

<b>Committee Date</b>	21/05/2020	
<b>Address</b>	Lubbock House 1 Northolme Rise Orpington BR6 9RF	
<b>Application number</b>	19/04439/FULL1	<b>Officer Claire Brew</b>
<b>Ward</b>	Farnborough and Crofton	
<b>Proposal (Summary)</b>	Demolition of existing building and construction of part 3/part 4 storey block of 34 flats with associated car and bicycle parking, refuse and recycling storage and landscaping	
<b>Applicant</b>	<b>Agent</b>	
McCulloch Homes	Mr Laurence Mineham Ubique Architects	
<b>Reason for referral to committee</b>	Call-in/Major development	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	<b>REFUSAL</b>
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<b>KEY DESIGNATIONS</b> Groundwater source protection zone TPO
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<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	2	20	0	0	22
Affordable (shared ownership)	3	2	0	0	5

Affordable (social/affordable rent)	4	3	0	0	7
Total	9	25	0	0	34

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	5	21	16
Wheelchair accessible car spaces	0	3	3
Cycle	0	64	64

<b>Electric car charging points</b>	5 active 19 passive
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<b>Representation summary</b>	Neighbour letters were sent on 18/12/2019, 03/02/2020 and 07/05/2020.  A site notice was posted from 03/01/2020 and a press ad was displayed in the News Shopper on the 01/01/2020. Initial consultation was for a minimum of 21 days. Subsequent consultation was for 14 days.
Total number of responses	26
Number in support	0
Number of objections	26

Section 106 Heads of Term	Amount	Agreed in Principle
Affordable Housing, including affordable wheelchair units	12 units	yes
Air Quality offset	TBC	yes
Health	£37,060.00	yes

Education	£92,578.90	yes
Carbon offset	£41,400	yes
Highways verge clearance	£1000	yes
<b>Total</b>	<b>£TBC</b>	

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would result in a loss of specialist older persons accommodation
- No re-provision of specialist accommodation is being proposed and no marketing has been undertaken to demonstrate that there is no demand for the existing accommodation and no demand for sites from alternative providers
- The proposal is therefore contrary to policy 11 of the Bromley Local Plan and, in the absence of evidence to the contrary, would result in significant harm to the Borough's supply of specialist older person's accommodation, for which there is a recognised need.

