

SECTION '2' - Applications meriting special consideration

Application No : 19/03027/FULL1

Ward:
Copers Cope

Address : 63 Copers Cope Road Beckenham BR3 1NJ **Objections: Yes**

OS Grid Ref: E: 536785 N: 170367

Applicant : C/O Agent

Description of Development:

Conversion of a former care home (Class C2) to residential use (Class C3), replacement rear extension and associated works.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Introduction/update

The application was deferred from Plans Sub-Committee 3 on 21st November 2019. The application was deferred, without prejudice, to provide further hard marketing evidence, provision of additional amenity space and 100% electric vehicle charging points.

Hard Marketing Evidence

On 15th November 2019 the applicant submitted a supporting email stating the following (summarised):

- More than 10 agents (inc 5 specialist brokers) have provided written confirmation that they have been under instruction (on agreed terms) to offer the site to their clients and market as they see appropriate. In each instance, this has been the case since January 2019 or before,
- each agent is either RICS, FCA, or CPR / BPR regulated, and have agreed terms of engagement. The agents cover the local, national and specialist healthcare agents, along with more than 20 direct approaches to clients previously identified in the 2015/16 sale process. Every agent has confirmed their activity and interest on the site over the course of 2019
- the site was marketed without a guide price to ensure the first assessment was not about viability. It was marketed on a freehold basis with existing C2 use, with a STP for C3 use

- More than 20 specific names have been provided to LBB and these cover the full spectrum of (local and national) care, specialist, assisted, supported, later living providers across the market.
- It was made clear to potential buyers that sought a re-development of the site - they would need to speak to LBB (albeit LBB had indicated to us they would not support a re-development).
- To be clear - 'soft marketing' is where a direct approach is made to a specific client and not posted on a website. By law - it still means the opportunity has been presented for sale to a potential client..... The term 'soft marketing' does not exist within the RICS, FCA or Trading Standards guidelines. An asset is either offered for sale or it isn't."
- we have provided documentation to confirm that each agent has been mandated for longer than 6mths.
- The site has been shown to more than 60 different clients across the various agents, with more than 15 site visits during 2018 and 2019, and with 5 offers being made for the site (of which 2 are currently outstanding on this application)

On 18th November the applicant submitted a further supporting email to ensure that Members would be made aware of:

1 - the B&K marketing to 15 identified clients

2 - the marketing to a large client base by KFH - provided on 3 occasions to LBB including several site visits by interested parties.

3 - the marketing and numerous site visits by Proctors to "many potential purchasers"

4 - the confirmation from the head of healthcare from Cushman and Wakefield that they had spoken to several potential purchasers.

5 - the confirmation from Gerald Eve provided from January 2019 and November 2019 by their partner in charge of healthcare detailing specific clients?

6 - the other confirmations from specialist care agents ? (GIL, DC Care, etc)

On 2nd December the applicant submitted a further supporting email in which he considered that the Committee had been ill-guided by Officers with regard to the type of marketing which has been undertaken. While the applicant contends that the site was properly marketed and that a guide price was given, there is various correspondence on the application file which contradicts this, including the previously mentioned email from the applicant dated 15th November, a letter from Gerald Eve dated 22nd January 2019 (ref: A11811) which states:

You instructed us to undertake a soft-marketing exercise to gauge the potential market for a sale of the freehold interest in the property. To this regard, we contacted a select number of parties including local residential developers and C2 operators, including specialist supported living operators who are active in the market.

The parties were made aware of the potential opportunity including being provided with summary details, plans and floor areas. The freehold interest was offered and no guide price was set. We confirm that whilst the opportunity generated interest, no offers have been received.

Furthermore, the Planning Statement advised in paragraph 6.19 that:

As of the 1st July 2019, the Application Site was officially put on the market for residential, HMO and care home use....The marketing information demonstrates that there is currently no demand for the Application Site as a Care Home. The only interest to date is for HMO and residential.

In order to clarify any confusion around 'soft marketing', 'low profile', 'close clients' etc – the applicant has subsequently provided comments from Ian Wilkie from HPC (25yr veteran in the healthcare business), a partner from Cushman Wakefield and a partner from Gerald Eve to confirm their understanding of these terms and how these types of site are marketed:

(a) Most agents do not use web sites to sell these types of properties. Their value is in speaking bilaterally to their client base. This is how they get paid 2% !!

(b) 'Soft marketing' still means the site was offered for sale.

(c) 'Close clients' means those clients most likely to be buyers.

(d) 'Low profile' means by sending the details to a handful to work out whether the mandate is worth their time.

(e) None of the agents I mandated use web site marketing. RDK do, but they were also unable to provide a single sales example in the Greater London area to convince me to use them. Similar to the approach previously adopted by B&K consultants to sell the business as a going concern - they use various "business for sale" websites, Caring Times, Healthcare Business - all of which focus on selling the business - which is NOT the situation here - so a pointless exercise.

(f) Most agents market these types of properties as 'offers invited' - this is what they mean when they say they do not market by price. They ALL still indicate a guide price as a minimum to gauge the level of site interest first.

The following additional documents have also been provided:

- Marketing Summary 2019 v3:

This gives a guide price of 'Offers above £4,000,000 for freehold for C2 use or C3 (subject to planning). However, this is the first time this document has been submitted to the Council and there are no details as to when or where these particulars were advertised.

- Copers Cope Marketing Feedback GE:

In summary, this states that the site was shown to the relevant potential buyers (C2 and C3); the site was clearly for sale; site particulars, price and plans, etc, were

provided and no interest from C2 or C3 users was received. Furthermore, the following feedback was received:

- Couldn't make the location work.
- Too expensive (we guided £3 million)
- Not suitable for their current requirement.

Officers have requested the first-hand correspondence from GE however, to date, this has not been provided.

- Copers Cope Marketing Feedback KFH:

In summary, this states that the site was shown to the relevant potential buyers (C2 and C3); the site was clearly for sale; site particulars, price and plans, etc, were provided and no interest from C2 or C3 users was received. Furthermore, the following feedback was received:

- Repair works too expensive to make C2 work.
- Waiting for planning resolution to progress on C3
- Good interest from HMO operators.

Again, Officers have requested the first-hand correspondence from KFH however, to date, this has not been provided.

- Copers Cope Marketing Feedback Hexa:

In summary, this states that the site was shown to the relevant potential buyers (C2 and C3); the site was clearly for sale; site particulars, price and plans, etc, were provided; no interest from C2 users was received but interest was received from a C3 user. Furthermore, the following feedback was received:

- Felt that site was expensive and although good proximity to station, felt figures being quoted were more in line with locations closer to main shopping area.
- Lovely building, will make good flats. Awaiting planning decision before spending more time on it.
- Good building, good proximity to station. Worried that the build costs for conversion, not knowing what might be unearthed, could make the scheme none viable.
- Rental figures of end units would not provide the required GDV for their model.
- Although the building suited their model, they are moving their care homes business further out of London due to the costs of buildings more centrally.

Full copies of the above correspondence are available to view on the application file.

In summary, the information provided does not demonstrate that the site was robustly marketed or marketed to alternative providers of specialist and older persons accommodation. The proposal is therefore contrary to Local Plan Policy 11 and London Plan Policy 3.8.

Provision of additional amenity space

No further information or amendments have been received with regard to design and layout.

Provision of 100% Electric Vehicle Charging

The applicant has confirmed that he will install charging points for every car park bay, should they be required.

The original Officer's report is repeated below:

Proposal

Full planning permission is sought for the conversion of a former care home (Class C2) including a replacement side/rear extension to the west elevation to provide 20 residential Class C3 dwellings (10 x one beds; 9 x two beds; 1 x studio)

Summary of works:

- Conversion of existing building together with demolition of existing two storey side/rear extension and replacement three storey extension (including lower ground floor);
- Vehicular access will be via the 2 existing accesses from Park Road. The main vehicle parking provision will continue to be located at the front of the building with access taken from Park Road, leading to 8 car parking spaces. The second existing access (via Park Road) leads to two parking spaces;
- Refuse/recycling storage in the north-western part of the site accessible from Park Road, housed in a ventilated storage unit;
- 30 cycle parking spaces positioned around the car parking area;
- Landscaping including new tree planting.

The application was supported by the following documents:

- Air Quality Assessment
- Arboricultural Method Statement
- Care quality Commission Inspection Report
- Daylight and Sunlight Assessment
- Design and Access Statement
- Energy Strategy - New Build
- Energy Strategy - Conversion
- Heritage Statement
- Marketing Information
- Planning Statement
- Transport assessment

- Viability Study

Location and Key Constraints

- The application site is approximately 0.2 hectares in area and is positioned on the corner of the junction of Copers Cope Road and Park Road;
- The site comprises a large detached building maximum three storeys in height, formerly used as a nursing/care home (Use Class C2);
- The care home closed and was vacated in 2016. The site currently benefits from a temporary planning permission for a residential support centre/hostel (Sui Generis) (Ref. DC/16/05849/FULL1) providing emergency accommodation for London Borough of Bromley Housing department for more 41 residents. This permission is due to expire on the 31st March 2020.
- The reason for the temporary permission was so that the situation can be reconsidered in light of the circumstances at that time: to enable reconsideration of the loss of the C2 use in light of the adopted Local Plan and the demand for specialist accommodation; and in the interest of the amenities of the area, particularly the impact on residential amenity.
- To the north of the site on the opposite side of Park Road is the boundary of the edge of the Copers Cope Conservation Area which extends north along Copers Cope Road and to the east as far as No.48 Park Road;
- Immediately to the west of the site is No.123 Park Road, a detached two storey dwellinghouse;
- To the south of the site, at No.53 Copers Cope Road, is a four storey flatted development;
- New Beckenham train station lies approximately 40m to the west of the site;
- The application site is within an area with a public transport accessibility level (PTAL) of 2 (on a scale of 0 - 6b where 6b is the most accessible).

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the development in writing, a site notice was posted and a press advert was published. 1 objection and 1 neutral comment were received which can be summarised as follows:

- Overlooking and noise
- Proposed trees missing from plans
- Height and mass of rear extension is considerably higher and larger than existing
- Imposing

- Dominant
- Lack of parking
- Lack of social housing
- Attractive and improved frontage

Comments from Consultees

Conservation Officer

The site lies outside the southern boundary of the Copers Cope Conservation Area. Therefore Policy 42 is relevant which relates to views into and out of the area. This proposal is suitable in this location and I would raise no conversation objection as in my view there is no harm.

Tree Officer

No objection. There appears to be sufficient space to plant the 3 Birch on the west boundary, since at ground level they take up only the width of the stem. The root ball can be partially underneath hard landscaping if necessary and the stem may be clear of branches until above head height. The location and proximity to each other is not the 'text book' ideal for ensuring a healthy tree with good form in maturity. However, it appears to be deliberate and necessary in order to provide a continuous screen/veil in front of the new build.

The proximity of the tree to no. 53 and the lapsed pollard structure of the tree support the prediction that those responsible for grounds maintenance at no.53 would be justified in carrying out a significant crown reduction at some point. This in turn reduces the concern about the inevitable increase in future pressure that would result from the proposed development.

An updated tree protection plan and a soft landscaping plan are required.

Highways

Car parking:

The applicant states up to 10 car parking spaces will be provided. The proposal is for 20 residential apartments; this means a ratio of 0.50 parking per unit which is unsatisfactory; as it does not comply with the Bromley Local Plan.

The applicant is intending, a car club bay will be provided on Park Road. The car club vehicle will be electric. The developer will provide 2 years membership upon first occupation, 20 hours free drive time and information provided on an annual basis to all residents for the first 2 years. Therefore on balance I accept this level of parking.

Cycle parking:

30 cycle parking spaces are required.

Environmental Health:

Noise:

Railway noise and vibration has caused considerable problems in relation to a nearby property. An assessment should be carried out focussing on the proposed extension and whether noise or vibration from the railway should inform the construction methodology.

Contamination:

The site is close to a number of potentially contaminative current/former uses so I would recommend a condition is attached to require a phase 1 contamination assessment.

The application site is within an Air Quality Management Area declared for NOx.

Secure by Design

Concerns are raised which should be addressed, for both the residents, and the building safety and security. Should this application proceed, it may be able to achieve the security requirements of Secured by Design, with the guidance of Secured by Design officers and the New Homes 2019 guidance document and a Secured by Design condition is therefore recommended. A condition requiring the development to engage with police and the local authority to achieve Secured by Design accreditation would greatly assist with the delivery of a safer development in line with national, regional and local planning policies.

Furthermore, the car park must also comply with the "Parkmark" safer parking police initiative, which is in partnership with the British Parking Association, to ensure adequate lighting and minimise criminal opportunities are present.

Drainage

The applicant is required to provide attenuation for the proposed new extension situated to the rear/west of the site. Drainage condition recommended.

Thames Water

No objections.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (2016). The examination of the Draft New London Plan in public opened on

Tuesday 15 January 2019. The weight attached to the draft policies increases as the preparation of the new London Plan process advances.

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

The relevant policies are:

London Plan (2016)

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations

Bromley Local Plan

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 8 Side Space
- 11 Specialist & Older Peoples Accommodation
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 42 Development adjacent to Conservation Areas
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

Supplementary Planning Guidance

London Plan:

Housing (March 2016)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Shaping Neighbourhoods: Character and Context (2014)

Providing for Children and Young People's Play and Informal Recreation (2012)

London Borough Bromley:

Affordable Housing (2008) and subsequent addendums

Planning Obligations (2010) and subsequent addendums

SPG1 General Design Principles

SPG 2 Residential Design Guidance

Relevant Planning History

Ref: DC/89/02526/FUL: Planning permission granted for change of use from children's home to nursing home, conversion of basement into flat, part single storey/part three storey rear extension and three storey external fire escape.

Ref: DC/92/02698/FUL: Planning permission granted for enlargement of nursing home to include 4 storey side extension, entrance ramps and canopy to front with alterations to front car park.

Ref: DC/94/02351/FUL: Part basement/2 storey/4 storey side/rear extension to nursing home access ramp detached pagoda and 4 staff parking spaces with vehicular access at rear, amended fenestration to flank elevation of 4 storey side extension granted permission under ref.92/2698.

Ref: 16/05849/FULL1: Change of use from Care Home (Class C2) to a temporary residential support centre/hostel (Sui Generis) - Planning permission granted on 6th March 2017.

Ref.19/00647/FULL1: Conversion of former care home (Class C2) to residential use (Class C3), replacement 3 storey (plus lower ground floor) rear extension and associated works – Withdrawn by applicant

Considerations

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

- Land use/Principle of development
- Design and Density
- Neighbouring amenity and response to representations
- Housing and Accommodation Standards
- Highways
- Trees and Ecology
- Other Matters

Land use/Principle of development

The NPPF states:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Para 59).

Within the context of assessing local housing need the NPPF (para 61) advises that the size, type and tenure of housing needed for different groups in the community, including older people, should be assessed and reflected in planning policies.

Policy 3.8 of the London Plan is consistent with the NPPF stating that "*Londoners should have a genuine choice of homes that they can afford and which meet their*

requirements for different sizes and types of dwellings in the highest quality environments".

London Plan supporting paragraphs 3.50 - 3.51 highlight the growing and changing requirements for housing older people in London as one of the most important emerging planning issues for London. Annex 5, Table A5.1, provides 'Indicative annualised strategic benchmarks to inform local targets and performance indicators for specialist housing for older people'. The Table indicates 205 units per annum for Bromley.

Policy 3.14 of the London Plan relates to existing housing and identifies the need to retain existing housing stock for all elements of the community. Paragraph 3.83 refers to the retention of existing sites providing an element of care and indicates that where shortfalls of specialist housing needs have been identified the possibility of using these sites for other providers of specialist or supported needs accommodation should be explored.

The Bromley Local Plan was adopted January 2019 on the basis of sound evidence relating to the need for older persons accommodation in Bromley. Policy 11 'Specialist and Older Persons Accommodation' resists the loss of sites currently providing specialist accommodation unless there is re-provision (clause b) or unless it can be demonstrated that there is no demand for the existing accommodation and no demand for sites from alternative providers. Para 2.1.89 clarifies that evidence of appropriate and robust marketing for a period of a minimum of 6 months is required to demonstrate that no such demand exists.

Planning Application Marketing Evidence:

The decision to allow the change of use to a temporary residential support centre (on 6th March 2017) was based on there being a clear need in the Borough for that type of accommodation and the supporting marketing information at the time confirming that the existing use of the building as a nursing or care home is demonstrably no longer in demand. However, in granting a temporary change of use the Council reserved the opportunity to reconsider the loss of the C2 use in light of the now adopted Local Plan and the demand for specialist accommodation.

The application site ceased to operate as a (C2) nursing home on 4th September 2016 and had been vacant since then. Furthermore, the site was marketed for the continued use as a care/nursing home since September 2014 but to no avail. This was put down to the internal layout of the building which was considered poor for meeting care home requirements.

