

## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 19/03941/FULL1

**Ward:**  
Petts Wood And Knoll

**Address :** Bayheath House 4 Fairway Petts Wood  
Orpington BR5 1EG

**Objections:** Yes

**OS Grid Ref:** E: 544521 N: 167577

**Applicant :** Epicho Holdings Limited.

### **Description of Development:**

Erection of part one storey/part two storey upper floor extension to Bayheath House & Cardinal House to provide 4x 1-bedroom and 5x 2-bedroom flats (9 flats in total) with associated cycle parking and elevational alterations to the existing buildings.

Key designations:

Conservation Area: Station Square Petts Wood

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Primary Shopping Frontage

Smoke Control SCA 4

### **Proposal**

Planning permission is sought for the erection of erection of part one storey/part two storey upper floor extension to Bayheath House & Cardinal House to provide 4x 1-bedroom and 5x 2-bedroom flats (9 flats in total) with associated cycle parking and elevational alterations to the existing buildings. According to the submitted details the application site area measures approximately 0.12ha and the overall floor space (including entrances/circulation spaces) measures approximately 801sqm.

For reference the application is technically separate from the earlier prior approval (18/04635/RESPA) as the schemes could be carried out separately, although the prior approval scheme may comprise a material consideration.

The application is supported by the following documents:

- Application form
- Application drawings
- Accessibility Statement
- Design and Access Statement
- Transport Statement

- Travel Plan
- Swept Path Analysis
- Demolition and Construction Management Plan/Material Storage

## **Location and Key Constraints**

The application site relates to Bayheath House and Cardinal House, a two-three storey post war building located on and turning the corner of Station Square and Fairway. Cardinal House comprises a two storey building front on to Station Square and Bayheath House comprises a three storey building fronting on to Fairway. The ground floor of the building comprises shops and other commercial/business units and lies within the Primary Retail Frontage. As mentioned elsewhere in this report, the first and second floors of the building currently appear to be vacant although they were most recently occupied as offices. The application site relates to the proposed second and third floors above Cardinal House and the proposed third floor above Bayheath House. The building is not statutorily or locally listed however it is opposite the Grade II listed Daylight Inn pub and the site directly abuts the Petts Wood Conservation Area and is near to the Petts Wood Area of Special Residential Character.

According to the Conservation Area SPG Petts Wood was developed during the 1930's, in a manner inspired by the Garden City movement and the pioneering work of Ebenezer Howard, and was designed and developed predominantly by architect Leonard Culliford and developer Basil Scruby; who negotiated the construction of the Petts Wood railway station which was essential to the viability of the development. The immediate surroundings became the obvious location for the centre of the new Garden Suburb, Station Square was laid out in 1928, and commercial premises were specifically targeted towards this area. The form of the square remained settled until the mid-1970s, when the former Coal Yard was developed after an appeal to the Secretary of State. It was replaced by Pel House, a three storey flat roofed block which does not relate particularly well the rest of the Square. The former Dunstonian Garage was also demolished and replaced.

## **Planning History**

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

18/04635/RESPA - Change of use of first and second floors at Bayheath House and Cardinal House from Class B1(a) office to Class C3 dwellinghouses to form 16 flats together with associated parking (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class O Part 3 of the GPDO) was granted prior approval on 14 December 2018. The development does not appear to have been implemented although it remains an extant consent which could be implemented (providing that it would still comply with the relevant provisions of the GPDO) and it is therefore a material consideration to which appropriate weight shall be attributed in this assessment.

## **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 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

## **London Plan Policies**

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 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
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands

## **Bromley Local Plan**

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 8 Side space

Policy 30 Parking  
Policy 32 Road Safety  
Policy 37 General design of development  
Policy 38 Statutory Listed Buildings  
Policy 41 Conservation Areas  
Policy 42 Development Adjacent to a Conservation Area  
Policy 73 Development and trees

### **Supplementary Planning Guidance**

Bromley's SPG No.1 - General Design Principles  
Bromley's SPG No.2 - Residential Design Guidance  
Mayor of London SPG - Homes for Londoners Affordable Housing and Viability 2017

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

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

#### Support:

- the proposal offers the opportunity to improve signage to the local businesses adjacent and behind the application site (known as Victoria Works),

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

### **Comments from Consultees**

APCA: No objection in principle. The site lies in a sensitive location and it has a prominent position and the design quality should be superior to that currently presented. There is concern over the height of the building combined within the poor design quality. No objection to the mock Tudor in principle however its use should be more sympathetic and consistent with the other buildings in Petts Wood.