## 1. LOCATION

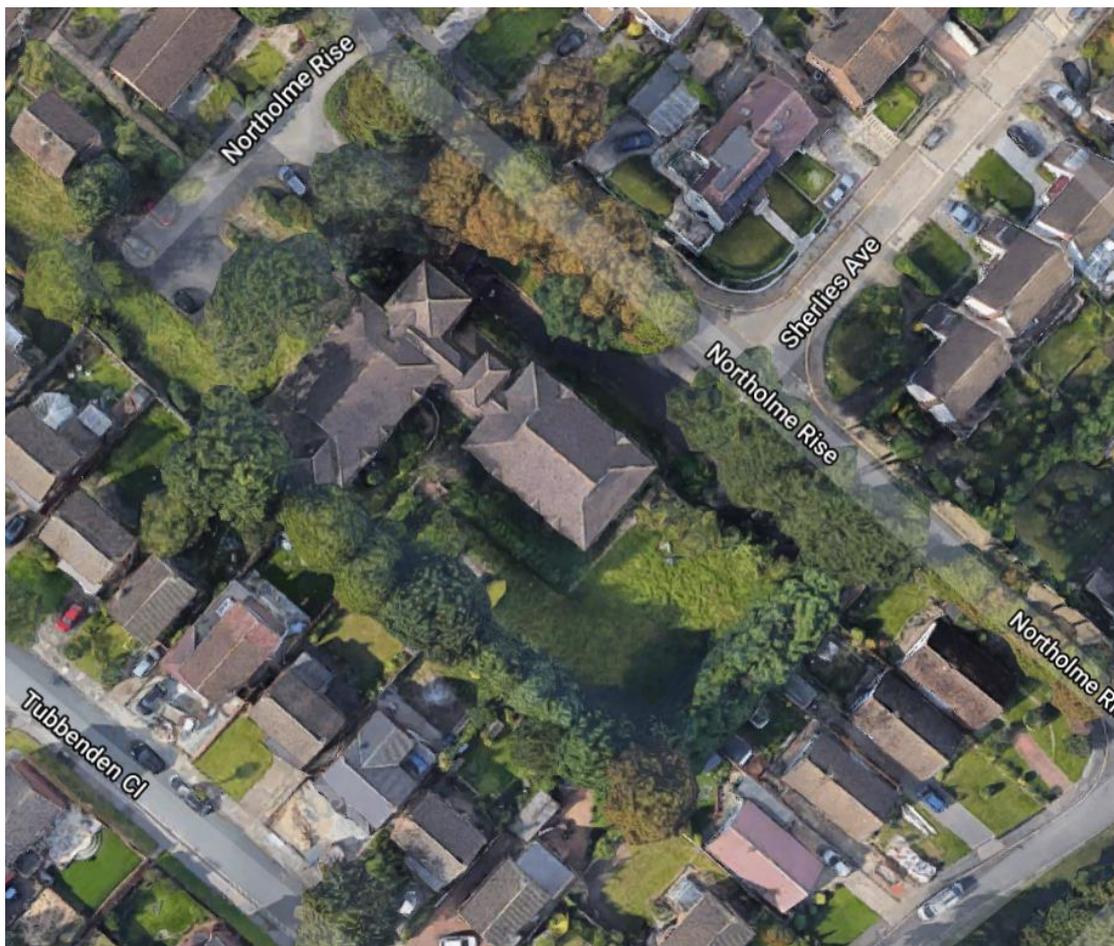


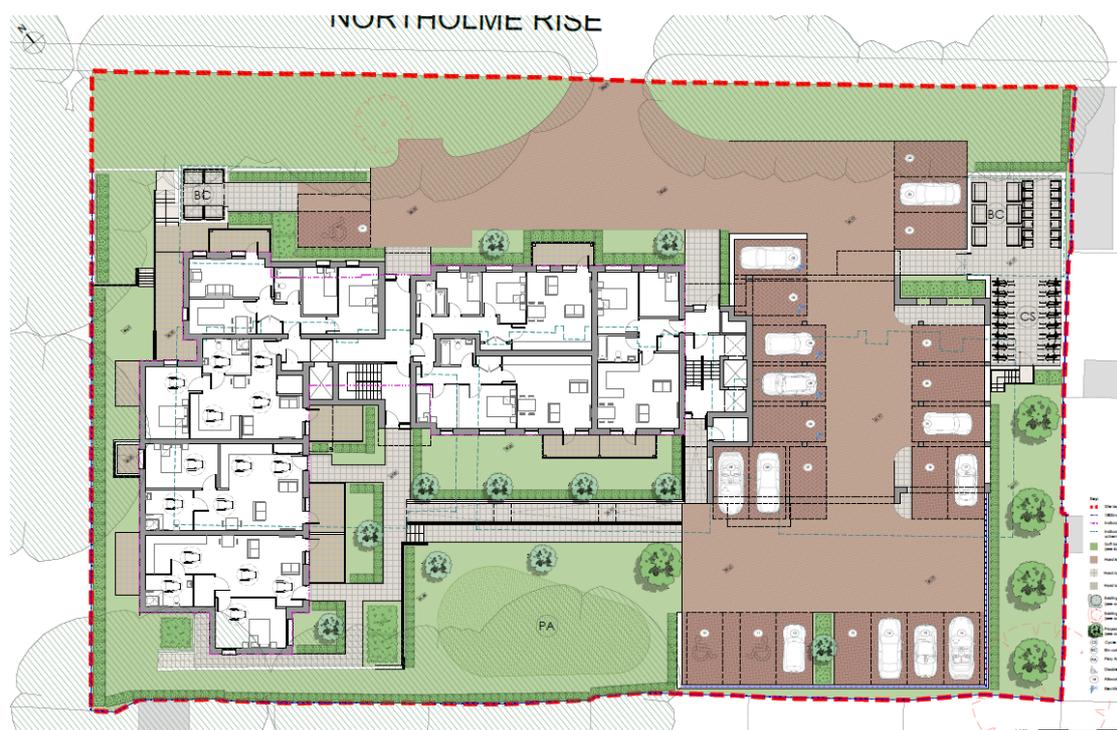
Fig 1: Existing Site (credit: Google Maps)

- 1.1 This 0.29ha site is located on the south-western side of Northolme Rise with ground levels sloping down from the north to the south across a rectangular plot running parallel with the road.
- 1.2 Access to the site is from Northolme Rise, leading to a small surfaced road and 5 car parking spaces. There is a small parking area signposted as visitor parking to the north-west of the site, which is also accessed off Northolme Rise; however, it is outside of the red line site boundary.
- 1.3 The site currently contains a three storey block which was a former care home containing 30 flats which was built under planning ref: 86/3422 and is now vacant. The building is set into the sloping ground with retaining walls towards the northern end to first floor level. Ground levels gradually drop to the south with the building being approximately L shaped with garden areas to the south-west and south.
- 1.4 The property has been unoccupied for a number of years with lawns heavily overgrown and shrub borders generally unmaintained. Along the boundaries of the site and between the building and the visitor's car park are numerous deciduous and evergreen trees, many of them mature specimens, forming linear features framing the site, some of which are protected by tree preservation orders (TPO No. 1089 and 949).
- 1.5 The character of the surrounding area is predominantly two storey detached and semi-detached rows of houses (some with a third storey of accommodation in the roof space) with private front and rear gardens and off-street parking. The application site is an exception to this pattern of development, being a large three storey block, set on a spacious plot containing extensive garden land and a number of mature trees.
- 1.6 The site is has a Public Transport Accessibility Level (PTAL) of 5 (on a scale of 0-6b with 6b being the most accessible) and is approximately 400m from Orpington Station which lies to the north east of the site.
- 1.7 The nearby roads are subject to a one hour weekday restriction to deter commuters so it is possible to park on-street overnight and at weekends although Northolme Rise itself is relatively narrow.
- 1.8 The site is not located within a conservation area.



**Fig 2: Existing Site Plan**

## 2. PROPOSAL



**Fig 3: Proposed site plan**

2.1 Since the application was initially received the applicant has amended the proposals as follows:

- Reduction in car parking spaces from 31 to 24 (this is still in accordance with the Local plan parking standards)
- Increased communal amenity and play space

- Increase in soft landscaping and additional buffer planting adjacent to properties in Woodhead Drive
- Setting back of Flat 28's terrace a further 2.6m from the edge of the building to prevent overlooking into adjoining neighbours gardens.

## 2.2 Summary of proposed works:

- Demolition of the existing sheltered housing block of flats and construction of a part 3 / 4 storey building to provide 34 apartments
- Communal amenity space and play space
- Car parking for 24 cars accessed via the existing access from Northolme Rise
- Secure parking for 64 cycles
- Refuse storage facilities
- Planting and landscaping

## 3. RELEVANT PLANNING HISTORY

- 3.1 86/03422/LBB: Planning permission was granted 16/07/1987 for the construction of a three storey building comprising of 30 sheltered housing flats.
- 3.2 16/04956/FULL1: Demolition of existing building and construction of nine 2-storey 4-bedroomed dwellings with accommodation in the roof, within three terraces of three units each, with associated access, car parking and landscaping: PERMITTED ON 08.03.2017.
- 3.3 This permission lapsed on 08.03.2020 and, at the time of writing, the applicant has not implemented the permission. The plans and decision notice are attached at Appendix 1.
- 3.4 18/00735/RECON: Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to allow variation of Condition 2 pursuant to permission ref. 16/04956/FULL1 (granted on the 08.03.2017) for the demolition of existing building and construction of nine 2-storey 4-bedroomed dwellings with accommodation in the roof, within three terraces of three units each, with associated access, car parking and landscaping to allow for the for site level to be raised to provide level access to provide compliance with Condition 15 of permission ref. 16/04956/FULL1: APPROVED ON 25.05.2018
- 3.5 This decision notice for the Section 73 application recited the previously imposed conditions including condition 1 which gave the applicant 3 years within which to implement the development. However, under Section 73(5) of the Town and Country Planning Act 1990, planning permission must not be granted for the development to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
- (a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.

3.6 Therefore, while the applicant is of the view that they have until 25.05.2021 to implement the 9 unit scheme, condition 1 as attached to the section 73 18/00735/RECON permission did not alter the time limit as imposed on the original permission with ref.16/04956/FULL1 and this permission has now expired.

#### **4. CONSULTATION SUMMARY**

##### **a) Statutory:**

##### **4.1 Highways – No objection**

- Parking is in accordance with Local Plan standards
- The TA accompanying the application predicts a fall in daily vehicular trips compared to the sheltered housing use
- No highways objections were previously raised in respect of the 9 unit scheme
- The access has poor visibility but sightlines could be improved through vegetation removal at the applicant's expense and secured through S106
- Conditions recommended.