The Planning Statement accompanying the current application (submitted 26th July 2019) advises in para 6.19 that marketing officially re-commenced earlier that month:

As of the 1st July 2019, the Application Site was officially put on the market for residential, HMO and care home use. The marketing information attached at Appendix 1 shows how the Application site has been marketed. The marketing information demonstrates that there is currently no demand for the Application Site as a Care Home. The only interest to date is for HMO and residential.

and concludes that the marketing evidence submitted [Appendix 1 covering the period from 1st July and the previous marketing] "*clearly demonstrates that there is no appetite to use the building for a C2 Care use or as other specialist housing*".

The earlier marketing campaign and more recent information supplied about discussions with selected contacts regarding the reuse of the existing building supports the contention that there may be limited market appetite for the use of the existing building as a care home. However, the Local Plan (para 2.1.83) acknowledges that models of accommodation designed for older people continue to evolve and policy 11a also requires that the site be marketed for alternative providers.

Despite this, the applicant has confirmed that the site was not marketed for alternative C3 providers, inferring that that the Council would resist a redevelopment of the site. However, the only way to test this would be by submitting an application. To date, there is no history of any applications being received by the Council for the demolition of the existing building and redevelopment of the site. It is also worth noting that policy 11 encourages the redevelopment of sites currently providing specialist accommodation stating:

Where opportunities arise to maximise the use of sites currently providing specialist accommodation, proposals for extensions or redevelopments to providing additional accommodation will be looked on favourably, subject to appropriate scheme design.

Furthermore, the supporting marketing information confirms that only a "*soft-marketing exercise*" was carried out by Gerald Eve and Cushman Wakefield who went out to a select group of their clients. Websites were not used to advertise and no guide price was given. The only interest generated was from HMO operators and residential developers (for Class C3 dwellings). This does not meet the Local Plan (para 2.1.89) requirement for 'robust' marketing, nor does the marketing acknowledge that redevelopment for Specialist and Older Persons Accommodation need not be restricted to a C2 use, with many extra care / assisted living schemes falling with Class C3. Furthermore, the July 2019 marketing exercise is not of the required (6 month) timeframe.

The applicant has submitted further correspondence stating that they have offered the site to "every single care provider within a 20 mile radius" and that more than 10 of the larger care providers nationally have been approached. They further state that "specialised and later living care operators such GIL, AL, Audley, L&G, and Mayfield all decline the opportunity because LBB refused to consider a redevelopment of the entire site". However, as set out above, the applicant has confirmed during the course of the application that the site was not marketed for alternative C3 providers and, to date, there is no history of any applications for the redevelopment of the site. Despite the applicant offering to submit further marketing evidence to support the change of use, this would require at least 6 months of full and proper marketing for alternative providers as opposed to the "soft-marketing exercise" which was carried out by Gerald Eve and Cushman

Wakefield. Given the timescales for this application to be determined it is unlikely that evidence of 6 months marketing can be produced.

The site is conveniently located for a range of local shops and services, being within 800m walking distance of Beckenham town centre and is in close proximity to the train station. Therefore it is a site which would be considered suitable for certain forms of specialist accommodation, appropriate to the mobility of the residents, according to policy 11.

Housing Supply:

When operating as a care home the application site provided 41 rooms. It provided the same number of bedrooms under the temporary planning permission, for use as a residential support centre/hostel (Sui Generis Use), which expires on 31st March 2020.

Planning Practice Guidance advises that Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. (Paragraph: 035) and that for residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data (Para 016a). Census data indicates 2.4 persons per dwelling (1.8 adults per unit - Boundary Commission Review data) in Bromley. On this basis a single room occupancy use of the existing care home would provide the equivalent of 23 units.

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'.

Policy 11 'Specialist and Older Peoples Accommodation' relates to delivery in respect of an element of housing provision form which there is a clear and current demonstrated need, rather than in respect of housing numbers. This need has been assessed in accordance with the requirement of NPPF (para 61) and the policy was developed on the basis of evidence in the London Borough Bromley's *Older Persons Accommodation - Draft Submission Local Plan Evidence Base* (2016). It is therefore considered that policy 11 is up-to-date.

The provision of 20 dwellings makes a positive contribution to the supply of housing within the Borough, however, the applicant has provided insufficient information to demonstrate, to the standard required, that there is no demand for the existing accommodation and no demand for such sites from alternative providers. The proposal is therefore contrary to BLP policy 11 and policy 3.8 of the

London Plan. Consequently, the Borough's supply of specialist older persons accommodation (which would contribute to the housing supply), for which there is a recognised need assessed in accordance with the requirement of NPPF, would be harmed.

Design and Density

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 (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. Developments should 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 must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. BLP Policy 37 requires development to be of a high standard of design and layout, and requires (inter alia) development to be imaginative and attractive to look at, of a good architectural quality and complement the scale, proportion, form, layout and materials of adjacent buildings and areas, to positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features and to provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity).

The character of the surrounding area is predominantly large mansion blocks, converted into flats, and purpose built blocks of flats fronting the street, set on large plots. Despite the provision of on-site car parking at the majority of neighbouring sites, the character of development in the area is generally one of large buildings on spacious landscaped plots. This gives the area a spacious and verdant character and there are many mature trees which also make a significant contribution to the visual amenities of this area.

The application site itself has been previously sub-divided to create a separate dwelling which is now known as 123 Park Road. The building has also been extended several times in the past. In contrast to the spacious, verdant character of neighbouring sites, the curtilage of the building is dominated by hardstanding for parking cars on the northern and eastern sides and a courtyard at the rear.

The proposed development involves the replacement of the existing one/two storey extension adjacent to the western site boundary with 123 Park Road with a part one/three storey extension. A separation of between 1m and 2m would be retained between the extension and the western site boundary at ground floor level. At first floor and above a full 2m would be retained to the western site boundary.

