

SECTION '2' – Applications meriting special consideration

Application No : 19/01466/FULL1

Ward:
West Wickham

Address : 42 High Street West Wickham BR4 0NJ **Objections:** Yes

OS Grid Ref: E: 538142 N: 165991

Applicant : Forbes Dean et al

Description of Development:

Demolition of outbuildings at rear of 42-46 High Street and erection of part one/part three storey rear extension at 42-46 High Street incorporating single storey extension to existing ground floor unit at No. 46 with terrace above, formation/relocation of access to existing maisonettes and construction of 5 no. residential flats (2 x one bedroom and 3 x two bedroom) with associated cycle and refuse storage.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Primary Shopping Frontage
Smoke Control SCA 51

Proposal

Planning permission is sought for the construction of a three storey block comprising 5 no. residential flats with a linking single storey element between the residential block and the main host building at 42 - 46 High Street which would provide enlarge commercial space for No. 46 High Street.

The current proposal is substantially similar to the scheme granted planning permission at appeal under reference 14/00731/FULL1 and subsequently amended under reference 16/00508/RECON. A comparison between the schemes is detailed later in this report. The main difference between the schemes is that this current application includes an extension to the retail unit at No. 46 which extends to the rear boundary as a consequence of which the overall layout of development has been amended. The depth of the development in relation to that granted planning permission on appeal (and subsequently amended) has also increased.

The proposed residential block would be sited at the rear of the application site adjacent to the rear vehicular access track leading behind the commercial

premises fronting West Wickham High Street. The building would lie adjacent to the existing flatted development at the rear of 38/40 High Street.

The northern elevation of the three storey building would face a rear service/access road. This 'front' elevation would include a passage through the building leading to the rear and to the access to the existing maisonettes above the retail premises fronting the High Street. A separate front door leading into an inner hallway and the access to the flats within the proposed building would be provided within the front elevation.

At ground floor level the extension development incorporates an extension to the retail premises at No. 46 High Street which would lie adjacent to the boundary with No. 48 which lies to the west of the application site.

Ground floor:

1 no. two bedroom/3 person flat (Flat C). This ground floor flat would be accessed from a hallway between the retail unit extension and the flat, which would then provide access also to the upper flats.

First floor:

1 no. two bedroom/four person flat (Flat D)
Lower level of 2 no. 1 bedroom split level flats (Flats A and B)

Second floor

1 no. two bedroom/four person flat (Flat E)
Upper level of Flats A and B

A total of 5 flats would be provided within the development, comprising 2 no. 1 bed/2 person flats, 1 no. 2 bed/3 person flats and 2 no. 2 bed/4 person flats. The original permission related to the provision of 4 no. one bedroom flats and 2 no. two bedroom flats.

The flatted building would have a three storey appearance from the rear service road. The elevation facing the rear of the existing High Street units would include an open area at ground floor positioned between the flatted block at 38/40 and the flat roofed single storey retail extension adjacent to the western boundary of the site and the elevation would have a two/three storey appearance resulting from the incorporation of the single storey retail extension within the development proposals.

The flats would be oriented so as to have a front elevation facing the rear service road and an enclosed 'rear' elevation facing the rear of the frontage units, with the windows serving bedrooms to the ground, first and second floor flats facing towards the rear windows and raised terrace areas associated with the frontage commercial/residential units.

The development incorporates the provision/retention of access stairs from ground floor level to the maisonettes above the existing High Street retail premises, with these stairs approached from the open area to the rear of the flatted block.

Refuse storage is shown to be provided within the enclosed passageway adjacent to the eastern boundary and beneath an overhang at the rear of the retail extension, adjacent to the rear service road. A cycle storage area is shown to be provided within the open area between the bulk of the flatted block and the rear of the frontage retail units.

3 car parking spaces are shown to be provided on the rear access road.

The application was supported by:

- Planning, Design and Access Statement
- Accessible/Adaptable Home Statement
- Waste Minimisation and Management Statement
- Parking Assessment (Paul Mew Associates, February 2014)

Location and Key Constraints

The site is located to the rear of shops and flats fronting 42-46 High Street, West Wickham. This site is adjacent to a former office building to the rear of 38-40 High Street which was granted planning permission for conversion to residential use and subsequent alterations (Global House). The site is accessed via a rear service road which adjoins a Local Authority/Sainsbury's Car Park to the north.