##### **4.2 Drainage (lead local flood authority) – No objection**

##### **4.3 Thames Water – No objection**

- No objection provided the developer follows the sequential approach to the disposal of surface water
- Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

##### **b) Local groups:**

4.4 None received

##### **c) Adjoining Occupiers:**

##### **4.5 Design (addressed in section 6.2)**

- unnecessary to demolish the existing building
- higher than the existing building
- overbearing
- out of character
- overdevelopment
- loss of garden area
- drawing PD13 Proposed Street Scene seems to suggest the flats will be hidden by trees, which will not be the case and is inaccurate
- inadequate amenity space
- lack of level access to the development for pedestrians

- all other entrances appear to have significant ramps exceeding Building Regulations
- Additional information is required regarding the existing and proposed heights (AOD) as well as a plans showing site levels given the significant slope on site
- majority of flats will not be affordable and will be occupied by commuters who will leave them empty at the weekends and bank holidays attracting crime
- flats will be sold to landlords for renting as opposed to local families
- lack of security around car parking area and access possible to adjoin gardens

#### 4.6 **Neighbouring Amenities (addressed in sections 6.3 and 6.10)**

- Loss of privacy/overlooking
- Loss of sunlight
- Siting of bins in close proximity to residents in Woodhead Drive would result in odour and visual impacts
- noise from car park being used as recreational area
- dust and noise during construction
- light pollution from new building
- pollution from car parking adjacent to residential gardens
- Plans do not show a new boundary fence being erected

#### 4.7 **Traffic/highways (addressed in section 6.4)**

- The width of the road is extremely narrow
- increased traffic leading to noise, congestion and pollution
- impact on quiet cul de sac
- insufficient parking
- increase in parking in surrounding roads
- refuse trucks will not be able to navigate these roads and/or collect efficiently
- the number of bicycle spaces is being very optimistic
- road safety concerns from increase in cyclists
- damage and congestion caused by construction traffic
- access issues for refuse vehicles, delivery vehicles, etc
- lack of visitor parking
- no pavement on that side of Northolme Rise
- no assessment undertaken of suitability of access for 34 flats
- lack of visibility splays
- Several of the dwellings do not appear to comply with the 30m distance requirement to carry waste to the bins
- Inaccuracies in drawings and documents – there is no access into Tubbenden Close or Woodhead Drive

#### 4.8 **Trees (addressed in section 6.5)**

- the surviving trees around the site must be maintained and, preferably, further trees added for both privacy and environmental reasons
- works have been carried out on TPO trees without consent

- trees are plotted incorrectly on the drawings
- diseased Horse chestnut tree not shown to be removed

#### **4.9 Other**

- There has been no notification or consultation made with residents in surrounding roads (addressed in paragraph 6.3.15)
- Foul water drainage not accounted for (addressed section 6.8)
- Increase in surface water run-off as a result in increased hard standing (addressed section 6.8)

## **5. POLICIES AND GUIDANCE**

### **5.1 National Policy Framework 2019**

### **5.2 NPPG**

### **5.3 The London Plan**

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime

- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations

#### **5.4 Draft London Plan**

- 5.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 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. Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

#### **5.5 Mayor Supplementary Guidance**

- Homes for Londoners (2017)
- Housing (March 2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Providing for Children and Young People's Play and Informal Recreation (2012)

#### **5.6 Bromley Local Plan 2019**

- 1 Housing Supply

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

### **5.7 Bromley Supplementary Guidance**

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

## **6. ASSESSMENT**

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

- Principle of Development/Land use
- Design
- Impact on Neighbouring Amenities
- Transport and Highways
- Trees and Biodiversity
- Housing Issues and Affordable Housing
- Standard of Amenity for future occupiers
- Flooding and Drainage
- Energy and Sustainability

- Environmental Health - Air Quality and Contamination

## **6.1 Principle of development**

### **Unacceptable**

- 6.1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Bromley Local Plan (BLP) was adopted January 2019 on the basis of sound evidence relating to the need for older persons accommodation in Bromley. Policy 11 'Specialist and Older Persons Accommodation' resists the loss of sites currently providing specialist accommodation unless there is re-provision (clause b) or unless it can be demonstrated that there is no demand for the existing accommodation and no demand for sites from alternative providers.
- 6.1.2 The site was last used as sheltered housing flats. The applicant advises that the previous use ceased because the site was deemed unsuitable and unviable for continued provision as it no longer met modern standards and aspirations for such accommodation. Subsequently, planning permission was granted at the site for the demolition of the existing sheltered housing block and the construction of 9 houses (application ref. 16/04956/FULL1).
- 6.1.3 Policy 11 (or any previous guises of it) did not exist under the Council's previous plan (the Unitary Development Plan) which was in force at the time application 16/04956/FULL1 was permitted. The emerging policy, at that time, had very limited weight and subsequently the loss of specialist accommodation was allowed.
- 6.1.4 Had this permission have been implemented in accordance with the statutory timescales then it would now be relevant for the Council to consider the weight to be attached to this earlier grant of planning permission which resulted in a loss of specialist accommodation, i.e. the 'fall-back' position. However, as evidenced by the applicant's own supporting documents, the permission was never implemented and the permission expired on 8<sup>th</sup> March 2020. The planning history section above provides further details of this case and the subsequent Section 73 application to vary a condition.
- 6.1.5 The current use of the site therefore continues as a site providing specialist accommodation. There is no 'fall-back' option available to the applicant to implement the 9-unit scheme and policy 11 of the BLP is the starting point for determining this application.
- 6.1.6 The explanatory text to policy 11, at para 2.1.89 of the BLP, clarifies that evidence of appropriate and robust marketing for a period of a minimum of 6 months is required to demonstrate that there is no demand for the existing accommodation and no demand for sites from alternative providers (seeking to re-develop the site for an alternative

form of specialist accommodation for example). The applicant acknowledges that Policy 11 of the BLP would apply to this site. However, no marketing evidence has been supplied with the application and the applicant accepts that it will be assessed on the basis of the submission.

### *Housing Supply*

- 6.1.7 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.
- 6.1.8 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'.
- 6.1.9 For decision taking this means 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.
- 6.1.10 Policy 11 'Specialist and Older Peoples Accommodation' relates to delivery in respect of an element of housing provision form which there is a clear and current demonstrated need, rather than in respect of housing numbers. This need has been assessed in accordance with the requirement of NPPF (para 61) and the policy was developed on the basis of evidence in the London Borough Bromley's *Older Persons Accommodation - Draft Submission Local Plan Evidence Base* (2016). It is therefore considered that policy 11 is up-to-date.
- 6.1.11 The application includes the provision of 34 dwellings and a policy-compliant level of affordable housing which would make a substantial positive contribution to the supply of housing within the Borough.
- 6.1.12 However, the application has failed to address policy 11 of the BLP as no marketing evidence has been provided to enable officer's to make an informed decision about whether it would be feasible for this site to continue to provide specialist accommodation.