LBB Conservation Officer: The site lies at the edge of the Station Square Conservation area and overlooking the grade II listed public house and the locally listed former estate office. This is a sensitive location and the setting of those heritage assets is the key issue.

Historic England guidance concerning the setting of heritage assets is detailed and directly relevant to this proposal and the steps identified in its 2018 document should be assessed by a suitably qualified professional heritage expert. The heritage significance of the listed building and the locally listed building and the conservation area should also be taken into careful consideration and the way that this proposal responds to these heritage assets should be considered. The proposal has not addressed these issues and in relation to the sensitive location of this proposal and this is contrary to the NPPF.

The Petts Wood garage was originally on this site and a parade of shops completed the south side of the square, only one of which survives. The original buildings were either single storey or low and were therefore subservient to the listed public house. While the current building is modern in style its massing is not harmful to the surrounding heritage assets. By contrast the scale of the proposed buildings would be larger and would not be subservient to the listed public house; the scale would be harmful and inappropriate in this context. The ridge height should not exceed the height of the surviving unit from the original parade which should allow for a two storey building with an attic.

The neo-Edwardian style is not necessarily unacceptable (there is a modern example on the western side of the square) however it would appear to be built on top of the existing building and this would have an uncomfortable stylistic juxtaposition which would be detrimental to the setting. A modern interpretation could also be explored.

The key here is scale and massing so that the new building sits quietly within its context and allows the public house to be the dominant building within the square, anything that competes with this would be potentially harmful. As such the proposal fails to pay subservience to surrounding historic buildings. It is too large and out character in the setting of these designated and non-designated heritage assets.

LBB Environmental Health Housing Officer: Two third floor dormer windows (elevation) are not shown in the floor plan drawing. Flat 3B Cardinal House is shown to be a 2-bedroom flat. Proposed Flat 3A, 3B and 3D Bayheath House and 3A Cardinal House would have inadequate natural light (and ventilation) to the combined kitchen/living/dining room and Bedroom(s). The lack of adequate natural light (and ventilation) to this flat could pose a health risk to the occupiers and formal action to either provide adequate natural light (and ventilation) or prohibit the occupation of the rooms and or property would be considered by the Housing Enforcement Team. Proposed Flat 3E Bayheath House and 2A, 2B, 3A and 3B Cardinal House and would be served by the combined kitchen/living/dining room as the only communal living space which is undesirable due to the risk of accidents associated with areas used for both food preparation and recreation. Proposed Flats 3E Bayheath House and 2A, 2B, 3A and 3B Cardinal House would have two or more bedrooms and would be suitable for family occupation however they would have inadequate outlook (a reasonable outlook and views of open space) and they would be served by insufficient/inadequate external recreational space. There should be a clearly defined refuse storage area for refuse containers. External refuse storage areas should be in the open air and away from windows and ventilators. The above proposal will provide dwellings with one or more inherent hazards some of which may pose a significant health risk to the occupiers.

LBB Environmental Health Pollution Officer: The application relates to an additional second/third floor should be considered in context to the previously granted prior approval scheme. The submitted Demolition and Construction Management Plan is not specific enough and is of limited benefit and at one point (para 2.5) it refers to a different site.

Further comments:

The submitted revised CMP would be acceptable.

LBB Drainage Engineer: The proposal would not increase the building footprint or hard surfaced areas such as the car park. No further comments.

LBB Highways: The TfL WebCAT planning tool shows that the site has a PTAL rating of 4 (on a scale where 0 has the worst/least access and 6b has the best/greatest access to public transport services) indicating that it has reasonable access to public transport services; and indeed it is served by both bus and rail services. It is noted that consent has been previously granted for the change of use of the first and second floor offices to form 16 flats with 24 associated parking spaces (18/04635/RESPA). The current scheme proposes 9 x 1 and 2-bedroom units in a PTAL 2-6a area and the Council will require a minimum of 7 car parking spaces in accordance with Local Plan Policy 30. The submitted drawings indicate that parking spaces C1-C8 are retained for the commercial properties and parking spaces R1-R16 would be allocated to the 16 units in the previous proposal 18/04635/RESPA. Notwithstanding this allocation it does not appear that any additional parking spaces would be provided and as such the currently proposed 9 units would not appear to have any dedicated parking spaces. Notwithstanding the access to public transport services in this location the absence of sufficient parking would conflict with the minimum 7 space requirement for the currently proposed units, this is unsatisfactory and contrary to Local Plan Policy 30. The size of the proposed refuse storage also appears to be insufficient to serve the overall scheme of 25 flats.