The site does not lie within a Conservation Area.

Comments from Local Residents and Groups

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

Objections

- The plans do not appear to have considered the land owned by Nationwide Building Society at the rear of 48 High Street which is allocated for employee parking and emergency fire exit
- Concerns regarding the adequacy of parking/loading and turning while employee's vehicles will be parked during contractual hours of 8am-8pm Mon to Sat and the increased traffic generation that these residential properties potentially may generate.
- The access from Ravenswood Avenue is already heavily congested causing highway safety concerns and with regards to access for emergency vehicles
- Overdevelopment considering recent premises built in the location that already have insufficient garden or amenity land
- Insufficient car parking spaces for occupants

- Parking assessment is out of date - since the assessment there has been more residential and retail development
- The application form statement regarding the number of spaces is incorrect as there is more generous parking provision at present
- Proposed flats would block daylight from the existing flats above 42-46 High Street and would result in a loss of light or overshadowing and also a loss of privacy
- Height and depth of the development would not allow for adequate daylight and sunlight to penetrate in and between adjacent buildings
- Public sewers may be inadequate to cope with the increased usage
- Impact on drainage
- Insufficient refuse storage
- Certificate A incorrectly completed - leaseholders at No. 42A not notified of the application
- The Planning, Design and Access statement includes pictures that are out of date and do not represent the impact of the plans on the property at No. 38/40 (Global House)
- The plans extend the development deeper and will cast a material shadow over the windows at the side of Global House
- Proposal would directly overlook the flats above the High Street units and would be adjacent to the rear of Global House - would result in a loss of light contrary to Policy 37(d)
- The communal garden would be immediately next to the existing flats and its use would lower existing privacy
- Lack of consideration for existing residents, who will also have to go through the new build property to get to their properties - impacting on their access
- Should permission be granted a condition requiring a detailed pre-commencement Construction Traffic Management Plan should be imposed

Comments from Consultees

Secure by Design (summarised): Encourages as a minimum the use of measures to reduce the risk of crime.

Thames Water (summarised): The proposed development would be located within 15m of underground waste water assets. Informative recommended should permission be granted.

Drainage Engineer (summarised): Thames Water should be consulted as a public foul sewer crosses the site. Pre-commencement drainage condition recommended should permission be granted.

Highways (summarised): On balance no objections are raised, although the spaces proposed do not meet standards and the parking assessment provided is dated 2014.

TfL (summarised): Subject to conditions relating to the construction phase of development, CIL payment and the provision of sufficient cycle parking spaces (11 in total) there are no objections to the proposals.

Waste Services: Did not respond to consultation.

Policy Context

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

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

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

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

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

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

London Plan Policies

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Bromley Local Plan

- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety
- Policy 4 Housing Design
- Policy 1 Housing Supply
- Policy 8 Side Space

Supplementary Planning Guidance

SPG1 General Design Principles
London Housing SPG
Technical housing standards - nationally described space standard

Planning History

Planning permission was granted in February 2014 for the change of use from class B1A (office) to use class C3 (residential) to create a 2 one bedroom flats and 3 one bedroom flats at Global House, the adjacent three storey block to the rear of 38-40 High Street (ref. 13/04032). This development has been constructed and is occupied.

Under reference 14/00731 planning permission was refused for development comprising single storey rear extension to Nos 44 and 46 High Street and adjoining 3 storey block to rear comprising 4 one bedroom and 2 two bedroom flats. Permission was refused on the grounds:

- 1. The proposal would result in an unsatisfactory form of unrelated terracing injurious to the appearance and spatial standards of the area and contrary to Policies BE1 and H9 of the Unitary Development Plan.*
- 2. The proposal would be seriously detrimental to the prospect and amenities enjoyed by the occupiers of neighbouring residential properties by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.*
- 3. The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.*

A subsequent appeal against the refusal of planning permission was allowed. The Inspector noted that the access to the existing flats would have been through the new building and via an elevated bridge link to a formed communal amenity space at first floor level. It was considered that the scale and bulk of the new building would have been viewed against the backdrop of the existing three storey shopping parade fronting the High Street and next to an existing three storey building (Global House, then in the process of conversion to residential use). It was noted that the proposed development would have been lower than that at Global House. Overall it was considered that the scale, height and mass of the proposed building would have been in keeping with the buildings surrounding the eastern and southern boundaries of the car park and would not have appeared out of character.

It was considered that the development fell within the exception to the 1m side space requirement since it was related to the frontage terraced development and would have been seen against that backdrop.

With regards to living conditions, the Inspector considered that the building would intrude into views currently enjoyed by the existing frontage flats but emphasised that views as such are unprotected within the planning system.

It was considered that the existing outlook from the rear of the maisonettes was via north facing windows which already had restricted outlook to the east by existing development. It was considered that the proposal would introduce a building that would reduce outlook to the north but not to the north west, as a result of its height, width and position. The Inspector stated that the separation between the proposed buildings and the maisonette windows would have been such that there would be a reasonable degree of space between the built forms and that this space was going to be improved in its layout and treatment.

He noted that the existing external spaces to the rear of the flats were of little usable amenity benefit to occupants, and was unsightly, and that the proposed scheme would have improved this situation. With regards to daylight and sunlight the Inspector noted that the orientation of the buildings would ensure that the proposed building would have a limited impact on daylight and sunlight reaching existing properties.

The Inspector did consider the impact of the development on the Global House flatted conversion and stated that since the proposed building terminated at the edge of rather than overlapping the side windows the impact would not be unacceptable, taking into account also that in most cases the rooms served by these windows had access to another window and the impact on outlook would have been limited. The bevelled design of the rear windows within the application proposal was considered acceptable to prevent direct overlooking.

The parking provision (commensurate with that currently proposed) was considered acceptable in the context of the district centre location of the development. The Inspector had no other highways concerns and the appeal was allowed, subject to conditions.

Under reference 16/00508/RECON minor material amendments to the originally approved scheme were granted.

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL
- Other matters

Resubmission

Planning permission was allowed on appeal under reference 14/00731/FULL1 for the erection of a block of residential flats upon the application site with the description of development being single storey, rear extension to Nos 44 and 46 High Street and adjoining 3 storey block to rear comprising 4 one bedroom and 2 two bedroom flats.

Subsequently, under reference 16/00508/RECON the amendment of the application in relation to access arrangements, relocation of bin stores, amendment of cycle stores, provision of courtyard and increased depth to rear extension was allowed.

It is appropriate therefore to compare the scope of the current proposals with the development approved under reference 16/00508/RECON.

The main differences between the two schemes can be summarised:

- Approved development comprised 4 no one bedroom and 1 no. 2 bedroom flats. Proposed development comprises 2 no. one bedroom and 3 no. two bedroom flats.
- Increased depth of first/second floor rear projection
- Current proposal incorporates a full depth extension at ground floor level to retail premises
- Decrease in/amended communal amenity space and reduction in first floor raised amenity between development and existing maisonettes
- Amended design, including in elevation facing rear access way, with approved mansard style roof replaced by sheer three storey elevation.

Principle

It is noted that the principle of residential development at the rear of the frontage buildings has been found to be acceptable in the granting of planning permission at appeal, and the subsequent amendment to the permitted scheme in the approval of the amendments proposed under reference 16/00508/RECON. This current application includes the extension of the ground floor retail property at No. 46 High Street into the existing rear yard. This is not considered unacceptable in principle subject to considerations of scale, design, highways impacts and on the basis that it would provide enlargement to the existing retail space.

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

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 5 dwellings (the same number of dwellings allowed on appeal) 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.

Policy 4 of the Bromley Local Plan requires with regards to residential development that:

- The development is designed to a high standard and recognises and compliments the qualities of the surrounding areas
- The development meets minimum space standards
- There is sufficient external, private amenity space that is practical and accessible
- Appropriate play space is provided

- Off street parking is well integrated within the overall design of the development
- Density has regard to the London Plan density matrix while respecting local character
- The layout gives priority to pedestrians and cyclists
- Safety and security measures are included in the design and layout of buildings/public areas
- 10% of new housing meets Building Regulation M4

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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan states that all development proposals will be expected to be of a high standard of design and layout.

In terms of the overall height of the development and the general bulk of the building and taking into account the relationship between the development and the eastern residential block at No. 38/40 it is considered that the design of the development would not be out of character with or detrimental to the visual amenities of the area in general. The building would be sited at the rear of and at a generally commensurate height to the frontage three storey building.

Standard of residential accommodation

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

Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's 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 proposed flats would in each case slightly exceed the minimum space standard for flats of the relevant size including the 2 split level one bedroom flats. Internally, the residential units would have a reasonable layout with the space/rooms not being inappropriately contrived or restricted in their layout. It is noted that the residential flats would at the rear look out onto the open space retained between the frontage building and the development block, with in the case of the bedroom windows serving the ground floor flay, windows immediately adjacent to the open communal space.

The increased depth of the western projection of the development at first/second floor would bring the rear facing windows of the development closer to the rear of the frontage units, and the lounge/dining room of Flat A would look out onto the tiled flat roof communal area which could potentially result in a lack of privacy to the room in question. It is noted that in the approved scheme the communal amenity area previously proposed was separated from the first floor rear windows by an open area, with there being physical separation between users of the tiled area and the rear windows of the first floor flat. In contrast, the area of amenity space in this current application has decreased in size while the separation between the amenity space and the residential flat (Flat B) has reduced. This

would tend to result in an increased potential loss of privacy to the occupants of the development.

As previously stated amenity space is reduced in this current application, with the partial removal of the previously proposed large podium first floor amenity area. To serve the proposed flats the area of amenity space currently proposed would comprise the ground floor mixed use space at the rear of the ground floor flat which would also serve as an access to the stairs to the existing maisonettes as well as providing space for a cycle store. This space is not specifically referred to as amenity space and would only be accessible from the side passageway. A further area measuring 8.5m x 5.5m would be provided at first floor level above the flat roofed single storey shop extension, accessed from the inner hallway of the flatted block. This amenity space would serve the 5 residential flats, 3 of which would be 2 bedroom flats potentially capable of family accommodation where the previous proposal provided only 1 two bedroom flat with the remaining flats being 1 bedroom units.

The amenity space, like the previous application, would not be private and would not be directly accessible from the residential flats. In numerical terms the space would meet the total space for all flats combined. However, the quality and accessibility of the space is quite poor and would conflict to an extent with the privacy associated with the adjacent flat(s).

The determination of the original permission in 2014 (14/00731) predated the publication of the London Plan Housing SPG (March 2016) and the determination of the subsequent amendment application (which sought modest amendments to the appeal approved scheme) broadly coincided with the SPG publication. On balance it is considered that the amenity space for the proposed development would be somewhat poor in the context of the enlargement of some of the individual units from 1 bedroom to 2 bedroom flats and the changed planning policy and guidance framework since the previous decision.

Highways

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

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

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking

standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

It is noted that objections have been raised regarding the proposal with regards to the impact on parking, servicing and other highways matters including pedestrian and road safety.

While the technical Highways Officer referred in their comments to the relevance of the parking survey submitted given the date it was undertaken and also the size of the parking bays, taking into account the previous permission for residential development at the application site and the scope of the proposals no technical highways objections are raised to the scheme.

On the basis of there being no technical highways objections to the proposal and taking into account the previous granting of planning permission for a development with similar parking provisions on appeal it is not considered that the refusal of planning permission on highways grounds would be appropriate in this instance.

Neighbouring amenity

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

The proposed development while similar in siting and height to that granted planning permission on appeal would include an increased depth to the first/second floor of the block where it lies close to the maisonette above the unit at No. 46 High Street.

This increased depth brings the bulk of the development closer to the existing residential property above the ground floor commercial units. This increased depth is considered to tip the balance in the assessment of the impact of the proposal on neighbouring amenity and where the Inspector in the original permission considered that the impact of the proposal on residential amenity was acceptable it is considered that the relationship between the proposed and existing residential units would be appreciably worsened in this current application. The principal additional impact associated with this current proposal relates to the impact on outlook and the concentration of amenity and circulation areas in a more condensed area of the site. The activities associated with the flatted block would be sited in closer proximity to the existing units and the bulk of the building would similarly be located nearer to the frontage units.