- 6.1.13 In the absence of evidence to the contrary, the proposal would therefore result in significant harm to the Borough's supply of specialist older persons accommodation, for which there is a recognised need.
- 6.1.14 Separately, the applicant has recently made an application for 43 flats at the same site providing specialist housing for the elderly. While this application is yet to be determined and therefore has limited weight in the consideration of the current scheme, it highlights the need for this type of accommodation which supports Policy 11.

## **6.2 Design**

### **Acceptable**

- 6.2.1 According to the Design and Access Statement, the applicant did initially explore the idea of retaining, adapting and refurbishing the existing building to create new flats and extending it over the footprint of the area where the 9 houses would have been sited to provide additional flats. However, according to the applicant it was not possible to achieve a satisfactory internal layout.
- 6.2.2 The application proposal, instead, involves the demolition of the exiting building to ground floor level and rebuilding on that existing footprint and substructure, allowing "*a more satisfactory and unencumbered layout to be developed in a rational and logical manner over the outline of the existing building*" (p.12, D&A Statement).
- 6.2.3 In order to optimise the use of the site a new subservient 'extension' to the 'reconstructed' building is also proposed to the south-eastern end. This would be sited approximately 5m away from the adjoining rear gardens of neighbouring properties in Woodhead Drive, located in a part of the site which would have contained a block of terrace houses under application ref. 16/04956/FULL1 (see Appendix 1).
- 6.2.4 The 'extension' is designed largely within the footprint, height and massing of the approved terrace of houses but is situated further away from the SE boundary to leave a greater and improved spatial separation to the properties in Woodhead Drive.
- 6.2.5 Vehicle and pedestrian access is provided from an existing access on Northolme Rise leading to 1 accessible parking space at the front of the site and an undercroft/rear car parking area located in the south/south-eastern part of the site with 12 of the 24 car parking spaces located in an undercroft beneath the first floor of the building. Cycle parking and refuse storage facilities will also be situated in this part of the site. An additional bin store is located to the front of the building, towards the northern corner of the site.
- 6.2.6 It is acknowledged that the development, as proposed, would result in additional built development at this site, encroaching into previously

undeveloped garden land, however, as discussed, the Council have previously approved development in this part of the site under the 9 unit residential scheme.

- 6.2.7 Furthermore, following a request from Officers, the applicant has reduced the level of car parking on the site from 31 to 24 spaces (to meet Local Plan standards) in order to facilitate a larger amenity area and a 5m wide landscaped buffer between the car park and the rear gardens of properties in Woodhead Drive.
- 6.2.8 Notwithstanding the additional building length and site coverage in the south-eastern part of the site, the proposed development would maintain a similar relationship with the front, rear and north-western site boundaries, when compared to the existing layout. A generous set-back is proposed from the back edge of the highway to the front building line, ensuring the retention of the mature tree lined frontage.
- 6.2.9 Overall, the site's spacious and verdant character would be maintained and enhanced through the provision of a high quality landscaping scheme (to be secured by condition).
- 6.2.10 The building itself is divided into two main residential cores each with their own entrances both at the front and rear of the building. Each residential core is provided with stairs and a lift serving the upper floors.
- 6.2.11 The sites position on a hill means that the natural topography of the site presents a number of challenges to ensure residents and visitors can access the building with a level approach, which has in turn led to the parking areas being set at a level that allows for gentle ramps or steps (in accordance to guidance) to main building entrances. The parking and amenity areas can be accessed from the rear entrances via ramps or steps. Additional detail regarding the setting out of the communal garden and play area to enable inclusive and level access can be secured through the submission of a detailed hard and soft landscaping plan. An existing and proposed slab levels and finished floor levels condition is also recommended.
- 6.2.12 Safety and security measures should also be included in the design and layout of buildings and public areas. A Secured by Design condition is therefore recommended.



**Fig 4: Proposed Street Scene**

- 6.2.13 The proposed building would be part three / part four storey with the fourth storey set-back from the main elevations. It would incorporate a flat roof. While this would result in an increase of one storey height when compared to the existing building, the additional storey of accommodation, in lieu of a pitched roof, would result in a comparable height overall.
- 6.2.14 Furthermore, the proposed new building would respond to the changing levels across the site by stepping down the hill north west to south east. When viewed from Northholme Rise it would appear as a three storey building at its northern end.
- 6.2.15 At the south-eastern end the 'extended' part would be staggered and stepped down to follow the natural ground levels across the site. The third floor would be set back from all sides, appearing subservient to the main building and helping to address the transition in the street scene between the scale of the development and the neighbouring buildings.
- 6.2.16 Given the proposed separation to site boundaries and the building's flat roof design, subservient fourth storey and the stepping-down in response to the topography of the site, when viewed in the context of the street scene and in relation to neighbouring buildings, the proposed apartment block would not appear unduly close or unduly high.
- 6.2.17 The design also incorporates generous set-backs in the building's façade, projecting balconies, an 'L-shaped' design and the use of contrasting materials. Brick and cladding are proposed for the walls, along with glazed balconies and a single ply flat roof system for the roof. All of these features provide articulation which effectively break-up the bulk and mass of the building and result in a development of a good architectural quality which would complement the scale, proportion, form, layout and materials of adjacent buildings and areas.
- 6.2.18 The final details of the materials can be secured by a condition in the event that planning permission is granted. Sustainability measures are addressed later in the report.