While the proposed extension is larger than the one it replaces, extending further back into the south-western corner of the site than existing, it would be set well back from Park Road and the remaining curtilage of the site would remain as existing, with no further extensions proposed. On balance, the development does not significantly increase the proliferation of built development and hardstanding on this site and in this respect the layout proposed would not significantly detract from the character of this area.

The proposed extension is subservient to the host building, extending to a maximum height of only three storeys (which includes a lower ground floor level) and projecting no further forward beyond the northern elevation of the original building. At first floor the extension steps-in from the front and from the side and steps back significantly at the rear (south) away from neighbouring sites. While this extension would clearly appear as a contemporary addition to the building, particularly in view of its flat roof and larger window proportions, it is nevertheless found to respect the form and scale of the original building which has some architectural merit and is adjacent to a Conservation Area.

The proposed extension is to be predominantly clad in facing brickwork to match the brickwork colour and texture of the existing building. A number of brick details to provide interest and character have also been considered and an indicative materials palette has been provided, showing recessed brick panels, protruding brick borders and strips with differing textures and shadows. In addition, the proposed top (first) floor will be constructed with a lightweight metal cladding and glass façade to further reinforce this roof type space. The overall design concept is considered acceptable. The final details of the materials can be secured by a condition in the event that planning permission is granted.

BLP policy 37 also requires space about buildings to provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity). Although there is limited space retained in this plot which would be free from hardstanding and built development, the applicant is proposing to maximise opportunities on the site for planting. They have provided an indicative landscaping scheme showing additional planting proposed along site boundaries, adjacent to neighbouring sites and around the car parking area which will help to create an attractive setting for the development. The applicant is also proposing a green roof on the extension. A landscaping condition is recommended should permission be granted.

Overall, the development as proposed would not detrimentally impact on the visual amenities of the Park Road street scene, nor would it harm views into or out of the adjacent Conservation Area.

BLP policy 4 also seeks to ensure a satisfactory layout which is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles. Externally, vehicle and pedestrian access is provided from existing accesses onto Copers Cope Road and Park Road. The existing and well defined pedestrian entrance at ground floor level facing Copers Cope Road is maintained. There is also a level pedestrian access to the building via a ramp facing Park Road, therefore the entrance to the ground floor is accessible by wheelchair. The new build apartment G.05 will be fully wheelchair accessible internally and the two disabled car parking spaces will be positioned adjacent to the Park Road vehicle access, conveniently located for the step-free access to the building.

Safety and security measures should also be included in the design and layout of buildings and public areas. The applicant is required to address aspects of the scheme such as the permeability and security of the block, with mention of feature brickwork which can be used as a potential climbing wall; details of the access control into the block; proposed security measures around the car park, cycle and refuse storage areas; secure mail delivery and visitor strategies; measures to reduce opportunities for anti-social behaviour in the car park, rough sleeping and criminal damage; and the incorporation of suitably tested and accredited doors and windows. A Secured by Design condition is therefore recommended to address these safety and security concerns.

Density:

BLP policy 4 also requires that new housing development has regard to the London Plan density matrix whilst respecting local character, including heritage. Policy 3.4 in the current London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

1 x studio flat; 10 x 1 bedroom and 9 x two bedroom flats are proposed with an average of 2.45 habitable rooms per unit. The site measures 0.2 hectares and is within an urban setting with a PTAL of 2.

The London Plan Density Matrix (Table 3.2) does not provide a density range for development which have an average of less than 2.7 habitable rooms per units; however, taking the lowest number of habitable rooms in the matrix, a density range of 70-170 units/hectare and 200-450 habitable rooms/hectare is recommended as appropriate for this site, provided it is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area.

The density of the development would equate to 100 units per hectare and 245 habitable rooms per hectare, which is within the recommended ranges in the London Plan and, as discussed, the design of the development is considered acceptable and would comply with BLP policies 37 and 41. The quality of living accommodation is discussed later in the report.

Neighbouring amenity and response to representations

Policy 7.6Bd of the London Plan requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings. Furthermore, development proposals should safeguard the residential amenities of the area against inadequate daylight and sunlight, harmful visual impact and adverse wind and microclimate.

BLP policy 37, which is set out in full above, requires proposals for development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Impact on 123 Park Road:

The property which is considered to be the most impacted as a result of this proposal is the dwelling at 123 Park Road, which sits adjacent to the site to the west. In response to concerns over the scale and massing of the proposal and the impact it would have on neighbouring amenities, the applicant has reduced the rearward projection of the extension at first floor, setting it back to be approximately in line with the existing four storey extension. The extension now measures approximately 12.5m deep at first floor (inclusive of balcony) and approximately 16m at ground floor (inclusive of balcony). It is also noted that the lower ground floor is not fully below ground and to accommodate the lower ground floor level, the ground floor would be raised above the garden level of the neighbouring site which would result in the extension appearing to be two and a half storeys high when viewed from the adjoining property.

It is clear that the proposed extension will have a significant visual impact from the neighbouring site, particularly from the garden of No.123. It is one storey higher and extends further back along the site boundary compared to the existing 7.5m deep one/two storey extension. However, the flat roof does help to minimise the overall height and bulk of the development and, while there would be a noticeable change, it is not considered that it would result in undue harm to the general standard of amenity currently enjoyed by occupiers of the neighbouring site.

Furthermore, to break up and provide some interest to what would otherwise be a large expanse of plain brickwork on the proposed extension, particularly to the flank wall facing No.123, the applicant has proposed a number of brick details to provide visual interest and character. As such the extension would not appear unduly stark or oppressive when viewed from the neighbouring site.