With regards to the impact on Global House, it is considered that the proposal would enclose the outlook from and act as a dominant feature viewed from the flank facing windows of that residential block which serve single aspect rooms within that property (combined kitchen/living dining rooms at first and second floor level). This was not the case in the previous application which was allowed on appeal, where the rear elevations of the development broadly aligned with the

outside edge of the window area (which contains floor to ceiling windows at first and second floor level). It falls to consider whether the increased depth of the 'wing' of the development furthest from Global House would have a significant impact on the amenities of that property. On balance, taking into account the physical separation between the windows at Global House and the increased depth part of the development (approx. 8.5m - 9m) and the enclosure/tunnelling associated with the frontage building and the main bulk of the proposed flats in addition to the increased depth three storey rear projection it is considered that the proposal would have an unacceptable impact on the amenities of the flats at first and second floor level in particular at Global House.

Concerns have been raised regarding the impact of the proposal on daylight and sunlight to neighbouring properties. Taking into account the orientation of the building in relation to the existing residential flats and the planning history of the site, while the building will be a visible and dominant presence in the outlook from the neighbouring flats, the impact on daylight and sunlight would not be so significant as to warrant the refusal of planning permission.

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.

Other matters

Concern has been expressed regarding the impact of the proposal on the local drainage infrastructure. No technical objections are raised by the Council's Drainage Engineer or Thames Water, subject to appropriately worded condition/informative and as such it is not considered that this would be material to the determination of the application.

Concern is also expressed regarding the completion of Certificate A in the submission of the application, with regards to the need to complete Certificate B if other persons are landowners/leaseholders with an unexpired leasehold interest of

7 years or more. Certificate A has been signed and dated by the agent on behalf of the applicant and the Council does not hold records of land ownership.

Conclusion

The proposed and existing residential units would be lacking in amenity space of a practical utility and the layout of the development would result in accommodation of a poor standard of amenity in terms of privacy. While it is acknowledged that planning permission has been granted for a residential development at the rear of the High Street units, the current proposal is of a poorer standard of amenity for prospective and existing residents as a consequence of the increased depth of the first/second floor development as well as the revised layout of amenity space with lack of regard for how the space might reasonably be used by existing/proposed residents and the impact of its use on the immediately adjacent flats.

The increased depth of the development would bring the rear elevation of the development closer to the rear elevation of the existing High Street fronting flats and taking into account the limited separation between the elevations and the relationship with the windows in the flank elevation of Global House it is considered that the impact on the outlook and the visual impact when viewed from the neighbouring flats would be unacceptable.

The planning history of the site is a material planning consideration and it is noted that the appeal Inspector in granting planning permission under reference 14/00731/FULL1 made a full assessment of the impacts of the proposal on neighbouring amenity, coming to the conclusion that that scheme would not have resulted in material harm to the living conditions (particularly outlook) of the occupiers of the surrounding properties. This is a finely balanced case, in view of the planning history and the extent of the differences between the allowed scheme and that currently proposed.

The proposal would provide 5 residential flats which would make a minor contribution to the Borough's housing supply. Planning permission was granted in 2014 (19th December 2014) and amended in 2016 for the provision of 5 flats, albeit with a different mix of flat sizes.

On balance, however, it is not considered in view of the layout of the development with regards to the provision of amenity space and the impact of the increase scale/depth of the development at the rear of No. 46 that the contribution that the development would make in terms of additional housing would outweigh the impact of the development in terms of the quality of the residential accommodation and the impact on quality of the residential environment associated with the existing surrounding residential properties with particular regard to the impact on outlook.

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

as amended by documents received on 17.07.2019 02.08.2019

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposal by reason of its layout, depth and siting would be detrimental to the residential amenities of the existing residential flats adjacent to the flatted building and the proposal would result in accommodation lacking in adequate amenity space, resulting in a loss of outlook, an increased sense of enclosure, visual impact and lack of privacy, thereby contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.5 and 7.6 of the London Plan and the London Housing SPG.