**Fig 5: CGI of proposed front elevation (Design and Access Statement)**

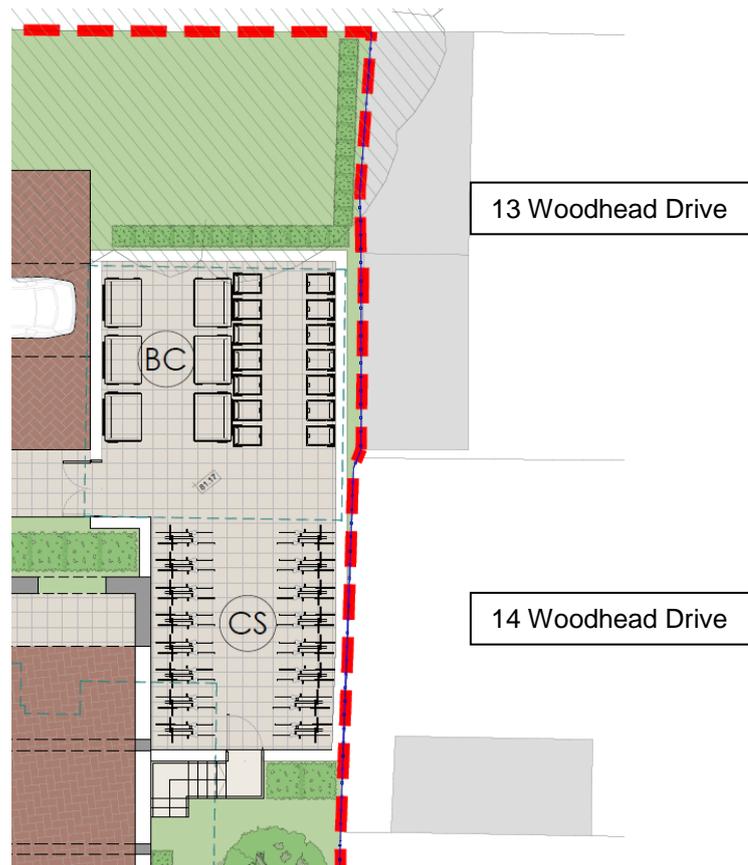
6.2.19 The density of the development would equate to 117 units per hectare and 337 habitable rooms per hectare, which is within the recommended ranges in the London Plan Density Matrix. As discussed, the design of the development is acceptable and would comply with BLP policy 37. The quality of living accommodation is discussed later in the report.

### **6.3 Impact on Neighbouring Amenities**

#### **Acceptable**

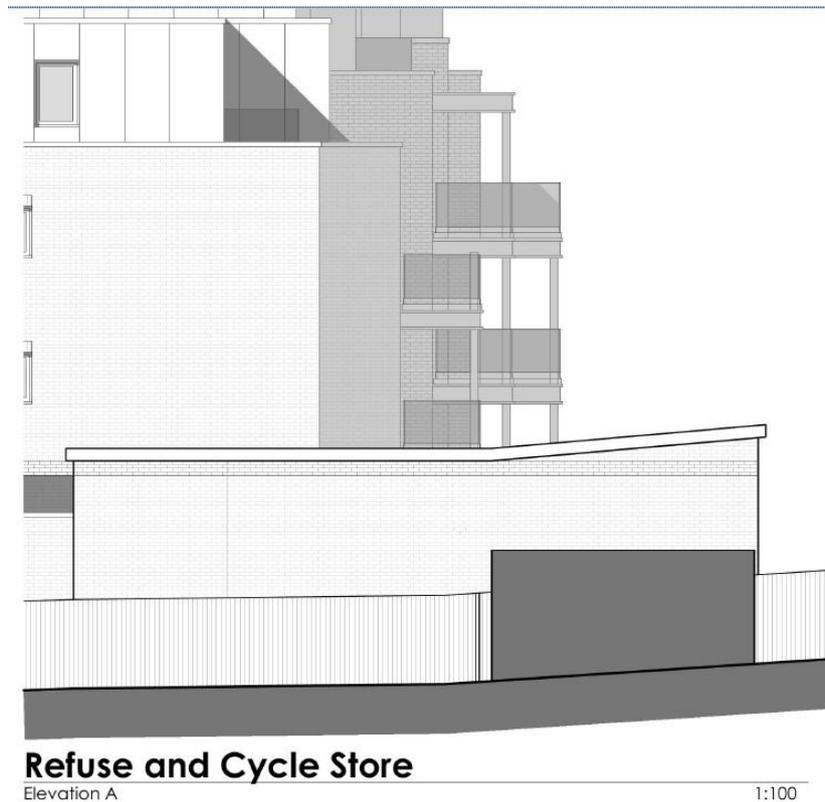
##### *Impact on Woodhead Drive*

6.3.1 The closest part of the main building to the houses in Woodhead Drive would be located between 15 and 18m away, with the exception of the bin/cycle store, which would be sited on the boundary of the two sites around 11m away from the rear elevations of the neighbouring houses, separated from the adjacent gardens with a 1.8m high close boarded fence.



**Fig 6: Proposed layout of bin/cycle store in relation to rear gardens of 13 and 14 Woodhead Drive**

- 6.3.2 The bin/cycle store would measure approximately 13m long, extending half of the width of the rear garden of No.13 and almost the full width of the garden of No.14 Woodhead Drive. The structure itself would measure between approximately 2.5m and 3m high to the flat roof but, given the elevated site levels compared to the adjoining gardens in Woodhead Drive, it would be around 4.5m higher than the gardens of the adjoining sites.
- 6.3.3 While this would appear substantial the enclosure would meet the minimum height required by the Council in its guidance on the Storage and Collection of Refuse. Furthermore, the bins would be housed in well-designed brick-built enclosure with a roof and which would help to minimise any odour nuisance at neighbouring sites.
- 6.3.4 Concerns from local residents regarding the visual and odour impacts of the bin store are duly noted, however, given the 11m separation to the rear of the neighbouring houses and the high quality design, on balance, the bin/cycle store would not appear unduly overbearing or detrimental to the amenities of adjacent occupiers.



**Fig 7: Proposed bin/cycle store as viewed from Woodhead Drive**

6.3.5 At the first and second floors there are no habitable windows on the flank elevation which would give rise to overlooking. At the third floor level secondary windows to the main living areas for flats 33 and 34 are proposed, however these are set back from the building edge by a further 2.7m to ensure no unacceptable overlooking into the neighbouring sites. Privacy screens are also proposed for the sides of the terraces to these flats to further restrict overlooking opportunities.



**Fig 8: Proposed south-east elevation as viewed from Woodhead Drive**

*Impact on Tubbenden Close*

6.3.6 On the south west boundary to gardens of houses in Tubbenden Close the flank wall of the building is set back approximately 3m at its nearest point, on the same footprint as the existing building. At ground floor

level there is a bedroom window in that flank wall although this is screened by the existing boundary fencing. At first and second floors the windows in that flank are obscure glazed to non-habitable rooms, wither bathrooms or secondary windows to kitchen/dining areas. At third floor level there is a secondary living room window set back approximately 1.7m from the building edge but the associated terrace to this unit will be set-back and privacy screened to ensure no unacceptable overlooking of the neighbouring properties from this level.