The applicant has also submitted a daylight/sunlight assessment based on a previous scheme which proposed a four storey extension with a greater massing and rearward projection. The assessment found that 1 window at No.123 Park Road would experience a small reduction in daylight/sunlight beyond what is considered acceptable, however, the room which it serves benefits from a second window which does achieve BRE compliance. The new plans reduce the massing of the proposed extension and the conclusions of the daylight/sunlight consultant

are that there will be an improvement to the retained Daylight and Sunlight amenity of surrounding properties compared with the previous scheme iteration. The relevant surrounding properties include 53 and 65 Copers Cope Road, 10-12 Newbeck Court and 123 Park Road.

The only windows facing onto No.123 are small, high-level windows serving a kitchen/diner at first floor and a bathroom at ground floor. The kitchen/diner window is a secondary window to that room and can therefore be obscure glazed and fixed shut to prevent overlooking, as can the bathroom window. The proposed balconies serving flats G.05 and 1.05 will need to incorporate suitable privacy screens to the western sides to prevent future occupiers from being able to directly overlook the neighbouring site.

Three Silver Birch instant impact trees are also to be planted on the western site boundary which will help to screen the extension from the neighbouring site. The Tree Officer has confirmed that there is enough space in between the extension and the site boundary to do this and the root ball can be partially underneath hard landscaping if necessary.

Subject to securing appropriate treatments for the windows, boundary enclosures and the external facades (via conditions), on balance, the extension would not have an unduly harmful impact on adjoining residents at No.123 park Road.

Impact on 53 Copers Cope Road:

The proposed extension is approximately 8m away from the southern boundary with No.53 Copers Cope Road at ground floor level, stepping back to approximately 11m at first floor. It includes balconies serving the new flats which would be located between 5m and 8m (approx.) away from the party boundary.

The existing building already includes a four storey extension sited around 11m from the boundary with No.53 and this includes habitable room windows facing this neighbouring site. While the proposed extension does introduce balconies and additional windows in fairly close proximity to the party boundary, it is relevant to note that the extension is positioned further to the west of the site than the existing four storey element and the proposed windows and balconies would face onto the rear garden/amenity area of No.53 rather than directly facing the block of flats itself. As such there would not be any direct overlooking or loss of amenity for existing occupants of the flats at No.53.

Additionally, there is a large, mature tree in the rear amenity area of No.53 adjacent to the boundary of the two sites which will largely screen views of this neighbouring site from future occupiers of the new development.

Impact on 10-12 Newbeck Court:

This flatted development is situated around 26m to the west of the application site. Concerns have been raised from adjacent occupiers regarding overlooking and noise from the proposed balconies and high level windows. However, as discussed, balcony screening to the western side of the balconies and obscure

glazed, non-openable windows would be required by condition, should the application be considered acceptable overall. In terms of noise, this is a residential development in a residential area and the provision of balconies serving two of the proposed flats is unlikely to lead to harmful levels of noise at adjacent sites. Furthermore, the separation distance between the proposed extension and Newbeck Court would also help to negate any significant loss of amenity for residents of that block. Furthermore, the roof terraces which were proposed under a previous application have now been omitted.

The design of the extension and amount of development proposed has been considered in the preceding paragraphs. Highways impacts are considered later in the report.

To summarise, the development in the manner proposed would not have a significantly harmful impact on the amenities of occupiers of neighbouring buildings or those of future occupants.

Housing and Accommodation Standards

Affordable Housing and unit mix:

New development is expected to provide mixed and balanced communities. Policies within the Bromley Local Plan do not set a prescriptive breakdown in terms of unit sizes. Individual sites will be considered on a case by case basis. However paragraph 2.1.17 of the Local Plan advises that proposals of 5+ units should provide a mix of unit sizes and will be considered on a case by case basis.

The proposal is for 20 No. (100% market) residential units in the following mix:

1 x studio flat
10 x 1 bed flats
9 x 2 bed flats

In principle, the proposed unit mix is acceptable.

London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. BLP policy 2 states that the Council will seek affordable housing on all housing developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings. On all sites at, or above this, threshold negotiations will take place to determine the number of affordable dwellings to be provided. In negotiating the amount of affordable housing on each site, the Council will seek 35% provision with 60% social-rented/affordable rented housing and 40% intermediate provision.

Where an applicant proposes a level below the 35%, or the tenure mix is not policy compliant, the Council will require evidence within a Financial Viability Appraisal that will be independently assessed. Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of

affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that: it would be impractical to transfer the affordable housing to a registered provider (RP); or on-site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed; or on-site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location.

The development is liable for the provision of affordable housing in accordance with BLP policy 2. However, the applicant is not offering any affordable housing and has submitted a financial viability report which concludes that the scheme with 0% affordable housing is unviable by c. £0.23m. Despite the deficit the Applicant is willing to offer a payment in-lieu of £0.05m.

According to London Plan, a cash in lieu option should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this plan and should be ring fenced, and if appropriate, pooled, to secure efficient delivery of additional affordable housing on identified sites elsewhere or as part of an agreed programme for provision of affordable housing. Therefore a financial contribution must be robustly justified.

The Council have interrogated the applicant's viability assessment and concur that the scheme would not viably be able to provide any on-site affordable units. However, the development would generate a surplus of £0.13m which could form the basis of a larger payment in-lieu than the applicant has initially offered. The applicant has agreed, in principle, to entering into a planning obligation in order to secure the payment in-lieu of affordable housing. In accordance with the Mayor's viability SPG, this should include a review mechanism, based on the approach set out in the Viability Tested Route in the SPG.

Standard of Accommodation:

BLP policy 4: Housing Design requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places and will require (inter alia) development to be meet the minimum space standards for dwellings as set out in Policy 3.5 and Table 3.3 of the London Plan and the London Plan Housing Supplementary Planning Guidance; the provision of sufficient external, private amenity space that is accessible and practical; and the provision of appropriate play space in accordance with the Mayor's Play and Informal Recreation SPG.

All units meet the minimum technical housing standards - nationally described space standards for gross internal floor area and the drawings depict that the floor to ceiling heights for each of the floors will be a minimum of 2.5m for at least 75% of the GIA.

The majority of flats are dual aspect, apart from LG.02 and LG.04 which are 1 bedroom north facing single aspect units on the lower ground floor. The London Plan Housing SPG advises that north facing single aspect units should be avoided. Such units can be difficult to ventilate, often receive poor levels of light and can be

subject to undue levels of noise, particularly when situated at ground floor adjacent to a street, as is the case here. These units would also face onto the existing retaining wall which would limit their outlook and, in the case of LG.04, a bin store would be positioned in close proximity to its outside amenity area.

It is acknowledged that the constraints of the existing building are such that single aspect units are difficult to avoid in this part of the building. To help improve lighting and outlook for these two flats the applicant proposes to increase the sizes of the existing windows on the northern façade, to add new windows and to paint the external wall white and provide planting. A suitable bin enclosure to help mitigate any harmful visual and odour impacts as a result of the relationship of flat LG.04 to the bin storage area, would also be required. This would need to be secured by condition should the development be considered acceptable overall.

The concerns of Environmental Health Officers in respect of noise from the railway line and the absence of a noise report being submitted with the application are also noted. However, it is considered that an appropriately worded planning condition requiring the applicant to assess noise and identify appropriate mitigation measures for all of the flats prior to commencement of the development would help to enhance the quality of this development and mitigate the adverse effects of noise.

Amenity and Play Space:

All lower ground floor flats benefit from private external space in the form of generous courtyards. There is also a 47sqm communal courtyard which will be provided with soft landscaping.

At ground floor level only one flat, which is a new build, benefits from a private balcony. At first floor, again, only the new-build flat would benefit from a private balcony and the converted flats in the existing building would all fail to provide adequate private outdoor space in accordance with London Plan standards. While flat 1.02, 2.02 and 2.04 all benefit from additional living space equivalent to the required amount of private outdoor space, nine units (18%) would be left without any private outdoor space or additional living space.

While this is contrary to policy 4 of the BLP it is again noted that the constraints of the site would make full compliance with the amenity space standards difficult to achieve. Officers agree that adding balconies to the existing building would not be conducive to good design since they could harm the integrity of the original building which does have some architectural merit and could give rise to harmful impacts on occupiers of adjacent sites. In this instance residents of the development will have access to communal courtyard and the applicant also states that "there are good public parks and green spaces within close walking distance to the site".

A number of the proposed units within the converted part of the building have the potential to be overlooked by the proposed balconies in the extension which would be sited around 7m away from habitable room windows of adjacent flats. In addition to the balcony screening already recommended above, additional privacy screening on the eastern side of the balconies is therefore recommended.

Overall, the proposed design and layout of the flats and external amenity areas are considered acceptable.

Policy 3.6 of the London Plan states "Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs". According to the child yield calculator in the SPG and based on the information in the application, the proposal generates a requirement for 65.7sqm of 'genuine playable' playspace. As discussed, there is limited space about the building which will be left undeveloped and in this instance it is considered appropriate that the developer provides a financial contribution towards existing off-site play provision, relative to the needs of the development. The applicant has agreed, in principle, to a contribution towards off-site Play Space. This would make the development acceptable from an amenity and play space perspective.

Wheelchair units:

In accordance with BLP policy 4 and London Plan Policy 3.8 90% 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)(a or b) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Planning policy only requires the new build element of a development to provide wheelchair dwellings.

In the absence of a lift for the upper and lower ground floor flats in the extended building the development would not comply with Part M4(2). This would affect a total of three of the flats and the applicant has not provided evidence to confirm that the inclusion of a lift for these units would make the development unviable. However, it is acknowledged that this is a constrained site and the applicant has reduced the massing of the extension in order to mitigate the impact on neighbouring residents. The applicant has also agreed to a number of planning obligations which would significantly benefit local infrastructure. Therefore, in this instance, the fact that full compliance with Part M4(2) cannot be achieved is not considered harmful enough in itself to warrant refusal of the application.

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.

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

Ten car parking spaces are proposed on the site. For a development such as this, in this location, the parking standards in the BLP would give rise to the requirement for a minimum of 14 parking spaces.

As set out above, the Council's Highways Officers are not raising objections to the level of car parking provided on the basis that the developer will enter into a legal agreement to provide residents of the development with access to a Car Club, including a dedicated on-street parking bay to be provided on Park Road. The Car Club should also provide 20 hours free drive time and information provided on an annual basis to all residents for the first 2 years. The applicant has agreed, in principle, to entering into a S106 Legal agreement to provide a car club in accordance with the terms set out above.

The applicant has submitted revised parking and landscaping plans shows the provision of 30 cycle parking spaces on the site. This meets the London Plan requirement for a minimum of 29 long-stay and 1 short-stay spaces. Details of how the cycle stores would be covered and secured would be required via condition, had the application been acceptable overall.

4 x 1100ltr Refuse bins and 9 x 240ltr recycling bins are provided to the northern side of the building close to the Park Road access. As discussed above, while there are concerns over the proximity of the bins to the lower ground floor flats and outdoor amenity areas, it is considered that the harmful impacts can be mitigated through the imposition of a refuse store condition.

Subject to a planning obligation to secure the use of a car club for residents of the development as well as conditions, including the provision of cycle parking, refuse enclosures and electric vehicle charging points, the development would be acceptable in terms of road safety, parking and highways impacts.

Trees and Ecology

London Plan policies 2.18 and 7.19 highlight the importance of green infrastructure. Green infrastructure is an overarching term for a number of discrete elements (parks, street trees, green roofs etc.) that go to make up a functional network of green spaces and green features. New development should improve existing or create new habitats or use design (green roofs, living walls) to enhance biodiversity and provide for its on-going management (para 7.61).

BLP Policy 73 requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

There are no significant trees on the application site itself, however, there is a mature tree in the adjoining site, No.53, which Officers consider important for providing future screening of the development from neighbouring sites and to help minimise overlooking from the proposed flats. While there is likely to be increased pressure to remove or reduce this tree as a result of the proposed residential scheme, it is already likely that this tree will need to be reduced at some point in

the future due to the lapsed pollard structure of the tree and its proximity to existing built structures. Therefore, on balance, there are no objections from a tree perspective.

The application is accompanied by a Preliminary Ecological Appraisal. This concludes that the site has some potential to support breeding birds and bats, however, it states that "*the proximity of New Beckenham train station causes a significant and persistent source of disturbance and as such the potential of the site to provide a habitat for breeding birds is low*". Furthermore, "*despite the potential locations for bat roosts at the site, the proximity to the railroad to the west and road to the north and east renders the overall potential for bats to roost at the development site to be negligible*".

Although there is limited potential for habitats and/or species of high value on this site, the site forms part of a mosaic of habitats surrounding and in between the nearby statutory sites of Importance for Nature Conservation, particularly Beckenham Place Park and South Norwood Country Park which are Local Nature Reserves. As such the site has a potentially important role to play in providing a link between these ecological hubs for a variety of birds, bats and invertebrates.

Accordingly, a number of recommendations are made in the Ecology report, including the protection of trees and shrubs around the car park area during construction; work taking place outside of the bird breeding season; removal of non-native species; wildlife planting and provision of a green roof which can be incorporated alongside a Photovoltaic array.

The applicant is proposing a green roof on the extension and landscaping around the site, including new tree planting. Had the application been acceptable overall, conditions requiring details of the green roof and a detailed landscaping and planting plan would be recommended, along with a condition to ensure compliance with the mitigation and enhancement measures in the Ecology report.

Other Matters

Pollution and contamination:

The site is within an Air Quality Management Area (AQMA). BLP policy 120 and London Plan policy 7.14, require that development proposals within these areas should address local problems of air quality, promote sustainable design and construction to reduce emissions from the construction of buildings and be at least 'air quality neutral' so as not to lead to further deterioration of existing poor air quality.

The applicant has submitted an Air Quality Assessment which concludes that the redevelopment of the site would not cause a significant impact on local air quality but recommends the implementation of a Dust Management Plan during construction. Furthermore, the proposed development will include secure cycle spaces to encourage sustainable transport.

Had the development been considered acceptable overall, conditions would be recommended to ensure that the development is carried out in accordance with the recommendations in the report and to ensure that Ultra Low NOx boilers, electric vehicle charging points and cycle storage are all incorporated into the development to promote sustainable travel modes.

The site is also close to a number of potentially contaminative current/former uses and a Phase 1 contamination assessment would also be required via condition.

Drainage:

Policy 5.13 of the London Plan requires developments to 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 is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

The submitted Landscape Strategy includes the use of green roofs on top of the new extension which is acceptable in principle, however, full details of the Drainage Strategy are required and should be secured via condition.

Energy and 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.

BLP policy 123 requires that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account alongside the principles set out in the general design policy. In addition, policy 124 states that Major developments should aim to reduce their carbon dioxide emissions in accordance with the levels set out in the London plan.

The applicant has submitted Energy Strategy reports for the converted part of the building and for the new-build extension. According to the reports, the new-build component, which is required to achieve zero-carbon, would achieve a total reduction in CO2 emissions of 35.7% over the 2013 Building Regulations. A payment in-lieu of £5977 will therefore be required to offset the shortfall. The applicant has agreed in principle to entering into a planning obligation to secure the payment in-lieu.

For the converted part of the building (16 refurbished flats), no carbon offsetting payment is required since the proposed design exceeds the minimum 35% target by achieving 35.26% on-site carbon savings.

A condition requiring the final design of the carbon saving measures including the location and design of the proposed PVs on the roof of the building would also be necessary to ensure a satisfactory visual impact is achieved.

S106 and CIL:

BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The Council has identified the following Draft Heads of Term for this application:

- Affordable Housing payment in-lieu: **£130,000**;
- Car Club bay preparation fee: **£2500**;
- Agreement with an accredited Car Club operator to provide a car;
- 2 years membership of Car Club for occupiers of the development;
- 20 hours free drive-time for occupiers of the development and information provided on an annual basis to all residents for the first 2 years;
- Contribution to off-site play/open space: **£8000**;
- Contribution to Health infrastructure: **£19,880.00**;
- Contribution to Education infrastructure: **£33,616.94**;
- Carbon off-setting payment in-lieu: **£5977**.

These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

Had the application proposal been considered acceptable in principle, these would be necessary to make the development acceptable in planning terms and the applicant has agreed, in principle, to enter into a S106 legal agreement to secure the above obligations, should planning permission be granted.

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

In the absence of robust evidence relating to the lack of demand from alternative providers of specialist and older persons accommodation, the proposal is contrary to Local Plan Policy 11 and London Plan Policy 3.8. Even if it were accepted that the scheme increased supply by 20 units, the adverse impact, in respect of the loss of this specialist accommodation site, for which no evidence has been supplied to suggest it cannot be developed, would in any event, significantly and demonstrably outweigh that benefit, when assessed against the policies in the National Planning Policy Framework taken as a whole.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposal would result in the loss of a site currently providing specialist accommodation and insufficient evidence and information has been provided to demonstrate that there is no demand for the existing accommodation and no demand for such sites from alternative providers, contrary to policy 11 of the Bromley Local Plan and policy 3.8 of the London Plan (2016).