LBB Waste Services: No comments received.

Metropolitan Police Secure by Design: The application for 9 units in itself is below the usual threshold for comment, and the application does not include crime prevention/security measures, however this proposal is read in conjunction with 18/04635/RESPA (the total number of residential units will be 25), and this would benefit substantially from Secured by Design features and mechanisms which will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

These details would include:

- the permeability and security of the block,
- details of the access control within the block,
- security for access around the cycle and refuse storage,
- secure mail delivery and visitor strategies, secure building lobby,
- reduction measures to remove opportunities for rough sleeping or criminal damage, and
- the incorporation of tested and accredited doors and windows required.
- If the application succeeds, and with the guidance of Secured by Design officers and the New Homes 2019 guidance document, the development may be able to achieve the security requirements of Secured by Design, and a Secured by Design condition is recommended to address these observations.

Thames Water: No comments received.

## **Considerations**

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

- Procedural matters
- Principle;
  - Location of development
  - Land Use
- Housing Need
- Design
- Heritage Assets
- Density
- Standard of residential accommodation
- Neighbouring amenity
- Highways
- Secure by Design
- Sustainability
- CIL
- Other matters

### Procedural matters:

As mentioned above, the proposal is technically separate from the previous prior approval application; it stands alone from it and therefore this proposal is not a cumulative form of development with the earlier scheme and does not comprise a major development with the associated relevant requirements. Nonetheless given that the prior approval scheme could be implemented it is appropriate to consider the previous scheme as a material consideration.

### Principle:

- Location of development:

The site lies within an urban and built up area where there is no objection in principle to new residential development. The proposal is subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of the adjoining and future residential occupiers of the scheme, heritage and car parking and transport implications.

- Land Use:

The upper floors of the building are currently unoccupied although they have most recently been use as offices and, as mentioned, there is consent to convert them into residential 16 residential flats with associated parking. On this basis there is an extant consent for residential development at the site. The current proposal is for a new part second floor/part third floor extension to the building and as such there

would be no "change of use" as these parts of the building do not already exist. Nonetheless as the existing upper floors could be lawfully used residentially then, in principle, the currently proposed residential units would complement that use and it would harmonise with the residential development around Station Square. Furthermore, whether or not the prior approval consent it carried out retail use, office use and residential use can comfortably co-exist together and therefore this would not be unacceptable in principle in any event.

### Housing Need:

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.

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 11(d) 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 9 new dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

## 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 (2019) 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 (2019) 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.

The proposal would not expand the building footprint and it would not necessarily lead to an over development of the site or a cramped appearance. However it would involve a significant extension to the existing building particularly with regards to its massing. Whereas the current building has a varied height and generally low scale the current proposal would have a consistent building height and a considerably greater building mass; including a more bulky roof formation as compared with the existing flat roofed design, causing it to appear more dominant within the street scene. Furthermore the neo-Edwardian design would have a more complex appearance than the existing minimal glazing and this would also cause it to appear more prominent in the street scene and in the locality.

Overall the physical mass and the intricate design and materials would heighten the scale, bulk and mass of the building and it would appear overpowering in the locality and in relation to the neighbouring buildings which are more modest in their scale and appearance. Furthermore the proposed traditional neo-Edwardian design of the alterations to existing upper floor and the new extended upper floor(s) would appear incongruous in relation to the 1970s design of the remaining commercial/retail ground floor part of the building. For these reasons the proposed

design would also cause the building to appear top heavy. The proposed scale and mass of the building and its design would also compete with and compromise the significance of the local heritage assets; adjacent Conservation Area and listed building, and this is discussed in more detail, elsewhere in this assessment.

### Heritage Assets:

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The application site fronts on to Station Square. The key feature within the square is the Grade II listed Daylight Inn Public House, described as "an improved (reformed) public house in Neo-Tudor style by Sidney C Clark the chief architect for Charrington's Brewery, opened in December 1935, refurbished and partly extended in 1996", and first listed in on 16 July 2015. The Tudor style design matching the other buildings in the suburb was crucial to the overall acceptability of the pub (in the light of initial public opposition to its construction).