- 6.3.7 The main elevation facing these properties would be set back in line with the existing building line and the retention of the mature trees to the boundary with these properties would ensure that there is no significant overlooking between existing and proposed properties.
- 6.3.8 Furthermore, given the separation distances and tree screening, the development would not appear dominant or overbearing in the outlook from windows or from the gardens of the existing residential properties in Tubbenden Close.
- 6.3.9 At the rear of the site, seven parking bays would be in close proximity to the boundary with No's 2, 4 and 6 Tubbenden Close. Given the anticipated number of vehicular trips associated with the new development (as discussed in the Transport Statement), the proposed car parking would not lead to significant levels of noise and disturbance at the adjoining sites.
- 6.3.10 Furthermore, the applicant has introduced planting in-between bays 12 and 13 which would improve the visual impact from the neighbouring sites and aid with surface water drainage from the proposed hardstanding. The parking area would also be screened from adjoining properties by a proposed 1.8m high close boarded fence which would also help to minimise any noise. Boundary treatments would need to be detailed as part of the landscaping condition attached to any grant of planning permission.

#### *Impact on Northolme Rise*

- 6.3.11 To the north-west the building is set back approximately 3.3m from the shared boundary. However, this boundary is defined by existing planting and a parking area that previously served the former care home but is now separate to this application. The separation distance between the proposed development and the closest dwelling on Northolme Rise is sufficient to ensure no unacceptable impacts on amenity.
- 6.3.12 The properties on the opposite, north-eastern side of Northolme Rise would also be well-separated from the development and at a higher ground level so as to ensure no significant impacts would arise.

### *Daylight and Sunlight*

6.3.13 A daylight/sunlight assessment has been carried out which demonstrates that the proposed development will have a low impact on the light receivable by its neighbouring properties.

### *Noise*

6.3.14 Noise has not been formally assessed by the applicant as part of the application. However, given this is a residential area, the provision of residential units at the density proposed is unlikely to lead to undue level of noise and disturbance at adjacent sites. Activity at the site would be largely confined to the rear communal garden/play space, which is well-designed and of sufficient size to accommodate all residents without the risk of overspill into the car parking areas.

### *Statement of Community Involvement*

6.3.15 In November 2019 the applicant produced and distributed a leaflet to the local area describing the proposals and providing a site layout and CGIs. Residents were given an opportunity to respond with their views and by email or post.

### *Conclusions on impact on neighbouring amenities*

6.3.16 The proposed design and layout of the development, together with the positioning of its outside areas, car parking and habitable room windows would not give rise to any significant amenity issues at neighbouring residential sites.

## **6.4 Transport and Highways**

### **Acceptable**

#### *Parking and Access*

6.4.1 The number of car parking spaces has been reduced from 31 previously to 24. The parking standards in the Bromley Local Plan are 0.7 – 1 spaces giving a range of 24 – 34 spaces for a site in a high PTAL location such as this.

6.4.2 While the concerns of local resident in respect to the level of parking at the site are noted, the proposal is in accordance with the standards adopted in the 2019 Bromley Local Plan.

6.4.3 Northolme Rise is narrow, however, it is subject to a one hour weekday restriction to deter commuters. Therefore, while it is possible to park on-street overnight and at weekends, residents and visitors to the development would not be able to park their cars on the surrounding roads for any long duration. Overall the proposed parking provision for the development is considered acceptable.

- 6.4.4 A Transport Statement was supplied with the application which estimates vehicular trip generation using TRICS to compare the Care Home with the proposed 34 dwellings. This showed a reduction in daily vehicular trips from 67 with the former Care Home to 41 with the 34 dwellings.
- 6.4.5 Access is proposed from the existing access on Northolme Rise. There is no additional separate vehicle or pedestrian access through the site. A Stage 1 Road Safety Audit (RSA) was carried out and the auditors raised the issue of the sightlines. The existing access has very poor visibility due to trees and vegetation and the sightline would be improved by the removal of some of the low level vegetation (not the trees) around the access. As this vegetation is outside the scope of the red line application boundary and is Highways-owned land, a one-off contribution of £1000 towards clearing the vegetation would need to be secured as part of a S106 legal agreement attached to any grant of planning permission. The applicant has agreed, in principle, to paying this. Tree impacts are considered below.
- 6.4.6 There was no speed survey attached to the RSA to indicate the required sightline but in the current circumstances, due to the covid-19 restrictions, a speed survey is unlikely to be practical as vehicle flows are likely to be much lower than normal and a representative survey may be difficult to obtain.
- 6.4.7 In any case, given the flows with the proposed development are shown to be lower than the existing use, and there is no accident record in the vicinity of the access, on balance, there are no objections to the proposed access arrangements.

#### *Refuse and cycle storage*

- 6.4.8 This is provided in accordance with the Council's guidance on the Storage and Collection of Refuse. As the two proposed enclosures would be sited over 30m from the highways it will therefore be necessary for refuse vehicles to enter the site. The swept path for the refuse vehicle entering the site is shown in the Transport Assessment drawing no. 19-269-003b.
- 6.4.9 If the application was considered acceptable overall, it would be necessary to secure further details regarding the gradients of any ramps serving the refuse stores and the council's Waste Services department would be consulted.
- 6.4.10 This development requires a minimum of 59 cycle parking spaces, in order to adhere to the guidance laid out in the London Plan. The applicant is providing 64 spaces using a stacked system within the secure cycle store. This is acceptable. Short-stay (visitor) cycle parking is also required at the site and would need to be secured as

part of a planning condition should the development be acceptable overall.

- 6.4.11 Overall the proposal is acceptable in that it would not lead to a significant increase in on-street parking, congestion or road traffic noise in the vicinity of the site. Construction traffic and servicing and delivery can be managed by way of condition. Highways conditions would therefore be recommended if the application was acceptable in all other respects.

## **6.5 Trees and Biodiversity**

### **Acceptable**

#### *Trees*

- 6.5.1 The application is accompanied by an arboricultural assessment and a Tree Constraints Plan. A total of 39 trees and groups, including trees outside of the red line site boundary have been assessed. The Tree Constraints Plan has been provided which includes reference to the pine tree which neighbours have raised as a concern, as being omitted from the plans.
- 6.5.2 The existing building is situated close to boundary trees with pruning pressures already present. Boundary trees have been managed by way of crown reduction and lifting in the past and a number of trees have already been felled and pruned. The Council are currently investigating the impact on any TPOs as a result of these works.
- 6.5.3 Two trees require removal to facilitate the development: T13 (a Robinia) located at the front of the site to the north of the existing access and T30 (a Horse Chestnut) in the southern corner of the site where car parking is proposed. All of the other surrounding trees can be retained and will provide a mature setting to the site.
- 6.5.4 The main constraints remain on the periphery of the application site. However, future outlook from the proposed flats would raise no greater pressures to what currently exist.
- 6.5.5 Landscaping has been included in the application and is well designed in respect of species selection. Any future pruning required to maintain trees once the development is in situ will need to be set out in a method statement. The method statement, which should include supervision from an arboricultural consultant, should be required by condition to address precautions to be implemented where construction activity is close to trees and to minimise any risk of damage to retained trees.
- 6.5.6 The Tree Officer has been consulted on the impact of the potential vegetation clearance on the highways verge in order to improve sight lines. Their comments will be reported verbally at the meeting.

