

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 19/02699/FULL1

**Ward:**  
Farnborough And Crofton

**Address :** 346 Crofton Road Orpington BR6 8NN **Objections:** Yes

**OS Grid Ref:** E: 543179 N: 165184

**Applicant :** Mr Stuart Davis

**Description of Development:**

Demolition of rear office building and construction of three storey rear extension comprising extension to commercial unit and undercroft parking at ground floor level with 2 two bedroom flats above, and conversion of first and second floor of front building into 1 two bedroom flat

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Retail Shopping Frontage Locksbottom  
Smoke Control SCA 11

**Proposal**

It is proposed to demolish the rear office building and construct a three storey rear extension comprising an extension to the commercial unit and undercroft parking at ground floor level with 2 two bedroom flats provided on the floors above. It is also proposed to convert the first and second floors of the existing frontage building into a two bedroom flat.

The first and second floor flats within the proposed rear extension would have rear-facing balconies with obscure glazed screens, and the converted flat in the frontage building would have a small first floor terrace between the building and the extension.

Three car parking spaces would be provided in the undercroft parking area to serve the 3 flats, and a bin and cycle store would be provided within the extension close to the staircase to the upper flats.

The application was supported by the following documents:

- Design and Access Statement
- Transport Assessment for 346 Crofton Road
- Parking Stress Survey carried out for 348 Crofton Road dated March 2018

An amended parking layout was submitted on 16th August 2019 which shows 3 undercroft parking spaces instead of 2.

### **Location and Key Constraints**

This end-of-terrace building is located on the north-western side of Crofton Road within the local shopping centre of Locksbottom, and currently comprises a Class A2 commercial unit at ground floor level with offices above and to the rear.

The site backs onto a rear access road which serves the properties within this shopping parade, and the site currently contains 5 car parking spaces to the rear of the site. The access road lies adjacent to Farnborough Park Conservation Area, and dwellings within Meadow Way back onto it.

### **Comments from Local Residents and Groups**

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

#### Objections

- Proposed extension would be higher than the existing extension and closer to the rear boundary
- Inappropriate mass and bulk adjacent to Farnborough Park Conservation Area and residential properties
- Loss of outlook and privacy to residential properties at the rear
- Lack of room for any landscaping to help mitigate the impact
- Overlooking from rear balconies
- Inadequate on-site car parking for the proposed uses
- Undercroft parking would be unneighbourly for future occupiers
- Overdevelopment of the site.

#### Local Groups (Farnborough Park Residents' Association)

- Overlooking of residential properties to the rear in Farnborough Park from rear balconies and full-height windows/doors
- Three storey extension would be too close to neighbouring gardens
- Rear windows at the recently permitted development at No.348 adjacent are high-level, non-opening and obscure glazed to protect residential amenity - Cannot require rear windows to flats to be obscure glazed and fixed shut as they are the only windows to main living areas.

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

### **Comments from Consultees**

Drainage Engineer: No objections are raised to the proposals.

Highways: The parking stress survey carried out for application ref.18/01247 - 348 Crofton Road, Orpington is acceptable for application number 19/02699 - 346 Crofton Road, Orpington.

The revised ground floor plan 1901\_P-P\_(02)00(A) dated 14 March 2019 now shows 3 parking spaces instead of 2 as shown in the previous drawing. No highways objections are raised to the proposals.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

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

## London Plan Policies

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure

6.9 Cycling  
6.13 Parking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
7.14 Improving Air Quality  
8.2 Planning obligations  
8.3 Community infrastructure levy

### Bromley Local Plan

4 Housing Design  
30 Parking  
37 General Design of Development  
42 Development Adjacent to a Conservation Area

### Supplementary Planning Guidance

Housing Supplementary Planning Guidance (2016)  
The National Planning Policy Framework (NPPF)

### **Planning History**

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

Permission was granted in 1990 for the change of use of the ground floor shop from Class A1 retail to Class A2 estate agents office (ref.90/01457), and for a part one/two storey rear extension for offices (ref.90/01477).

### **Considerations**

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

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

### Principle

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that

the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means 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 proposed; 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.

This application includes the provision of 3 dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

With regard to the current proposals, a number of properties along this shopping parade have extended to the rear at two storey level or have permission to extend, including at the adjacent property at No.348 where 3 first floor flats were granted on appeal (ref.18/01247). A recent extension to the rear of No.356 for commercial space on the ground floor and a two bedroom flat above was granted permission under ref.17/01926, and includes a rear balcony with 1.7m high obscure glazed screen.

The provision of residential accommodation at first and second floor level to the rear of the frontage shops within this shopping centre location (as currently proposed) is considered acceptable in principle, subject to an adequate standard of accommodation and parking being provided, and the amenities of adjoining residents being adequately protected.

### Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 134 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 3 PTAL location. The proposals would therefore result in an intensity of use of the site that would be over the thresholds in the London Plan. The proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

## Design

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

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

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

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

The proposed extension would not be very visible from the street scene in Crofton Road, but it would be visible from a number of residential properties that back onto the site from Meadow Way which lies within Farnborough Park Conservation Area, and from the rear of the flats above the neighbouring shops. The extension would project approximately 2.9m higher and 5.2m further to the rear than the existing two storey extension, but the ground floor would be for undercroft parking, and the upper floors would be staggered back which would reduce its overall bulk.

The proposed extension would be only 1m above the extension recently permitted at the neighbouring property, No.348, and given the set-back design of the proposed extension, it is not considered to appear incongruous nor out of character with the surrounding pattern of development. Furthermore, it is not considered to detract from the character and appearance of the adjacent Conservation Area.

## Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is

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

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

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

The minimum space standard for the proposed two bedroom 4 person flats is 70sq.m. for a flat on one floor, and 79sq.m. for a flat over two floors. The two bedroom 4 person flats within the extension would provide 70-82sq.m. floorspace, which would comply with the space standards, whilst the converted flat on the upper floors of the frontage building would provide 78sq.m. floorspace, which is marginally below the required standard of 79sq.m.

Amenity space is provided by way of rear balconies measuring between 7.8-14.5sq.m. which is considered acceptable within this local shopping centre location.

### Highways

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

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should

be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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

No highways objections are raised to the proposals.

### Neighbouring amenity

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

A number of residential properties in Meadow Way which back onto the site have raised concerns about overlooking of their properties from rear windows and balconies, and the visual impact of the development from their rear gardens. The proposed flats would be located some 44m from these dwellings, and 9m away from the rear boundaries of their gardens, beyond the service road.

Glazed doors are proposed in the rear elevations of the first and second floor flats which serve the main living-room/kitchen/dining areas of the rear flats and lead out onto balcony areas. However, the rear balconies would have 1.7m obscure glazed privacy screens surrounding them, and would not therefore result in undue overlooking of the Meadow Way properties. There is also some limited tree screening along the boundaries and the service road, which would further reduce the impact on these properties.

The proposals are not therefore considered to unduly affect privacy to or outlook from the properties to the rear in Meadow Way. Similar rear extensions to properties in Crofton Road have been permitted which would have a similar relationship with houses in Meadow Way.

With regard to the impact on flats above the shops in Crofton Road, no windows are proposed in the flank elevations of the extension, and the proposed bedroom windows in the south-eastern elevation of the extension would face the rear of the frontage building at No.346. A balcony to the converted flat is proposed at first floor level facing these windows, but an obscure glazed privacy screen would protect the amenities of future occupiers.

The proposals are not therefore considered to have a significant detrimental impact on the amenities of adjoining occupiers.

### Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

### CIL

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

### **Conclusion**

Although the proposal results in a density of development that would be above the London Plan standards, it would provide for 3 new dwelling units, which would represent a minor contribution to the supply of housing within the Borough, and adequate parking would be provided for the development.

The proposals are not considered to have a detrimental impact on the character and appearance of the surrounding area nor detract from the adjacent Conservation Area, and would not have a significant detrimental impact on the amenities of nearby residential properties.

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

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

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

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning**

permission unless previously agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

- (iii) Measures to deal with safe pedestrian movement.**
- (iv) Full contact details of the site and project manager responsible for day-to-day management of the works**
- (v) Parking for operatives during construction period**
- (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.**

**(e) Hours of operation**

**(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis**

**(g) The development shall be undertaken in full accordance with the details approved under Parts a-f**

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

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

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

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

**6 Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.**

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

**7 (a) Surface water from private land shall not discharge on to the highway.**

**(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.**

**(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.**

**Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan**

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

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

- 9 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

**Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable in respect of residential and visual amenity impact.**

**You are further informed that :**

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