

Committee Date	02.04.2020	
Address	42 High Street West Wickham BR4 0NJ	
Application Number	19/05322/FULL1	Officer - Susanna Stevenson
Ward	West Wickham	
Proposal	Demolition of outbuildings at rear of 42-46 High Street and erection of part one/part three storey rear extension at 42-46 High Street incorporating single storey extension to existing ground floor unit at No. 46 with terrace above, formation/relocation of access to existing maisonettes and construction of 5 no. residential flats (2 x one bedroom and 3 x two bedroom) with associated cycle and refuse storage	
Applicant	Agent	
Forbes Dean Associates	Mr Joe Andrews	
23 West Hill South Croydon CR2 0SB	18 Maryland Road Hawkenbury Tunbridge Wells TN2 5HE	
Reason for referral to committee	History	Councillor call in No

RECOMMENDATION	PERMISSION
-----------------------	------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Biggin Hill Safeguarding Area London City Airport Safeguarding London City Airport Safeguarding Open Space Deficiency Primary Shopping Frontage</p>
--

Smoke Control SCA 51

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	None	
Proposed	Residential (C3)	292.99

Residential Use

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	2	3			5
Affordable (shared ownership)					
Affordable (social rent)					
Total	2	3			5

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	3	0
Disabled car spaces			
Cycle	0	5	+ 5

Representation summary	Site notice expired 14/2/20 24 letters to neighbouring residents	
Total number of responses	2	
Number in support	1	
Number of objections	1	

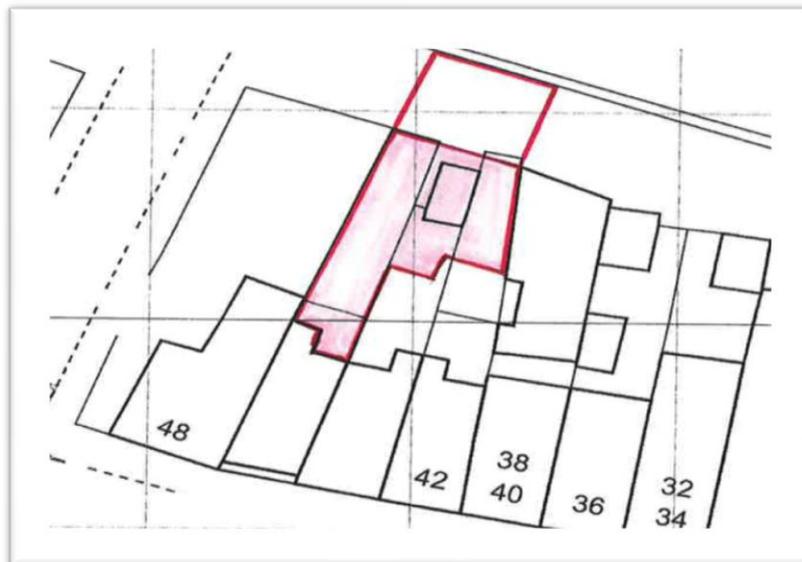
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is substantially similar to the block of flats allowed on appeal under reference 14/00731/FULL1 and then subject to minor material amendment under 16/00508/RECON.
- The proposal would provide 5 residential flats which would contribute to housing supply
- Impact on neighbouring amenity would not be greater than that of the previously allowed/permitted schemes
- No technical highways objections

2. LOCATION

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

2.2 The site does not lie within a Conservation Area.



3. PROPOSAL

- 3.1 Planning permission is sought for the demolition of outbuildings and the construction of a part one/part three storey block comprising 5 no. residential flats with a linking single storey element between the residential block and the main host building at 42 – 46 High Street which would provide enlarged commercial space for No. 46 High Street.
- 3.2 The current proposal is substantially similar to the scheme granted planning permission at appeal under reference 14/00731/FULL1 and subsequently amended under reference 16/00508/RECON.



