

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 car parking and Car Club parking, cycle parking and elevational alterations to the existing buildings. (Amended drawings and supporting details and description).

Key designations:

Conservation Area: Station Square Petts Wood
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Primary Shopping Frontage
Smoke Control SCA 4

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 3 held on 23 January 2020 in order to seek improvements to the design and heritage impact, the internal living environment for the future occupants and the parking provision.

In response to the Planning Sub Committee's discussion and deferral the Applicant has provided the following:

- Amended elevation drawings; addressing the relationship between the proposed building and the neighbouring buildings and the Conservation Area,
- Amended internal floor plan drawings addressing the space within the units,
- Provision of a 1x on-street Car Club parking space and vehicle; addressing the shortfall in on-site car parking spaces.

The contents of the original report are repeated below; amended and updated where necessary.

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
- Car Club agreement
- 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.

The amended scheme is reduced in height; particularly where it adjoins one of the original buildings in Station Square, and this would better respond to the smaller scale of the buildings in the locality and the Conservation Area. The external materials should be sensitive and appropriate to the setting of the Conservation Area and this could be managed by planning condition.

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 9x 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.

In response to the shortfall in on-site parking spaces the Applicant states that there is no further capacity to provide additional on-site parking and in lieu of this has offered 1x Car Club vehicle and on-street parking space together with a contribution towards the Car Club membership and vouchers for hire of the vehicle to a proportion of the future residents. This would be acceptable to meet the on-site parking shortfall. However the Applicant should also provide a financial contribution

of £2,500 towards the implementation of a suitable on-street parking bay for the Car Club vehicle.

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
- Other matters
- CIL
- Heads of Terms

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. Furthermore, there was no objection either by the Council or by the Appeal Inspector to the principle of the development in the previous appeal scheme.

- 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 Dylan 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 would not lead to an over development of the site or a cramped appearance. Although the extension would be substantial in size it would add only one additional floor to Bayheath House and the two floors to Cardinal House would broadly tie in with the height of the buildings to east. Furthermore, since the initial submission the section over Cardinal House has been reduced in height; the varied height would better reflect and respect the varied height across the existing building and it would improve the junction and relationship with the immediately adjoining building at No. 29-29A; which is one of the original and smaller scale buildings around the square. The neo-Edwardian design would have a more complex appearance than the existing minimal glazing however it would complement the architectural design of the original buildings around the square and the external materials themselves could be managed through the submission of materials for the Council's approval prior to the construction.

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

Within or adjacent to a Conservation Area:

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.

Impact on Listed Buildings and their setting:

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.

The current buildings are of a relatively minimal design 1970s design and not in the traditional neo-Tudor design which is characteristic of Petts Wood; including the majority of the buildings around Station Square. The proposal would add only one additional storey to the Bayheath House element and this would be in the form of a roof extension, and the extension to Cardinal House would blend in with the buildings to the east. The building is sufficiently well removed from the Daylight Inn public house in the centre of the square that the additional building mass would not detract significantly from its lower scale and along with the proposed Tudor/neo-Edwardian style the proposed development would not detract from the collective heritage assets of the other buildings in the Conservation Area. As set out above to ensure the extension and alterations to the building would fit in with the character of the area a condition requiring details of the materials has been included.

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 disused 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 Governments National Technical Housing Standards.

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

Based on the submitted amended drawings, the bedroom dimensions and the number of people those bedrooms could accommodate according to the Nationally Described Space Standard, the proposal would provide 6x 1b2p and 3x 2b4p. In all cases they would exceed the relevant overall gross internal floor area (GIA) for the corresponding dwelling size (set out in the table below), and the alterations to the floor layout and roof height/profile would now provide the required overall bedroom floor area and room widths (in context to the head height limitations) in some areas particularly within the roof space units, and the required storage space. On this basis the proposal would provide a suitable standard of accommodation for the future occupants would be sufficiently spacious, adequate outlook, with combined open-plan living/cooking spaces which are not uncommon in flats, and all the flats would have separate living/cooking and sleeping areas. The 2 bedroom units would have bathrooms accessible from communal areas (as well as some having en-suite bathrooms) allowing bathrooms to be accessed without having to travel through another room or bedroom. Whilst it is acknowledged that concerns have been raised from the Council's Environmental Health (Housing) Department, these comments are based on the Housing Act rather than the Planning Act.

Cardinal House

Dwelling No.	Dwelling size	Required GIA sqm	Required built-in storage sqm	Provided GIA sqm	Area at 2.3m high	Area at 1.5m high	Provided built-in storage sqm
2A	2b4p	70	2.0	115	n/a	n/a	3.0
2B	2b4p	70	2.0	86	n/a	n/a	3.3
3A	1b2p	50	1.5	101	75	96.5	4.5
3B	1b2p	50	1.5	73	55	68	1.5

N.B. the amendments to the floor layout/arrangement and the external roof height/profile offer suitable head heights within the units and can be assessed accordingly as described above. The Applicant and the Council's calculations are broadly similar and do not differ significantly enough to warrant an objection.

Bayheath House

Dwelling No.	Dwelling size	Required GIA sqm	Required built-in storage sqm	Provided GIA sqm	Area at 2.3m high	Area at 1.5m high	Provided built-in storage sqm
3A	1b2p	50	1.5	57	45	55	2.0
3B	1b2p	50	1.5	58	50	56.5	1.6
3C	1b2p	50	1.5	64	45	62	2.0
3D	1b2p	50	1.5	70	49	68	2.0

3E	2b4p	70	2.0	74	58	72.5	1.5
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N.B. the amendments to the floor layout/arrangement and the external roof height/profile offer suitable head heights within the units and can be assessed accordingly as described above. The Applicant and the Council's calculations are broadly similar and do not differ significantly enough to warrant an objection.

