon reductions calculations have not been provided. The Council's Energy Officer has advised that inadequate information is submitted to quantify the baseline and on-site carbon reduction emissions against both the Energy Hierarchy and the proposed initiatives. In the absence of these essential details, it is considered that this part of the development cannot be assessed and the proposal would fail to demonstrate adequate carbon reduction can be achieved on site and relevant planning obligations can be met.

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 170 states planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Bromley Local Plan Policy 72 states planning permission will not be granted for development of land that will have an adverse effect on protected species, unless mitigating measures can be secured. Bromley Local Plan Policy 73 states proposal for new development will be required to take particular account of existing trees on the site and on adjoining land which in the interests of visual amenity and/or wildlife habitable are considered desirable to be retained.

The Tree Survey indicates that a total of 53 individual trees and 6 groups of trees were surveyed. 5 Category C trees (T43g, T45, T47, T48 and T59) and 2 Category U trees (T44 and T54) are proposed to be removed. 2 trees would be pruned (T26g and 27) to facilitate the proposal. The Council's Tree officer has raised no objection to the removal of the trees. Given that there are no protected trees proposed to be removed from the site and the proposed landscaping plan indicates that new planting would be replaced within the site, it is considered that this part of the proposal would be acceptable.

The site is not located within an ancient monument and archaeological significance area in the proposal map. The site is located approximately 80 metres from the green belt and development and nature conservation site.

A preliminary ecological appraisal survey and ecologic mitigation plan indicate that the pavilion building was inspected and is of a good condition without any missing or broken tiles. The pavilion building is not considered suitable for bat roosting. Bats could use the adjacent tree lines to the north and east as dark corridors. It is recommended that 3 x bat tubes be inserted into the southern, south-eastern or south-western elevations of the proposed building. 3 further bat boxes should be

erected on retained trees on site prior to the commencement of works. Should any bats be found during any stage of development, works should be ceased and advice from an ecologist be sought. Any vegetation removal and site clearance work should not be undertaken between March and September. In the event that bats are found during any stage of the development, a suitably qualified ecologist should be contacted for advice. This report recommends that no lighting should be installed within the wider site and no up-lighting be used near the tree lines where new bat boxes are to be located or near any of the bat tube entrances. A minimum of 6 bird boxes and hedgehog housing should be installed across the site. A landscaping monitoring, management and maintenance plan should be in place to maintain or enhance the biodiversity value of site. In view of the findings above, it is considered that the proposed mitigation measures would be acceptable.

Surface water drainage strategy

London Plan policy 5.13 'Sustainable Drainage' sets out that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Bromley Local Plan Policy 116 supports the London Plan and requires 40% climate change allowance is also applied when calculating the appropriate greenfield run-off rate target. The site is located in an area not subject to risk of flooding and surface water flooding. Detailed hydraulic modelling has been carried out which demonstrate the proposed SuDS systems can withstand the impact of a 1:100 year rainfall event, thus complying with the NPPF requirement.

The Council's sustainable drainage officer has raised no objection to the proposal. A planning condition requiring a detailed surface water drainage design scheme, based on sustainable drainage principles set out in the Flood Risk/Foul & Surface Water Management Statement (prepared by ARDENT Consulting Engineers, dated May 2019) shall be submitted to, and approved by the Local Planning before any commencement of work.

Planning Obligation and Community Infrastructure Levy (CIL)

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

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

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. This is supported by Bromley Local Plan Policy 125 and the Council's Planning Obligations SPD. The identified Head of Terms are as follows: -

- Health - £65, 520; and
- Carbon offsetting - Inadequate information submitted to enable determination.

Conclusion

NPPF Paragraph 11 states that there is a presumption in favour of sustainable development. Para 11 (c) states that development should be approved that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Bromley's Local Plan was adopted in January 2019 sets out the planning policies, site allocations and land designations Borough wide and is a central document and up-to date document in assessing new development in the Borough.

The proposal to provide 60 care home bed spaces would positively contribute to the Council's housing stock and housing need in the Borough. However, the proposal would not be appropriate in Urban Open Space, and would result in a loss of readily available outdoor sports and community facilities in the Borough without a robust marketing and need assessment to confirm the demand for a bowls facility in the ageing population as specified in their demography analysis. In the absence of an up-to-date assessment of bowls facilities in the Borough, the NPPF para 11 (d) (ii) is engaged in assessing the merits and harm of this proposal, in that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme

The contribution to housing stock and employment opportunities are not considered as unique benefits as these can be delivered elsewhere in the Borough and on land which is not designated open space. The proposal would result in a net loss of a bowls facility with changing rooms and dedicated parking spaces ready to be reused to meet the sports and recreational need of residents. It is noted that there is a change in site ownership in 2015 and an Option Agreement has been agreed between the owners of the site and the applicant in July 2017 prior to any marketing campaign commenced in Oct 2017 and various planning documents being prepared in 2018.

Given that the site is located within a sub-urban area away from local shops with poor public transport links, it is considered that the site is not a convenient location to provide a new care home.

The entrance to the site is via a shared and narrow access with the Burton Pynsent House and the Cricket Club. In the absence of dedicated pedestrian access to the proposed site and having considered the volume of traffic associated to the proposed 60 bed care home, it is considered that the access arrangement would be harmful for the existing and future users. The parking surveys were carried out without looking into the neighbouring uses and activities in the area. There are no details provided to explain the degree of care required for the future care home residents and whether any parking spaces would be allocated to the future residents. It is also uncertain whether the non-residential institution use (D1) as specified by the applicant would be occupied as a headquarter office for CASPAS. In view of the scale of the proposal, the number of full time equivalent employment spaces that would be provided and poor public transport links of the site, it is considered that the proposal would fail to demonstrate adequate parking spaces can be provided.

The proposed 60 bed care home would operate on a 24 hour basis. The proposed care home would be 3 storeys in height and would extensively cover the former bowling green with a footprint measuring approximately 46.2 metres wide and 46.2 metres deep. In view of the number of bed spaces proposed, it is considered that the proposed building would be an unneighbourly development and have an adverse impact on the residential amenities enjoyed by the neighbouring properties in terms of loss of outlook and noise due to the logistic movement associated to the proposed uses.

Details relating to the proposed pavilion use have not been provided and the merits and impact of this part of the proposal cannot be assessed, noting the applicant is in advance discussion with CASPAS to provide a headquarter office as D1 use. It is uncertain whether the proposed use would be compatible with the proposed care home use and the uses within the wider site, including the long term viability of the Cricket Club.

Inadequate information is also submitted to confirm the required carbon offsetting can be delivered on site and relevant planning obligations to mitigate the impact of the development.

Overall, it is considered that the housing and employment merits of this proposal are very limited and not sufficient to justify development on UOS and provision of a care home at an inconvenient location with poor public transport links. The merits of the proposal would not therefore outweigh the harm outlined above. Consequently, it is considered that planning permission should be refused.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

1.

The proposal three storey building by reason of its siting, scale, massing, extensive site coverage and relationship with the neighbouring uses would unduly impair the open nature of the site and would be harmful to the visual amenities of the protected Urban Open Space. The location of the site is not considered to be a

convenient and suitable location with good access to public transport links and local amenities and given the uncertainty of the proposed non-residential institutes use and its relationship with Burton Pynsent House and Cricket Club, it is considered that the proposal would be contrary to London Plan Policies 3.16, 3.17 and 7.18 and Bromley Local Plan Policies 11, 20 and 55.

2.

In the absence of an adequate and robust marketing and needs assessment for the bowls facility, the proposal would result in a loss of readily available sport and community facility, contrary to National Planning Policy framework 2019 Paragraph 97, London Plan Policies 3.16 and 3.19, Bromley Local Plan Policies 20 and 58.

3.

The proposed three storey building and the pavilion building to be reused as a non-residential institute (Class D1), by reason of its siting, layout and relationship with Burton Pynsent House would appear as an unneighbourly development resulting in loss of outlook and fail to positively respond to the established pattern of development and the neighbouring uses including the Cricket Club and Burton Pynsent House. The proposed 60 bed care home would be in operation on a 24 hour basis whilst depending on the need of the future users, it is considered that the proposal would have a noticeable and harmful impact on the enjoyment of the neighbours' amenities, contrary to London Plan Policy 7.4 and Bromley Local Plan Policy 37.

4.

The proposal fails to fully demonstrate an acceptable access can be provided and maintained for the existing and future users and in the absence of an adequate parking survey fully taken into account the existing uses and proposed uses, the impact on the proposal on highway cannot be fully assessed and would be contrary to London Plan Policies 6.3 and 6.13, Bromley Local Plan Policies 30 and 32.

5.

In the absence of energy assessment including detailed carbon calculations to demonstrate the minimum requires can be achieved and delivered and in the absence of planning obligation for health contribution, the proposal would be contrary London Plan Policies 5.1, 5.2, 5.3 and 8.2, Bromley Local Plan Policies 124 and 125 and the Mayor of London's Energy Assessment Guidance (October 2018).