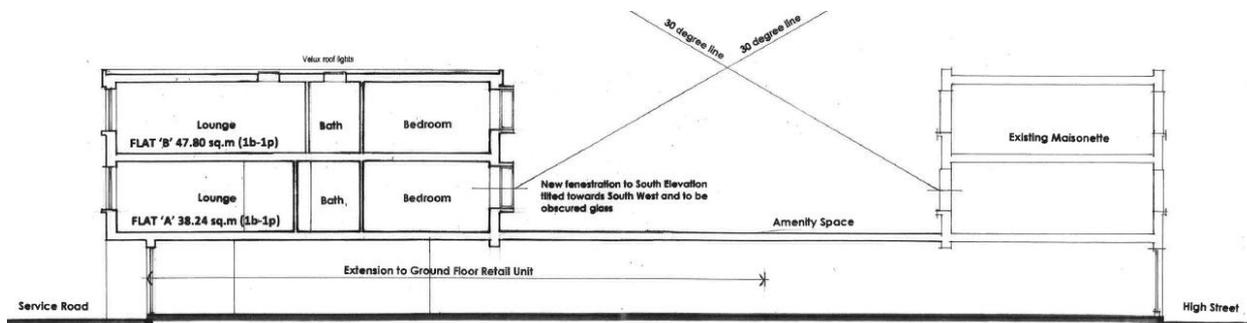
14/00731/FULL1 (allowed on appeal)

- 3.3 A comparison between the schemes is detailed later in this report. The main difference between the schemes is that this current application includes an extension to the retail unit at No. 46 which extends to the rear boundary as a consequence of which the overall layout of development has been amended.
- 3.4 The proposed residential block would be sited at the rear of the application site adjacent to the rear vehicular access track leading behind the commercial premises fronting West Wickham High Street. The building would lie adjacent to the existing flatted development at the rear of 38/40 High Street.



19/05322/FULL 1 - Proposed front and rear elevations

- 3.5 The northern elevation of the three storey building would face a rear service/access road. This 'front' elevation would include a passage through the building leading to the rear and to the access to the existing maisonettes above the retail premises fronting the High Street. A separate front door leading into an inner hallway and the access to the flats within the proposed building would be provided within the front elevation.
- 3.6 At ground floor level the extension development incorporates an extension to the retail premises at No. 46 High Street which would lie adjacent to the boundary with No. 48 which lies to the west of the application site.



Section through site

- 3.7 Ground floor:
- 1 no. two bedroom/3 person flat (Flat C). This ground floor flat would be accessed from a hallway between the retail unit extension and the flat, which would then provide access also to the upper flats.
- 3.8 First floor:
- 1 no. two bedroom/four person flat (Flat D)
 1 no. one bedroom/one person flat (Flat A)

3.9 Second floor

- 1 no. two bedroom/four person flat (Flat E)
- 1 no. one bedroom/one person flat (Flat B)

- 3.10 A total of 5 flats would be provided within the development, comprising 2 no. 1 bed/2 person flats, 1 no. 2 bed/3 person flats and 2 no. 2 bed/4 person flats. The original permission related to the provision of 4 no. one bedroom flats and 2 no. two bedroom flats.
- 3.11 The flatted building would have a three storey appearance from the rear service road. The elevation facing the rear of the existing High Street units would include an open area at ground floor positioned between the flatted block at 38/40 and the flat roofed single storey retail extension adjacent to the western boundary of the site and the elevation would have a two/three storey appearance resulting from the incorporation of the single storey retail extension within the development proposals.
- 3.12 The flats would be oriented so as to have a front elevation facing the rear service road and an enclosed 'rear' elevation facing the rear of the frontage units, with the windows serving bedrooms to the ground, first and second floor flats facing towards the rear windows and raised terrace areas associated with the frontage commercial/residential units.
- 3.13 The development incorporates the provision/retention of access stairs from ground floor level to the maisonettes above the existing High Street retail premises, with these stairs approached from the open area to the rear of the flatted block.
- 3.14 Refuse storage is shown to be provided within the enclosed passageway adjacent to the eastern boundary and beneath an overhang at the rear of the retail extension, adjacent to the rear service road. A cycle storage area is shown to be provided within the open area between the bulk of the flatted block and the rear of the frontage retail units.
- 3.15 3 car parking spaces are shown to be provided on the rear access road.
- 3.16 The application was supported by:
- Planning, Design and Access Statement
 - Waste Minimisation and Management Statement
 - Parking Assessment (Paul Mew Associates, February 2014)

4. RELEVANT PLANNING HISTORY

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

- 4.2 Under reference 14/00731 planning permission was refused for development comprising single storey rear extension to Nos 44 and 46 High Street and adjoining 3 storey block to rear comprising 4 one bedroom and 2 two bedroom flats. Permission was refused on the grounds:
- 4.3
1. The proposal would result in an unsatisfactory form of unrelated terracing injurious to the appearance and spatial standards of the area and contrary to Policies BE1 and H9 of the Unitary Development Plan.
 2. The proposal would be seriously detrimental to the prospect and amenities enjoyed by the occupiers of neighbouring residential properties by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.
 3. The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 4.4 A subsequent appeal against the refusal of planning permission was allowed. The Inspector noted that the access to the existing flats would have been through the new building and via an elevated bridge link to a formed communal amenity space at first floor level. It was considered that the scale and bulk of the new building would have been viewed against the backdrop of the existing three storey shopping parade fronting the High Street and next to an existing three storey building (Global House, then in the process of conversion to residential use). It was noted that the proposed development would have been lower than that at Global House. Overall it was considered that the scale, height and mass of the proposed building would have been in keeping with the buildings surrounding the eastern and southern boundaries of the car park and would not have appeared out of character.
- 4.5 It was considered that the development fell within the exception to the 1m side space requirement since it was related to the frontage terraced development and would have been seen against that backdrop.
- 4.6 With regards to living conditions, the Inspector considered that the building would intrude into views currently enjoyed by the existing frontage flats but emphasised that views as such are unprotected within the planning system.
- 4.7 It was considered that the existing outlook from the rear of the maisonettes was via north facing windows which already had restricted outlook to the east by existing development. It was considered that the proposal would introduce a building that would reduce outlook to the north but not to the north west, as a result of its height, width and position. The Inspector stated that the separation between the proposed buildings and the maisonette windows would have been such that there would be a reasonable degree of space between the built forms and that this space was going to be improved in its layout and treatment.
- 4.8 He noted that the existing external spaces to the rear of the flats were of little usable amenity benefit to occupants, and was unsightly, and that the proposed scheme would have improved this situation. With regards to daylight and sunlight

the Inspector noted that the orientation of the buildings would ensure that the proposed building would have a limited impact on daylight and sunlight reaching existing properties.

- 4.9 The Inspector did consider the impact of the development on the Global House flatted conversion and stated that since the proposed building terminated at the edge of rather than overlapping the side windows the impact would not be unacceptable, taking into account also that in most cases the rooms served by these windows had access to another window and the impact on outlook would have been limited. The bevelled design of the rear windows within the application proposal was considered acceptable to prevent direct overlooking.
- 4.10 The parking provision (commensurate with that currently proposed) was considered acceptable in the context of the district centre location of the development. The Inspector had no other highways concerns and the appeal was allowed, subject to conditions.
- 4.11 Under reference 16/00508/RECON minor material amendments to the originally approved scheme were granted.
- 4.12 Since the approval in relation to the minor material amendments proposed in 2016 two applications for reconfigured/altered schemes involving a smaller site/same site and enlarged scheme have been submitted and subsequently withdrawn prior to determination (18/02704/FULL1 and 19/01466/FULL1 respectively). Under application 19/01466/FULL1 the proposals were substantially similar to the current scheme but included a deeper projection to the first and second floor extension facing the rear of No. 46.

5. CONSULTATION SUMMARY

A) Statutory

- TFL – No Objection (comments from previous application)

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

B) Local Groups

Residents groups / conservation area groups: No comments

C) Adjoining Occupiers

Objections

- Loss of privacy as the proposed development overlooks rooms of 42a, 44a and 46a and the private terraces
- Loss of light

- Lack of parking – the assessment undertaken in 2014 is now irrelevant and out of date. The application form is inaccurate in the number of existing car parking spaces. The local area is under parking stress and the proposal will have an impact on available space for delivery, collection and servicing vehicles
- Overdevelopment. The photographs in the D&A statement are out of date. There has been significant local residential development. Other sites are more beneficial to families and homeseekers than the proposed development
- The development removes the vehicular access to the retail premises at the application site and will lead to vehicles blocking the service/access road
- Insufficient bin storage, located adjacent to right of access
- Drainage
- Queries whether notice served correctly

Support

- These plans are broadly in line with the original plans approved many years ago and the neighbouring landowner (Global House) is supportive of the application

6. POLICIES AND GUIDANCE

- 6.1 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.
- 6.2 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.
- 6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

- 6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 6.6 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

- 6.7 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.8 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.
- 6.9 The London Plan
- 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 6.9 Cycling
 - 6.13 Parking
 - 7.1 Building London's neighbourhoods and communities
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.6 Architecture

Mayor Supplementary Guidance

- 6.10 Mayor's Housing SPG

Other guidance

- 6.11 Technical Housing Standards – nationally described space standard

Bromley Local Plan 2019

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

Bromley Supplementary Guidance

- 6.13 SPG1 General Design Principles

7. ASSESSMENT

- **Resubmission**
- **Principle of development – Acceptable**
- **Design – Layout, scale, height and massing Acceptable**
- **Density - Acceptable**

- **Standard of residential accommodation – Acceptable**
- **Highways – Acceptable**
- **Drainage - Acceptable**
- **Neighbourhood Amenity - Acceptable**
- **Secure by Design - Acceptable**
- **Environmental Health – Acceptable**
- **CIL**
- **Other matters**

7.1 Resubmission

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

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

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

7.1.4 The main differences between the two schemes can be summarised:

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

7.2 Principle of development:

Acceptable

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

- 7.2.2 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.
- 7.2.3 Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.2.4 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.
- 7.2.5 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'.
- 7.2.6 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.
- 7.2.7 This application includes the provision of 5 dwellings (the same number of dwellings allowed on appeal) which would represent a minor but valuable 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.