According to the Station Square SPG the Council expects all proposals for new development to conform with the general character of the conservation area, especially in regard to the scale and height of construction, design and materials

used. Improvement works should take account of the character of the buildings and alter them as little as possible. Changes of use will be acceptable only where, in the opinion of the Council, they would have no detrimental effect on the character of the area.

Although the current buildings are not in the traditional neo-Tudor design which is characteristic of Petts Wood they have a relatively minimal design and their massing is relatively modest; framing the southern end of the square. As such the existing building it does not compete with the lower height and scale buildings around the eastern and northern sides of the square and particularly the low scale Daylight Inn public house in the centre of the square and consequently does not detract significantly from the listed public house and the collective heritage assets of the other buildings in the Conservation Area. The proposal would add an additional floor to the three storey Bayheath House (within the proposed roof space) and it would add two additional floors to the two storey Cardinal House (within one full height floor and one floor within the roof space) along with Tudor style elevational alterations to the existing office building. As a result of the works the existing office building(s) would have a consistent height with two full height storeys of flats and one storey of flats within the roof space and this would contrast with the varied height of the existing building. In particular, when viewed from the corner of Station Square and Fairway (drawing numbered P.62) the proposal would present a bulky building to the street scene and this scale would be inappropriate in the context of the lower height of the existing buildings and the lower height of the other buildings in the surroundings and therefore this would not conform with the scale and height of existing construction; as recommended in the Conservation Area SPG. On this basis the proposal would appear prominent and dominant within the square and it would not be sufficiently subservient to the lower scale buildings in the locality; particularly the Daylight Inn public house which should be the most dominant building within the square given its Grade II listing and its significance as one of the key features in this part of the Petts Wood Conservation Area.

The Conservation Area SPG encourages new development to conform with the design and materials in the area and the proposed neo-Edwardian style is not necessarily unacceptable in this respect. However the traditional style of the flats would have an uncomfortable relationship with the existing 1970s commercial/retail beneath and this incongruous appearance would contrast with the other buildings in the local area; which generally have one consistent design throughout their own individual facades. This would have a detrimental effect on the setting of the building within the Conservation Area overall.

As mentioned, this particular proposal seeks new residential extension(s) to the existing office building and (if carried out isolation) this would not change its use. Nonetheless there is an extant consent to change the use of the existing upper floors from office to residential and furthermore there appear to be residential properties above many of the retail and commercial units around the square and on this basis the principle of a residential use in the upper floor(s) of the building(s) would not be significantly harmful to the character and appearance of the Conservation per se.

### Density:

The proposal would provide 9 residential units including 4x 1-bedroom units, and 5x 2-bedroom units. The application site lies within a suburban area with a PTAL rating of 4 where the London Plan density matrix (and Bromley Local Plan Policy 4) states that densities of 200-350 hr/ha (habitable rooms per hectare) would be appropriate. The site area measures approximately 0.12ha, proposal would have approximately 2.6hr/unit and approximately 75unit/ha and this would comply with the range set out in Table 3.2 of London Plan Policy 3.4. Nonetheless, the NPPF places less emphasis on notional density figures and greater emphasis on development density that respects the overall visual density characteristics (i.e. overdevelopment, cramped and overbearing appearance) of the prevailing area and therefore a balance between numerical density and visual building mass is necessary and whilst the proposal would comply with the numerical standards the proposed building mass would be greater than the existing and the general surrounding context, and this will be discussed in more detail below elsewhere in the assessment.

The current proposal would offer 9 self-contained/independent private market flats ranging from: 1b2p to 2b4p and this would provide a range of accommodation.

### 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 Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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.

Based on the submitted drawings, the bedroom dimensions and the number of people those bedrooms could accommodate according to the Nationally described space standard, the proposal would provide 4x 1b2p, 2x 2b2p and 3x 2b4p. In most cases they would meet or exceed the relevant floor area for the corresponding dwelling size (set out in the table below), however some of the units particularly in the proposed roof space of the third floor to Cardinal House would not provide the required overall bedroom floor area, or the required room widths given that the head height would be limited in some areas within these roof space units, or the required storage space. On this basis the proposal would not provide a suitable standard of accommodation for the future occupants and indicates that the proposed layout and accommodation is compromised. Furthermore the Council's Environmental Health (Housing) Department raises concerns over the layout of the accommodation; particularly access to outlook, natural light and ventilation, lack of external recreation space, the use of open-plan living and cooking areas in many of the units, and although it operates mainly under the Housing Act rather than the Planning Act this nonetheless also indicates the poor living standards provided by the proposed development.