- 6.5.7 Local residents have also raised concerns regarding the risk of disturbance to nearby buildings as a result of the tree works. However, this is outside the scope of planning control and will be a matter for Building Control. An informative is recommended accordingly.
- 6.5.8 The Tree Protection Plan (TPP) details already submitted are acceptable. Tree and landscaping conditions are recommended.

### *Biodiversity*

- 6.5.9 The application is accompanied by a Preliminary Ecological Appraisal (PEA) (including a bat roost assessment) undertaken in June 2016 and a bat emergence survey undertaken in September 2016.
- 6.5.10 The development has the potential to impact on bats, reptiles and breeding birds. Specifically, a bat roost was identified in the roof of the existing building. There are also common bats using the general area for commuting and foraging purposes.
- 6.5.11 As a small bat roost has been discovered a European Protected Species licence will be required post planning to allow works to continue. In order to obtain the licence it would be necessary to carry out suitable mitigation to offset the impact of development. The report recommends a number of mitigation measures including supervision of the demolition of the roof of the existing building, bat boxes, bat access tiles
- 6.5.12 Although the bat surveys were undertaken some time ago, as bat roosting and the protocol for mitigation are identified, it is reasonable to accept the survey results as the likelihood of new constraints is considered to be low.
- 6.5.13 The PEA also recommends full reptile surveys to determine the presence or likely absence of reptiles. Furthermore, all works affecting any nesting habitat should be scheduled to occur outside of the bird breeding season (March to August).
- 6.5.14 The recommendations and mitigation measures in the reports should be adhered to recommended should be secured by condition. Details of measures to be incorporated into the scheme to provide a biodiversity net gain are also required by condition.

## **6.6 Housing Issues and Affordable Housing**

### **Acceptable**

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

Local Plan advises that proposals of 5+ units should provide a mix of unit sizes and will be considered on a case by case basis.

6.6.2 The application proposes 9 x 1 bed units and 25 x 2 bed units. It would be preferable for the proposal to include some three bed units to ensure a greater mix of housing, (in accordance with London Plan Policy 3.8). However, as the LPA is not able to support the submission that it can demonstrate a five year housing land supply and the policies for the supply of housing are 'out of date', on balance, the proposed housing mix of one and two bedroom units is acceptable.

6.6.3 There is a significant need for affordable housing in the borough. Policy 2 of the Local Plan sets out the policy requirements for affordable housing for sites capable of delivering 11 units or more. It states that the Council will seek 35% provision with 60% social-rented/affordable rented housing and 40% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 60:40 split would not create mixed and balanced communities.

6.6.4 The application proposes the following affordable housing as shown on the schedule of accommodation;

- 3 x 1bed (wheelchair) rented units (total 6 hab rooms)
- 1 x 1 bed rented (3 hab rooms)
- 3 x 2 bed rented (total 11 hab rooms)
- 3 x 1 bed intermediate (total 7 hab rooms)
- 2 x 2 bed intermediate (total 7 hab rooms)

6.6.5 The applicant is proposing a total of 34 habitable rooms as affordable which equates to 35% of the total proposed habitable rooms. Of these 60% are proposed for (social/affordable) rent and 40% are proposed as intermediate, which is in accordance with the above mentioned affordable housing policies.

6.6.6 Had the application been considered acceptable overall the affordable housing and affordable wheelchair units would need to be secured through a Section 106 legal agreement. In accordance with the Mayor's viability SPG and Intend to Publish policy H4 this would need to include an early stage viability review mechanism if the agreed level of progress had not been made in 2 years.

## **6.7 Standard of Amenity for Future Occupiers**

### **Acceptable**

6.7.1 With regards to the internal layouts of units, all units meet the minimum technical housing standards - nationally described space standards for gross internal floor area.

- 6.7.2 Ten flats would be single aspect. However, given the building's orientation at roughly 45 degrees to due north, none would be true north facing and all units will benefit from reasonable levels of natural light throughout the day. Furthermore, the corridors and stair wells would benefit from obscure glazed windows leading to good levels of natural light in the communal and circulation areas.
- 6.7.3 The majority of flats benefit from private outdoor space in the form of balconies or ground floor terraces which meet the required standards in the London Plan Housing SPG. Flats 16 and 26 do not have any private outside space and the applicant has instead enlarged the internal floor area in order to further safeguard the privacy of the neighbours on Woodhead Drive.
- 6.7.4 The Housing SPG advocates this approach but requires additional floor area equivalent to the required amount of private outdoor space which the unit would give rise to. In this instance flats 16 and 26, which are both 2 bed 4 person units, would each require 15sqm of outside space. However, the applicant has only provided a further 7sqm above the minimum internal floor area. Had the application been considered acceptable overall, Officer's would have sought amendments from the applicants to bring the units in line with the required standards.
- 6.7.5 According to the London Plan child yield calculator in the SPG and based on the information in the application, the proposal generates a requirement for 91sqm of 'genuine playable' playspace. The proposal includes a 170sqm (approx.) landscaped communal garden situated to the rear of the building, in a safe and accessible part of the site, which includes indicative equipped play space for toddler to junior age range. This is acceptable subject to further details of the play equipment and landscaping being provided as part of a planning condition, should permission be granted.
- 6.7.6 The proposals have been designed to respond to the Council's Policy that requires 10% of new dwellings to comply with Part M4 (3) and 90% to comply with Part M4 (2). Three wheelchair dwellings are proposed to be located on the ground floor in the north-western section of the building. Two of the units benefit from private entrances within the rear part of the site, overlooking the shared amenity space.
- 6.7.7 The applicant has confirmed that the development will meet the relevant parts of the Building Regulations and the drawings submitted demonstrate that level access will be provided from entrance level and from the car park (where 3 accessible spaces are proposed) to the two residential cores and individual wheelchair units. These can be accessed by either going through the building and out to the rear or directly from the car park via a ramp. All parts of the building will also be served by lifts.

6.7.8 Had the application been considered acceptable overall, conditions would be required to secure the wheelchair units in accordance with the relevant part of the Building Regulations and a S106 legal agreement would be needed to secure the affordable wheelchair dwellings.

## **6.8 Flooding and Drainage**

### **Acceptable**

6.8.1 The applicant has submitted a Flood Risk Assessment incorporating Surface Water and Foul Drainage Strategy. The site is in Flood Zone 1 (low risk) as defined by the Environment Agency.

6.8.2 In order to manage surface water drainage the applicant proposes a cellular storage tank beneath the parking area to the south of the site, discharging to the public surface water sewer to the south east of the site at a restricted rate. A significant reduction in flows compared to the existing runoff rates at the site will be achievable.

6.8.3 Foul water is covered under separate Building Regulations legislation (approved document Part H) and the applicant has confirmed that the foul water drainage system will be designed to meet these requirements.

## **6.9 Energy and Sustainability**

### **Acceptable**

6.9.1 The applicant has provided an energy strategy report which demonstrates that the development would achieve a 37.84% reduction of carbon emissions beyond the 2013 Building Regulations. This will be achieved through a combination of passive design measures to minimise energy consumption, low NOx boilers and the installation of approximately 128 Photovoltaics (PVs) on the flat roof of the building.

6.9.2 The remaining CO2 emissions (up to 100%) will therefore need to be off-set through a financial contribution towards the Council's carbon off-setting fund of £41,400. The applicant has agreed, in principle, to paying this should the application be granted permission.

6.9.3 In terms of the viability of a green roof, the provision of PVs on an extensive area of the roof would leave insufficient space for planting on the remaining roof space. Likewise, the numerous largescale existing trees that enclose the site, mean that the success of green walls would be questionable. To this end, the submitted Landscape Masterplan produced by Lloyd Bore has been created to maximise the opportunity for site planting. This is acceptable in terms of policy 5.11 of the London Plan.

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

## **6.10 Environmental Health - Air Quality and Land Contamination**

### **Acceptable**

#### *Air Quality*

- 6.10.1 London plan policy 7.14 and policy SI1 of the Draft New London Plan state that development should be at least 'air quality neutral' and not lead to further deterioration in poor air quality (such as areas designated as AQMAs).
- 6.10.2 The site is not in a designated Air Quality Management Area. The Air Quality Neutral Assessment (AQN) submitted within the Air Quality Assessments Ltd Air Quality Assessment (AQA) (dated 13<sup>th</sup> December 2019) to the local planning authority shows that the transport emissions from the proposed development will be air quality negative.
- 6.10.3 The air quality neutral benchmark for buildings has been achieved; however, the air quality neutral benchmark for transport has been exceeded. The London Plan Sustainable Design and Construction SPG (GLA, 2014a) states that:  
*Developers of schemes which do not meet the 'air quality neutral' benchmark for buildings or transport (considered separately) after appropriate onsite mitigation measures have been incorporated will be required to off-set any excess in emissions.*
- 6.10.4 The applicant has agreed, in principle, to offset the excess emissions through a financial contribution towards air quality improvements undertaken by the council secured through a S106 legal agreement.
- 6.10.5 It is noted that the applicant is already proposing electric vehicle charging points, cycle parking facilities and Ultra Low NOx boilers to help minimise pollution from the operational phase of the development. Had the application been considered acceptable overall, negotiations would have taken place to secure additional on-site mitigation as a starting point to offsetting the air quality impacts of the development. Failing this, the provision of off-site mitigation or a financial contribution would need to be secured via an S106 legal agreement.
- 6.10.6 Construction and Environmental Management; electric vehicle charging and non-mobile road machinery conditions would all be required in the event that permission is granted.

#### *Land Contamination*

- 6.10.7 The site is located above a Principal Aquifer within the bedrock geology. The site is located within an Environment Agency defined groundwater Source Protection Zone II. The risks to groundwater in the underlying principal aquifer are considered to be low.
- 6.10.8 The site has been used for residential purposes since the earliest mapping records and the site would not be considered to be “Contaminated Land” based on its proposed residential redevelopment end use.
- 6.10.9 Limited potentially contaminative sources have been identified in the surrounding area historically and no significant potential sources of contamination were identified other than the infilling of soils on site and the potential for hazardous material within the fabric of the former buildings.
- 6.10.10 The report concludes there are no levels of contaminants which would pose a significant risk to human health or flora and it is unlikely that any new services, in particular potable water, will require protection; however service provider confirmation of this should be sought.
- 6.10.11 The Environmental Health Officer has raised concerns over some inconsistencies in the report and clarification has been sought from the applicant. Members will be updated verbally at the meeting.
- 6.10.12 Assuming all other aspects of the report are accurate and true, the Report would otherwise have been accepted as submitted with the recommendation that the conclusions of the report be given effect by way of condition(s) attached to any permission that may be granted, in particular the last bullet point conclusion on page 33 regarding maintaining a watching brief and the steps to be taken should any contamination not identified within the report come to light during the demolition and redevelopment process.

## **7. OTHER ISSUES**

### *S106 and CIL*

- 7.1 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.
- 7.2 The Council has identified the following Draft Heads of Term for this application:
- **Affordable Housing units (including affordable Wheelchair units)**
  - **Carbon off-setting payment in-lieu: £41,400**
  - **Air Quality off-setting payment-in lieu: TBC**

- **Health contribution:** £37,060.00
- **Education contribution:** £92,578.90
- **Highways vegetation removal:** £1000

- 7.3 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. Had the application proposal been considered acceptable in principle, these would be necessary to make the development acceptable in planning terms and the applicant has agreed, in principle, to enter into a S106 legal agreement to secure the above obligations, should planning permission be granted.
- 7.4 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8. CONCLUSION**

- 8.1 The proposal is for a building of high architectural quality, in a spacious, landscaped setting providing good separation to site boundaries, generous amenity space and retaining the majority of trees. The proposal would not have a significantly harmful impact upon the character or appearance of the area or upon adjoining residential amenity.
- 8.2 Furthermore, the application demonstrates that the traffic and parking demand generated by the development would not have a significant impact on local highways infrastructure or road safety.
- 8.3 The proposal for 34 new dwellings, at 35% affordable, would make a substantial positive contribution to the supply of housing within the Borough. However, in the absence of any marketing having been carried out to demonstrate that there is no continued demand for specialist accommodation at this site, and no proposals to re-provide it, the proposal is contrary to policy 11 of the BLP.
- 8.4 Having regard to the presumption in favour of sustainable development, the adverse impact in respect of the loss of this specialist accommodation would, in any event, significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.5 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      REFUSAL**

**Reason for refusal:**

**1) The proposal would result in the loss of a site currently providing specialist accommodation and insufficient evidence and information has been provided to demonstrate that there is no demand for the existing accommodation and no demand for such sites from alternative providers. The proposal is therefore contrary to policy 11 of the Bromley Local Plan and policy 3.8 of the London Plan (2016) and would result in harm to the Borough's supply of specialist older person's accommodation, for which there is a recognised need.**