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

- The development is designed to a high standard and recognises and compliments the qualities of the surrounding areas
- The development meets minimum space standards
- There is sufficient external, private amenity space that is practical and accessible
- Appropriate play space is provided
- Off street parking is well integrated within the overall design of the development
- Density has regard to the London Plan density matrix while respecting local character
- The layout gives priority to pedestrians and cyclists
- Safety and security measures are included in the design and layout of buildings/public areas
- 10% of new housing meets Building Regulation M4

7.3 Design – Layout, height, scale and massing

Acceptable

7.3.1 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.

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

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

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

- 7.3.5 Policy 37 of the Bromley Local Plan states that all development proposals will be expected to be of a high standard of design and layout.
- 7.3.6 In terms of the overall height of the development and the general bulk of the building and taking into account the relationship between the development and the eastern residential block at No. 38/40 it is considered that the design of the development would not be out of character with or detrimental to the visual amenities of the area in general. The building would be sited at the rear of and at a generally commensurate height to the frontage three storey building.

7.4 Standard of residential accommodation

Acceptable

- 7.4.1 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.
- 7.4.2 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.4.3 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.
- 7.4.4 The proposed flats would in each case slightly exceed the minimum space standard for flats of the relevant size. Internally, the residential units would have a reasonable layout with the space/rooms not being inappropriately contrived or restricted in their layout. It is noted that the residential flats would at the rear look out onto the open space retained between the frontage building and the development block, with in the case of the bedroom windows serving the ground floor flat, windows immediately adjacent to the open communal space.

- 7.4.5 In the approved scheme the communal amenity area previously proposed was separated from the first floor rear windows by an open area, with there being physical separation between users of the tiled area and the rear windows of the first floor flat. In contrast, in this current application the separation between the amenity space and the residential flat (Flat B) has reduced.
- 7.4.6 As previously stated amenity space is reduced in this current application, with the partial removal of the previously proposed large podium first floor amenity area. To serve the proposed flats the area of amenity space currently proposed would comprise the ground floor mixed use space at the rear of the ground floor flat which would also serve as an access to the stairs to the existing maisonettes as well as providing space for a cycle store. This space is not specifically referred to as amenity space and would only be accessible from the side passageway. A further area would be provided at first floor level above the flat roofed single storey shop extension, accessed from the inner hallway of the flatted block. This amenity space would serve the 5 residential flats, 3 of which would be 2 bedroom flats potentially capable of family accommodation where the previous proposal provided only 1 two bedroom flat with the remaining flats being 1 bedroom units.
- 7.4.7 The amenity space, like the previous application, would not be private and would not be directly accessible from the residential flats. In numerical terms the space would meet the total space for all flats combined.
- 7.4.8 On balance it is considered that the amenity space for the proposed development would be somewhat poor in the context of the enlargement of some of the individual units from 1 bedroom to 2 bedroom flats and the changed planning policy and guidance framework since the previous decision.

7.5 Highways

Acceptable

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 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.

- 7.5.4 It is noted that objections have been raised regarding the proposal with regards to the impact on parking, servicing and other highways matters including pedestrian and road safety.
- 7.5.6 While the technical Highways Officer referred in their comments to the relevance of the parking survey submitted given the date it was undertaken and also the size of the parking bays, taking into account the previous permission for residential development at the application site and the scope of the proposals no technical highways objections are raised to the scheme.
- 7.5.7 On the basis of there being no technical highways objections to the proposal and taking into account the previous granting of planning permission for a development with similar parking provisions on appeal it is not considered that the refusal of planning permission on highways grounds would be appropriate in this instance.

7.6 Drainage

Acceptable

- 7.6.1 Internal comments relating to drainage and the application site have raised no objections to the development, but recommending that if permission is granted it should be subject to a pre-commencement drainage condition. Thames Water were consulted on the application as a public foul sewer crosses part of the site but did not comment.

7.7 Neighbourhood Amenity

Acceptable

- 7.7.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.7.2 The proposed development would in terms of its height and bulk be substantially similar in siting and height to that granted planning permission on appeal. In allowing the appeal against the refusal of planning permission under 14/00731/FULL1 the Inspector considered the impact of the proposal on neighbouring amenity. It was considered that while the development would intrude into the views from the back of the neighbouring flats, views as such are not protected by the planning system. The Inspector considered that the separation between the windows of the flats and the rear elevation of the building would retain a reasonable amount of space and that the space would be improved in terms of its layout and treatment. The separation and the orientation of the proposal in relation to the neighbouring flats would ensure that the proposed building would have limited impact on the daylight and sunlight reaching those properties and the proposal was found to maintain a good standard of living conditions for occupants.

7.7.3 With regards to the impact on Global House, the proposal would have a similar relationship to the property as the scheme previously allowed on appeal.

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

7.8. Secure by Design

Acceptable

7.8.1 The Designing Out Crime Officer has commented on the application, stating that the Designing Out Crime Group London will not be seeking to have planning conditions imposed in relation to Secured by Design, but confirming that there appears to be no immediate reason why the project could not achieve the physical requirements of Secured by Design. Detailed comments including the measures recommended to be adopted (but not subject to a planning condition) are available in full on the file and if planning permission is granted it would be appropriate to draw the applicant's attention to this by way of an informative.

7.9 Environmental Health

Acceptable

7.9.1 Internal comments from Environmental Health (Pollution) were sought and no objections were raised to the principle of the residential development, but the application was not submitted with a Construction Management Plan and full refuse storage details.

7.9.2 It is recommended that if planning permission is granted it should be subject to a pre-commencement condition relating to the submission and approval of a Construction Management Plan, which would address the impacts of the implementation of the development in relation to dust, demolition and construction noise and construction traffic. In addition, full details of the refuse storage provision for the development can be secured by way of a condition, with details to be provided before above ground works commence on the site.

7.10 CIL

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

7.11 Other matters

7.11.1 Concern has been expressed regarding the impact of the proposal on the local drainage infrastructure. No technical objections are raised by the Council's Drainage Engineer or Thames Water, subject to appropriately worded

condition/informative and as such it is not considered that this would be material to the determination of the application.

7.11.2 Concern is also expressed regarding the completion of Certificate A in the submission of the application, with regards to the need to complete Certificate B if other persons are landowners/leaseholders with an unexpired leasehold interest of 7 years or more. When the application was first submitted Certificate A had been signed and dated by the agent on behalf of the applicant. In response to the concerns raised the Council asked that the agent confirm that the appropriate Certificate had been signed in respect of land ownership, to include consideration of persons with a leasehold interest. The agent has since completed Certificate B to confirm that notice was served on a neighbouring leasehold owner. The Council does not hold records of land ownership and it is for the applicant to assure himself that the appropriate Certificate has been completed.

8. CONCLUSION

- 8.1 The planning history of the site is a material planning consideration and it is noted that the appeal Inspector in granting planning permission under reference 14/00731/FULL1 made a full assessment of the impacts of the proposal on neighbouring amenity, coming to the conclusion that that scheme would not have resulted in material harm to the living conditions (particularly outlook) of the occupiers of the surrounding properties. This is a finely balanced case, in view of the planning history and the limited extent of the differences between the allowed scheme and that currently proposed.
- 8.2 The current proposal is substantially similar to the development for which planning permission was granted (on appeal) in 2014 (14/00731/FULL1). While the quality of the external amenity space is somewhat diminished in relation to that previous scheme, on balance it is not considered that this failing would outweigh the valuable minor contribution that the proposal would have (of 5 flats) towards the Borough's housing supply.
- 8.3 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Condition(s)

- 1. Commencement within 3 years**
- 2. Development in accordance with plans**

Pre-commencement Condition(s)

- 3. Drainage details to be submitted and approved prior to commencement**
- 4. Construction and Environment Management Plan**
- 5. Slab levels**

Prior to above ground works condition(s)

- 6. Details of windows**
- 7. Refuse storage**
- 8. Cycle storage**
- 9. Details of materials to be submitted and approved**
- 10. Landscaping**

Prior to Occupation Condition(s)

- 11. Car parking to be implemented in accordance with the approved details**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

- 1. Mayoral CIL**
- 2. A public sewer crosses the site and you are advised to discuss this with Thames Water prior to the commencement of the development**
- 3. Street naming and numbering**
- 4. Secure by Design**