#### Cardinal House

Dwelling No.	Dwelling size	Required GIA sqm	Required built-in storage sqm	Provided GIA sqm	Provided built-in storage sqm
2A	2b4p	70	2.0	115	2.9
2B	2b4p	70	2.0	96	3.0
3A	2b2p	n/a	n/a	91	0.0
2B	2b4p	n/a	n/a	78	0.0

N.B. units 3A and 3B would not provide sufficient width and head height to accommodate a double bedroom (according to the space standard) and therefore they must be categorised as two single bedroom units (2b2p). There is no provision in the space standard for such a unit and hence they cannot be assessed against the standard however it is nonetheless clear that the units provide insufficient habitable space and insufficient storage space for the future occupants.

#### Bayheath House

Dwelling No.	Dwelling size	Required GIA sqm	Required built-in storage sqm	Provided GIA sqm	Provided built-in storage sqm
3A	1b2p	50	1.5	53	2.0
3B	1b2p	50	1.5	57	1.6
3C	1b2p	50	1.5	58	1.8
3D	1b2p	50	1.5	64	2.0
3E	2b4p	70	2.0	68	1.2

N.B. unit 3E would provide sufficient bedroom sizes/heights to be categorised as a two double bedroom unit (2b4p) however it would provide insufficient overall floor area and storage space for a unit of this size.

None of the units would have their own private amenity space or indeed access to a shared/communal amenity space for the overall development. It is noted that the site lies within the Petts Wood centre with access to public transport services, local community services and amenities such as shops, restaurants and pubs. However the site is not particularly well served by public amenity spaces such as recreation grounds or parks; the closest being Willet Recreation Ground in Crossway (approximately 650m from the site) and Jubilee Country Park (approximately 520m from the site on the opposite side of the railway line), neither of which may be easily accessed particularly on foot by occupants of the development. In any event better access to public amenity space would not necessarily offset the absence of either individual private amenity space or a shared communal area of amenity space. Many of the units could potentially be occupied by families and as such the absence of private amenity space would compromise the standard of accommodation for the future occupants.

#### Neighbouring amenity:

Policy 37 of the Bromley Local Plan seeks 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. This is supported by London Plan Policy 7.6.

Policy 4 of the Bromley Local Plan also 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 site the building is located away from the immediately neighbouring residential properties; the nearest being the upper floors of the shops and commercial units on the opposite side of Fairway which may contain residential flats, approximately 20m away. Although the building would have an additional storey the scale and mass of the extension and its separation from the neighbouring properties would not have a significantly more harmful impact on the amenities of those residents by reason of overshadowing or overbearing effect.

From Bayheath House the main outlook would be to the east and west; to the west across the car park to commercial properties beyond where there would be no additional harmful impact and to the east towards the residential properties opposite which would replicate the overlooking from the existing offices and although the proposal would be residential rather than office the effect would not be significantly more harmful. From Cardinal House the main outlook would be to the north and south; to the north across Station Square where any neighbouring residential properties are separated by at least 30m and to the south across the car park to commercial properties beyond where there would be no additional harmful impact. There may be some mutual overlooking from the west elevation of Bayheath House to the south elevation of Cardinal and vice versa however this would be at an oblique angle and would not be significantly harmful.

## 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.

The site has a PTAL rating of 4 indicating that it has reasonable access to public transport services; and it is indeed located close to the Petts Wood railway station and to bus stops. Nonetheless given the site's location in a general suburban area and that it does not have the highest possible PTAL rating of 6 the scheme is still likely to have some reliance on the private car and the proposal for 9x 1-2 bedroom units is required to provide at least 7 car parking spaces in accordance with the Council's adopted car parking standard and Local Plan Policy 30. The Council's Highway Department notes the submitted parking layout however of the 24 available spaces bays C1-C8 appear to be retained for the commercial premises, bays R1-R16 appear to be for residential use (all with electric charging points) however it is noted that these spaces were allocated to the proposed 16 units in the previous prior approval scheme 18/04635/RESPA. Although that scheme was granted prior approval it would need to be carried out in accordance with the approved details; including the approved parking provision, in order for that scheme to continue to be lawful. Therefore if the 16 prior approval parking spaces are reallocated to currently proposed 9 units (19/03941/FULL1) then the prior approval would no longer continue to be carried out in accordance with the approval details and it would potentially be unlawful and therefore those spaces should not be reallocated to the current scheme. This is therefore a material consideration in assessing the current scheme. As such, in the event that that the prior approval scheme is implemented then there would be no remaining spaces for the currently proposed 9 units and the lack of parking would conflict with the Council's parking standards and raises an objection from the Council's Highway Department. The two indicated on-street charging points, would not be discouraged, although as they lie outside the application site and on the public highway this would require an appropriate mechanism to secure and implement.

The proposal shows that 38 cycle parking spaces would be provided. The current proposal would require at least 14 cycle parking spaces and the remaining 24

spaces may therefore be shared amongst the earlier prior approval scheme of 1-2 bedroom units, and those details are subject to condition under that consent.

Although the proposed refuse/recycling storage area does not necessarily set out the relevant individual bins for recycling/food waste etc. it nonetheless provides space for 4x 1100l Eurobins and overall this would provide the relevant required space. However as per the parking above, the proposal would not appear to provide sufficient space for the cumulative recycling/refuse storage requirements of the prior approval scheme and the current scheme and therefore this would lead to a shortfall in this provision and this is a material consideration in assessing the current scheme. Furthermore the refuse store would be positioned more than 18m from the nearest accessible point for the refuse vehicle i.e. the highway of Fairway and the access road into to the site does not appear to provide a suitable access road (of at least 4m wide); and turning space for the Council's refuse vehicle to enter turn and exit the site, or alternatively for the vehicle to be able to reverse into the site. Nevertheless, this would not be a reason for refusal given the parking area to the rear could be reconfigured and thereby conditioned if planning permission was granted.

#### Secure by Design:

The proposal offers the opportunity to incorporate security features and mechanisms such as; access controls into the block(s), improvements in the access and permeability around the site i.e. preventing ease of access where appropriate, security features around the cycle parking and refuse storage, secure mail storage, deterrents for rough sleeping and vandalism and use of accredited doors and locks and this could be managed by planning condition in the event that planning permission is granted.

#### 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.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account. Whilst no details have been provided on how the above

measures would be met, further details could be conditioned if planning permission was granted.

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:

Third party comments request the provision of advertisement signage for the neighbouring commercial units through this application. This may be desirable in principle and would not necessarily be discouraged however it is not a planning requirement or obligation for the development to provide this. Furthermore, depending on its location the signage may lie outside the application site and could not be secured in this manner in any event. As such this could be arranged privately between the developer and the neighbouring businesses as required. In any event the owner(s)/operators are reminded that, notwithstanding this planning application, any new signage may require separate advertisement consent which should be sought appropriately through the local planning authority.

**Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would detract from the character and appearance of the local area, the local heritage assets and it would provide an unsatisfactory living standard for the future occupiers including insufficient on-site parking, On this basis it is recommended that planning permission is refused.

In this particular case there are no areas under protection or assets of particular importance (as defined in footnote 6) and therefore NPPF paragraph 11 d) i. does not apply. In this particular case, as discussed in the preceding paragraphs, it is concluded that there would be significantly adverse effects of granting permission for the current scheme. In this particular case this proposal would provide 9 additional units which would not contribute substantially towards the Borough's housing supply and therefore it would provide a minor benefit. As such in this case the adverse effects of granting permission would significantly and demonstrably outweigh the minor benefits of granting permission and therefore the proposal would conflict with paragraph 11 d) ii. of the NPPF.

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 12.11.2019

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1. The proposal would be excessive in size and scale; dominant within the street scene and overpowering in relation to the low scale neighbouring Grade II listed building and the low scale buildings in the wider Conservation Area. The neo-Edwardian design would be incongruous in relation to the design of the existing building below it. The proposal would detract from the character and appearance of the area and its heritage assets contrary to Policies 4, 9, 37, 38, 41 and 42 of the Bromley Local Plan 2019.**
- 2. The proposed development would allow for a poor standard of residential accommodation for future owner occupiers resulting a compromised internal layout and insufficient space contrary to the Technical housing standards - nationally described space standard (2015), lack of outlook, insufficient private amenity space relative to the proposed household size(s) and an unsatisfactory facility for refuse/recycling storage and collection contrary to Policies 1 and 4 of the Bromley Plan 2019.**
- 3. The proposed development would provide insufficient on-site parking leading to additional on-street parking which would be harmful to the amenities of the future residents and prejudicial to highway safety the free flow of traffic along the public highway and contrary to 30 and 32 of the Bromley Local Plan 2019.**