The units would not have their own private amenity space or access to a shared/communal amenity space within the development. Nevertheless they would be relatively spacious inside (exceeding the minimum requirements of the National Space Standard confirmed above) and as this would provide a more spacious interior and a reasonable internal living environment and this would go towards offsetting the absence of external amenity space. Furthermore, the public recreation areas around the Petts Wood area would be relatively easily accessible from the application site.

On this basis and for these reasons overall the proposal would provide a suitable living environment 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.

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 9 x 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. In light of this the Applicant has offered to provide a Car Club space to account for the shortfall in on-site parking spaces; membership to the Car Club for the occupants and a contribution to the Council towards the physical provision of the space on the street (as the Council is the Local Highway Authority) and this

could be secured by an appropriate legal agreement. 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. Although the refuse store would be positioned over 18m from the public highway the width of the access appears to measure approximately 3.6m which would allow the Council's refuse collection vehicle (measuring approximately 2.6m wide) to reverse into the site to collect the refuse and recycling.

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.

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.

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.

Heads of Terms

In order to mitigate the transport impacts of the development, necessary and proportionate obligations are required towards sustainable travel which includes the following:

- Car Club vehicle on-street and a 1 year free membership,
- £25 driving credit for residents of 9 specific units for £10,000 + VAT,
- £2,500 financial contribution to the Council to implement a car club bay if a suitable off-street location cannot be identified,
- Cover the council's costs,

The Applicant has agreed in principle to the required payments.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not detract from the character and appearance of the local area, the local heritage assets; it would provide a satisfactory living environment for the future occupiers, and on this basis the updates to the initial submission, are concluded to have overcome the previous concerns and for these reasons it is recommended that planning permission is granted.

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 not be any 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.

However as mentioned above the proposal is not concluded to have adverse impacts and therefore in this case any adverse effects of granting permission would not significantly and demonstrably outweigh the minor benefits of granting permission and therefore the proposal would not 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.

RECOMMENDATION:

PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

as amended by documents received on 12.11.2019

Subject to the following conditions:

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the following listed drawings unless previously agreed in writing by the Local Planning Authority:
190930 REV-A, E.20, E.21, EP.01, P.51 Rev D, P.60 Rev A, P.61 Rev A, P.66, P.67.
Reason: In the interests of visual and residential amenity and in order to comply with Policy 37 of the Bromley Local Plan 2019.
- 3** Prior to the commencement of above ground works details of the materials to be used for the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
Reason: In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan 2019.
- 4** The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development.
(i) Prior to the commencement of above ground works details of such measures shall be submitted to and approved in writing by the Local Planning Authority,
(ii) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance

with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies 4 and 37 of the Bromley Local Plan 2019.

- 5 The recommendations and observations within the air quality and acoustic report reference 9072.LE01.0 dated 8 October 2019 by RBA Acoustics should be followed.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan.

- 6 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan.

- 7 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants and to comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

- 8 Before any part of the development hereby permitted is first occupied parking spaces (including the provision of electric vehicle charging points as shown) and turning space shall be completed in accordance with the approved drawing numbered P.51 Rev D and thereafter shall be kept permanently available for such use.

Reason: To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety and to minimise the effect of the development on local air quality within an Air Quality Management Area and in order to comply with Policy 30 of the Bromley Local Plan 2019, Policies 6.13 and 7.14 of the London Plan and paragraph 124 of the NPPF.

- 9 Before any part of the development hereby permitted is first occupied the bicycle parking arrangements (including covered storage facilities where appropriate) shall be completed in accordance with the approved drawing numbered P.51 Rev D and thereafter shall be kept permanently available for such use.

Reason: In order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport and in order to comply with Policy 6.9 of the London Plan.

- 10 **Lighting Details for Parking Area**

(a) Prior to commencement of above ground works details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

(b) The approved scheme shall be self-certified to accord with BS 5489 - 1:2003.

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In the interest of visual amenity and the safety of occupiers of and visitors to the development and in order to comply with Policies 30 and 37 of the Bromley Plan 2019.

11 Before the development hereby permitted is first occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: To avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety and in order to comply with Policy 30 of the Bromley Local Plan 2019.

12 The development shall be carried out in accordance with the car club arrangements hereby approved. The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.

Reason: To limit car ownership use and encourage sustainable modes of transport in accordance with Policy 6.13 of the London Plan and Policy 31 of the Bromley Local Plan 2019.

13 The development shall be carried out strictly in accordance with the Demolition and Construction Management Plan and its Appendix A by March Design Associates hereby approved.

Reason: To ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area and in the interest of the amenities of the adjacent properties and in order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan 2019.

14 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 Bromley Local Plan 2019.

15 Before any part of the development hereby permitted is first occupied refuse and recycling storage shall be completed in in accordance with the approved drawing numbered P.51 Rev D and thereafter shall be kept permanently available for such use.

Reason: In order to provide adequate refuse storage facilities in a location which is acceptable in respect of residential and visual amenity impact and in order to comply with Policy 37 of the Bromley Local Plan 2019.

You are further informed that:

- 1 The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:
https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16
- 2 Any further guidance in relation to the physical security standards required by Secured by Design can be found on the Secured by Design website www.securedbydesign.com
- 3 The Applicant is advised that any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the Applicant.
- 4 The Applicant is advised that the London Plan Policy 6.13 requires that 20% active and a further 20% passive Electric Vehicle Charging Points (EVCP) are provided for all parking spaces.
- 5 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.
- 6 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 7 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 8 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk