

Committee Date	20/08/2020	
Address	1 Crofton Lane, Orpington , BR5 1HH	
Application number	19/04372/FULL1	Officer Jessica Lai
Ward	Farnborough and Crofton	
Proposal	Demolition of existing bungalows (1 Crofton Lane and 132A Crofton Road) and erection of a block of two storeys plus accommodation in the roof space to provide 16 residential units and provision of car and cycle parking, refuse storage, landscaping and boundary treatment.	
Applicant	Agent	
NFC Homes Limited	Mr Edward Buckingham Peter Brett Associates 33 Bowling Green Lane London EC1R 0BJ	
Reason for referral to committee	Outside delegated authority/ Major development	Councillor call in Yes

RECOMMENDATION	Reasons to Contest at Appeal
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KEY DESIGNATIONS

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control

Residential Use					
		Number of bedrooms per unit			
		1	2	3	Total
Private Market		7	7	2	16

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	Domestic garage(s) and private drive	16	+ 16 dedicated parking spaces

Disabled parking spaces car spaces	0	2	+2
Cycle	0	+26	+26

Representation summary	Neighbour letters were sent on 23.12.2019 and a further 14 days planning consultation letter were sent on 11.03.2020. A press notice was displayed in the News Shopper on the 18.03.2020.
Total number of responses	98
Number of comment	1
Number in support	10
Number of objections	87

Legal Agreement - Heads of Term	Amount	Agreed in Principle
Health	£11, 952	Yes
Education	£36, 699.87	Yes
Carbon offset	£23, 279	Yes
Highway	£3,000	TBC
Affordable housing Viability review Mechanism (Early and late)	N/A	TBC
Planning obligation and monitoring fee	£2,000	TBC
Total	£76, 930.87	

Background

The application is being reported to Planning Sub- Committee No.2 as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. Members are advised to consider the suggested grounds to contest the appeal as set out in this report.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

There is no in-principle objection to provide more housing at this unallocated site. The proposal could potentially contribute to the Council's housing supply providing a mixture of 1 to 3 bed units. However, consideration should also be given to the design, layout, relationship of the proposed building and its local context and character. The proposed building would comprise of 3 floors with multiple pitched roofs and a flat roof truncated above. The footprint and linear frontage of the proposed building is considered to be excessive when compared with the existing and surrounding properties and does not appear to sit comfortably within the suburban neighbouring area which predominantly consists of low density housing.

The proposed ground floor units would be positioned close to the public footpath, parking spaces and possible communal entrance door. The siting and layout of the proposal would represent a degree of over-intensive development and would fail to provide adequate privacy and usable private outdoor spaces for the future occupiers.

The proposed building would be positioned close to the neighbouring properties at 134 Crofton Road and No. 3 Crofton Lane and would have an adverse impact on residential amenities in terms of an increased sense of enclosure, loss outlook and loss of daylight.

Overall, it is considered that the proposed design and layout of the development would represent over-intensive development, out of scale and character when compared with the existing and the adjoining low density residential developments. The proposal would have an adverse impact on the residential amenities enjoyed by the neighbouring properties and would fail to provide a good quality living environment for the future occupiers.

1. LOCATION

- 1.1 The application site comprises of 2 detached bungalows, known as No. 132 Crofton Road and No. 1 Crofton Lane. The site measures approximately 0.162 hectares in area and is located to the west of Crofton Lane.
- 1.2 The site is adjoining to a bungalow to the North (No.3 Crofton Lane) and a two storey detached house to the West (No.132a Crofton Road). To the south-east of the site is a newly completed residential building which comprises of 7 x 2 bed units, known as Middlewood Court. This newly completed building has replaced a former detached house at 132 Crofton Road. There is a public footpath located between the application site and the new residential block.
- 1.2 Crofton Lane is a classified road (A232). The ground level along Crofton Road drops down from east to west and there is an incline on Crofton Lane and the ground level drops down from south to north.
- 1.3 Orpington has a long and interesting history dating back to the Stone Age. There are a number of heritage assets in Orpington Town and some of the assets are located within the Orpington Town Centre. Orpington Railway Station is located approximately 910 metres east from the site. Orpington Town Centre is mainly populated along Orpington High Street and is located approximately 600 metres from the Railway Station or approximately 1,500 metres east from the site.
- 1.4 No. 7 to 111 Clareville Road are post-war 3 storey residential buildings and are located to the west of the site. The site is mainly surrounded by suburban low rise and low density development along Crofton Lane and Crofton Road which stretches from Orpington Station to Bromley Common (A21).

- 1.5 The Public Transport Accessibility Level (PTAL) of the site is rated at 2, on a scale of 0 to 6b where 0 is worst and 6b is excellent. The site is located in Flood Zone 1 and is not subject to surface water flooding. The surrounding highway network is subject to a low to medium surface water flooding risk. The application properties are not listed and the site is not located within a conservation area. There are no trees served with Tree Preservation Orders.



Fig 1: Aerial photo (credit: Google Maps)

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing bungalows (No. 1 Crofton Lane and No.132a Crofton Road) and the erection of a residential building to provide 16 residential flats with 16 parking spaces.
- 2.2 No.1 Crofton Lane is a 3 bedroom bungalow with 2 attached garages. The gross internal floor area measures approximately 1,682sq.ft (156.3sq.m). The footprint of the building measures 11.7 metres wide and 16.8 metres deep
- 2.3 No. 132a Crofton Road is a two bedroom bungalow with a detached garage. The gross internal floor area measures approximately 1,172sq.ft (109sq.m). The footprint of the existing building measures approximately 7.6 metres wide x 12 metres deep.
- 2.4 The proposal would provide 16 residential flats which comprises of 7 x 1 bed, 7 x 2 bed and 2 x 3 bed units including 2 x 2 bed wheelchair units. The proposed accommodation would be provided over three

floors. The proposed housing mix, size and internal floor areas are as follows:

Unit number	Housing Size	Proposed Internal floor area (m ²)	Required internal floor area (m ²)
Ground floor			
1. (A01)	2 bed/3 person Wheelchair unit	85	61
2. (A02)	3 bed/5 person	109	86
3. (B01)	3 bed/5 person	101	86
4. (B02)	2 bed/3 person Wheelchair unit	85	61
First floor			
5. (A03)	2 bed/4 person	73	70
6. (A04)	1 bed/2 person	55.3	50
7. (A05)	2 bed/4 person	78.1	70
8. (B03)	2 bed/4 person	70	70
9. (B04)	1 bed/2 person	55.7	50
10. (B05)	2 bed/4 person	71.1	70
Second floor			
11. (A06)	1 bed/2 person	52.6	50
12. (A07)	1 bed/2 person	52	50
13. (A08)	2 bed/3 person	63.7	61
14. (B06)	1 bed/2 person	55.4	50
15. (07)	1 bed/2 person	52	50
16. (08)	1 bed/2 person	52.4	50

- 2.5 The footprint of the proposed building would broadly form an L shape. The principal elevation of the proposed building would be facing Crofton Road, the public footpath and Crofton Lane with a linear frontage measures approximately 51.2 metres in length. The depth of the proposed building would measure between 5.8 metres and 13.8 metres. The roof profile of the proposed building is designed with 6 pitched roofs and would be partially truncated with a flat roof on top.

- The height of the proposed building would measure between 10.2 metres and 10.8 metres in height.
- 2.6 Two communal front and two communal accesses would be provided. In addition, the ground floor 2 x 3 bedroom units would be provided with their own private front door.
 - 2.7 The first and second floor accommodation would be provided with a balcony. A landscaped area would be provided for the ground floor.
 - 2.8 Sixteen parking spaces including 2 disabled parking spaces would be provided to the rear of the proposed building. The vehicle access to the site would be via the existing vehicular access, off Crofton Road and Crofton Lane.
 - 2.9 Twenty-four cycle storage spaces and two communal waste storage areas would be provided.



Fig 2: Proposed site/ground floor plan

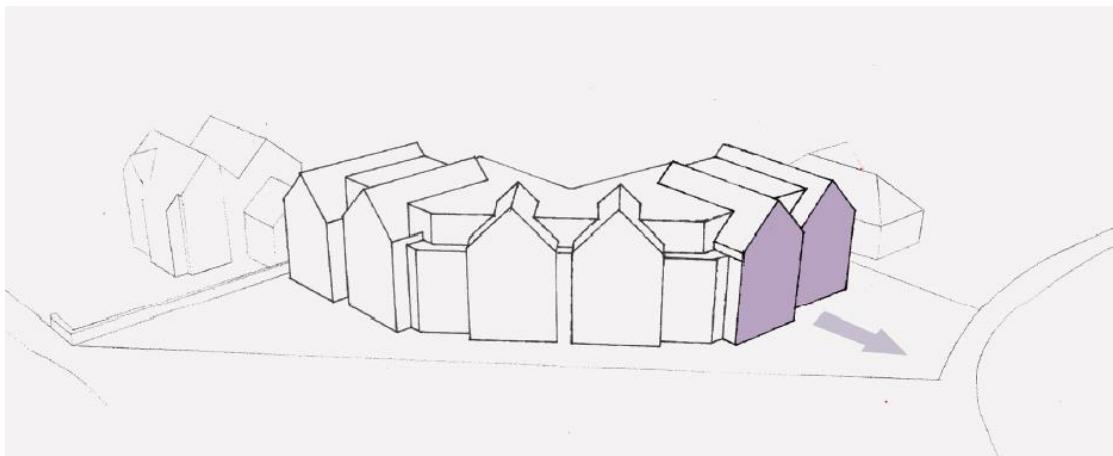


Fig 3: Proposed massing plan (area colour in purple facing Crofton Lane)



Fig 4: Proposed Crofton Lane elevation plan



Fig 5: Proposed Crofton Road elevation plan



Fig 6: Proposed elevation plan facing public foot path



Fig 7 and 8: Proposed elevation plan facing public foot path towards Crofton Road and Crofton Lane

2.10 All trees, hedges and shrubs within the site will be removed, except hedges H23 (Leyland Cypress), hedges H30 (Leyland Cypress) and

hedge 31 (Leyland Cypress and Pyracantha). The trees located offsite will be retained and protected during construction works.

	Numbered	Species	Condition/ Category
Tree			
1	T2	Plum	C
2	T3	Plum	U
3	T5	Snake Bark Maple	C
4	T6	Holly	C
5	T15	Cherry Laurel	C
6	T16	Lilac	C
Hedges			
1	H1	Leyland Cypress	C
2	H22	Californian lilac, Contoneaster and Portugal Laurel	C
3	H26	Leyland cypress, Pyracantha, Silk tassel Bush, Cherry Laurel	C
4	H27	Leyland cypress	C
5	H28	Cherry Laurel	C
6	H29	Leyland cypress	C
7	H30	Leyland cypress	C
8	H31	Leyland cypress and Pyracantha	C
Shrubs			
1	S17	Buddleia and Pyracantha	C
2	S24	Buddleia, Bay, Holly, Choisya and Viburnum	C
3	S25	Camellia	C
Group			
1	G21	Yew and Common Juniper	C
2.	G32	Choisya, Camellia, Common Juniper, Portugal Laurel and Berberis	C

- 2.11 The existing public footpath does not form any part of this application and the existing barriers along the footpath would be retained.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 Full planning permission is sought for the demolition of existing bungalows (1 Crofton Lane and 132A Crofton Road) and erection of a block of two storeys plus accommodation in the roof space to provide 16 residential units and provision of car and cycle parking, refuse storage, landscaping and boundary treatment (Resubmission). Planning reference: 20/02276/FULL1 – Pending consideration (Validated on 8th July 2020).

132a Crofton Road

- 3.2 Planning permission was granted on the 25th March 1993 for a single storey rear extension. Planning reference 93/00275/FUL.

132 Crofton Road

- 3.3 There were 6 planning appeal decisions associated to redevelopment of this site to provide residential units since 2011. The latest planning appeal scheme was allowed on the 15th February 2018 for the demolition of the existing 5 bedroom two storey residential dwelling and erection of a single block of 7x 2 bedroom units with associated access to site, 9 parking spaces, refuse store and bike store. Planning reference was 17/00149/OUT (Appendix 1 for the appeal decision notice). The key planning appeal issues were:-

1. The effect of the development on highway safety
2. The effect of the development on the character and appearance of Crofton Road and Crofton Lane area of Orpington

- 3.4 Paragraph 19 of the planning appeal decision notice concluded the likely residual cumulative effects would not be severe. The appeal scheme has provided sufficient parking and a workable access and layout that would not pose a threat to highway safety. The allowed scheme was considered acceptable on highway safety.

- 3.5 Paragraph 24 of the planning appeal decision notice states that “*the proposals have been progressively revised to the point now where the layout, access and landscaping has been put forward in detail on the basis of 7 x 2 bed flats. There is nothing in the illustrative drawings to indicate that the footprint allocated to the building or the three-dimensional arrangement indicated could not be achieved*”.

- 3.6 Paragraph 26 of the appeal decision notice also states that “*the indicative elevations and floor plans show a two storey building with conventional eaves and rooms within the roof lit by a mix of projecting dormer windows and rooflights. The overall height is shown to be similar to that of the present chalet bungalow, partly achieved by controlling the ground floor level and partly by the use of a flat roof behind frontage pitches. The importance of architectural treatment and the entrance faced would have a symmetry that is evident elsewhere in the area*”.

- 3.7 Paragraph 23 refers to Crofton Road as a “*suburban street*” and Paragraph 30 states that “*the site is within an urban area and is suitable in –principle for redevelopment. The latest scheme would provide additional residential accommodation of a good standard, whilst preserving the character and appearance of the area and living conditions of neighbouring occupiers*”. The impact upon the character

and appearance of the appeal scheme was considered acceptable and the planning appeal was allowed.

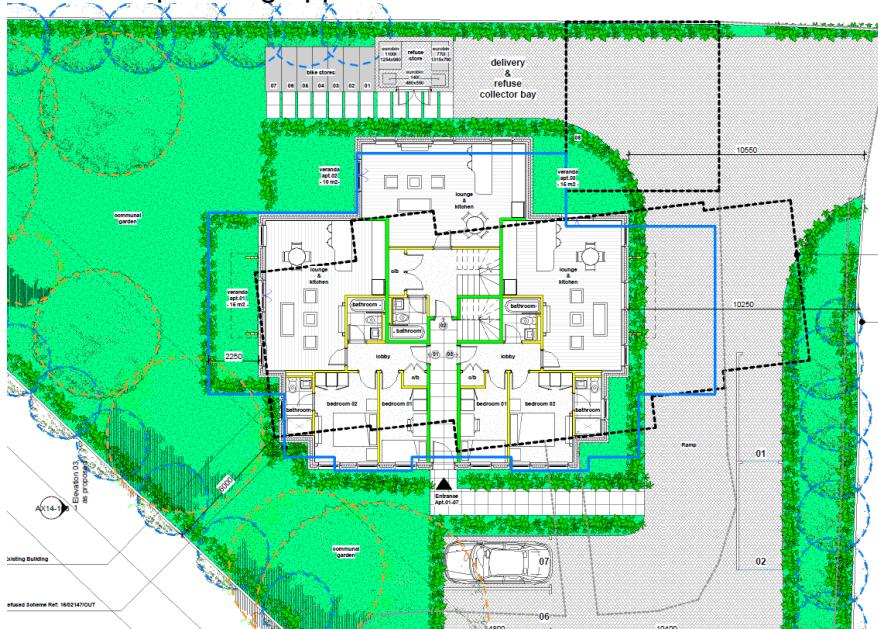




Fig 10: Elevation plans of the allowed scheme at 132 Crofton Road/Middlewood Court and dotted lines in block colour represent the former houses

- 3.9 A reserved matters application to discharge planning condition 1, 5, 7, 8 and 9 of the allowed scheme was granted on the 6th July 2018. Planning application reference 18/01820/DET.
- 3.10 An application for an updated parking layout associated to the appeal scheme was granted on the 8th November 2019. Planning application reference 17/00149/RECON.
- 3.11 An application to revise boundary treatments including vehicular and pedestrian entrance gates and the stopping up of the vehicular access onto Crofton Road associated to the appeal scheme was granted on the 11th November 2019. Planning application reference 19/03601/DET.

4. CONSULTATION SUMMARY

a) Statutory:

4.1 Highways – No objection

The proposal would provide 16 parking spaces and would be in line with the Bromley Local Plan policy requirement. A Transport Statement including parking surveys is also provided which indicates there is ample parking capacity in the surrounding area. A Stage 1 Road Safety Audit including a

design response and swept path analysis have been provided and are considered acceptable. Adequate cycle storage spaces would be provided. Should planning permission be recommended, details of Stage 2 RSA, provision of visibility splay, parking spaces and a construction management plan should be secured by planning conditions. A planning obligation of £3,000 should also be secured via a S106 legal agreement for an amendment of waiting restrictions in the area. The contribution will be returned in 5 years should these contributions not be spent.

4.2 Drainage (lead local flood authority) – No objection

The Drainage Strategy Plan (prepared by Topping Engineers Consulting dated August 2019) shall be implemented in full and the detail should be secured by a planning conditions.

4.3 Thames Water – No objection

Groundwater and surface water drainage

Thames Water would have no objection for the sequential approach to discharge of surface water. Any discharge of groundwater or surface water into a public sewer will require a Groundwater Risk Management Permit and/or a prior approval from Thames Water Developer Services. Thames water would recommend petrol/oil interceptors be fitted in the car park. Should planning permission be recommended, informatics are suggested advising of the above.

Waste water network and sewage treatment works infrastructure capacity

No objection to the planning application in respect to the waste water network and sewage treatment works infrastructure capacity.

Water network and water treatment infrastructure capacity

Based on the information provided, no objection to water network and water treatment infrastructure capacity. An informative advising that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes is suggested. The developer should take account of this minimum pressure in the design of the proposed development. Thames Water must be notified should the mains water be used for construction purposes.

b) Local groups:

4.4 Crofton Resident Association - Objection

The proposed development would represent an overdevelopment, overbearing and out of keeping with its surrounding area. The proposed building would be located adjacent to a bungalow. It is inaccurate to relate this proposed development as a similar sized plot to the neighbouring

development. The scale of the proposal would double the amount of residential units when compared with the allowed development at No.132 Crofton Road. The existing utilities and services in the area are already stretched and unable to cope with the current demand.

c) Adjoining Occupiers:

Support

4.5 Ten letters of support including a letter from 1 Crofton Lane were received. The grounds of support are summarised as follows:

4.6 Provision of housing and optimise land use

- The proposal would contribute to the Council's housing target, providing good quality residential development and address the community need. The proposal would comply with the government policy and manifesto for more housing.
- The proposal would provide affordable flats for first time buyers. Many residents are being driven out of the local housing market.
- The proposal would optimise and make more efficient land use at a location with good access to local amenities. The proposal would provide adequate cycle storage and promote sustainable modes of transport.

4.7 Acceptable impact upon the amenities and residential amenities enjoyed by the neighbouring properties

- The daylight and sunlight report indicates the proposal would not cause any overlooking or loss of privacy to existing or proposed residents.
- The arboricultural impact assessment report indicates the boundary trees will be protected and no adverse impact to the existing trees. A screen of planting will be introduced with replacement planting there will be a net gain in tree quality. The existing concrete wall will be removed providing more aesthetic outlook for residents whilst also providing natural surveillance of the footpath, creating a sense of security for both occupants and pedestrians.
- The air quality assessment indicates the impact on air quality is considered to be negligible. The transport statement indicates that there is no noticeable impact on the local highway network and no overriding traffic and transportation reasons why planning permission could not be granted. The sustainability statement indicates that there is sufficient wastewater infrastructure both on and off site to serve the development. The proposal would achieve a 100% reduction in regulated carbon emissions.

4.8 Other

- More council tax payable to the Council and could generate attention/improvement to traffic and roads
- The objections for the allowed development at 132 Crofton Road (Middlewood Court) have changed.

Objection

4.9 Eighty-seven letters of objection were received. The grounds of objection are summarised as follows:-

4.10 **Over-development, out of keeping and out of character** (addressed in section 6.2.1- 6.2.6; 6.3.12 - 6.3.15)

- The proposed three storey building would comprise of an extensive building footprint facing the adjoining road and footpath. The proposed building is adjacent to a bungalow and is considered to be over-development and incongruous development when compared with the existing and established pattern of development in the area.
- The character of Crofton and its bungalows is unique. This character should be preserved. The proposed building is considered to be high within a low density and low rise area.
- The Crofton Lane elevation of the proposed building is higher than the other property on the same road. The proposal would represent a substantial overdevelopment, over-intensive and over-crowding development in the area.
- The proposed three storey building is excessive. The roofline of the proposed building is higher than the adjoining two storey Edwardian house which is already higher than most of the 2 storey houses in the area. The proposal would represent an imposing and unneighbourly development in the area.
- The proposal would represent a carbuncle development and would represent a much worse development than the allowed development at Middle wood which comprises of 7 apartments.
- The allowed development at Middlewood Court/132 Crofton Road comprises of 7 x 2 bed flats. Based on the plot size of the application site and the allowed site, the proposal would appear as an over-development. It should also be noted that the scale of this allowed scheme had been reduced to a size and scale comparable to the former house.
- The bungalow and houses in the area are supported gardens. The proposal would result in the loss of good quality landscaping which forms part of the character of the area. The existing trees and planting are considered to be a positive asset in the area and contributes to the character of the surrounding area. The proposal would result in a loss of these assets and impact on the character of the area.
- The proposed building would appear to be out of keeping and character with the buildings on Crofton Lane and Crofton Road.

4.11 Design (addressed in section 6.2.1-6.2.6)

- The proposed building would be located close to the footpath and would discourage pedestrian access to the path. The existing footpath was uninviting. However, the overhanging Leylandii from 132 Crofton Road have been removed and open mesh fencing has been installed along the boundary which already improved the quality of this footpath.
- The proposed accommodation would be cramped development with inadequate living and storage spaces.
- There are no easily identifiable changes in the revised plan, except at ground floor level.
- The revised plan remains a detriment to the surroundings as the roof line of the proposal is higher than most of the properties in the area which are either 2 storey houses or bungalows.
- Does not comply with BLP Clause 2.1.45 Policy 3a 'Backland & Garden Land Development', which states that there should be no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development.
- The government policy no longer supports infill development.

4.12 Housing (addressed in section 6.3.7 - 6.3.8; 6.4.12)

- The proposal would not provide housing affordable for first time buyers or at an affordable price. The proposed flat would be around 4000k.
- There are new housing developments completed in the area including the large scale development by London Square on Starts Hill Road. Is there a need for this development?
- The proposal would not provide affordable housing.
- Loss of much needed bungalows for aging population and elderly
- Inadequate amenity spaces for the number of new units proposed.
- The two and three bedroom units are likely to have children and no safe outdoor play area would be provided.

4.13 Impact on residential amenities (addressed in section 6.5.1- 6.5.12)

- Loss of privacy due to the large number of windows on the upper floor and would be facing the neighbours gardens.
- Loss of sunlight, daylight and outlook.
- The neighbouring windows numbered Window W2 of No 134 Crofton Road, W1, W2 and W3 of No 132 Crofton Road, W3, W9 and W10 of No 3 Crofton Lane Window in the submitted sunlight and daylight report indicates that these windows would be affected. However the impacts are discounted for various reasons. One of the bedrooms would have a reduction of 37% daylight reduction. However this was discounted as 60% of the room area would be benefited from the day light. Whilst the document suggests that all

- the criteria are with tolerance, the proposal will directly and adversely impact on the surrounding properties.
- The sunlight and daylight report indicates that the proposal would have "no material effect". The Shadow Diagrams indicates that the proposed building would overshadow the neighbouring gardens at 134 Crofton Road and 138 Crofton Road at 08.00 hours. This reduced to 134 Crofton Road at 10.00. From 12.00 the new building starts to cast shadow over No 3 Crofton Road which continues and worsens at 14.00 and 16.00. The proposal would overshadow the footpath at 16:00 and would not make the footpath safer.
- Overshadowing to the neighbour's garden and impact on their childminder business.

4.14 Highway (addressed in section 6.6.1 - 6.63; 6.6.5 - 6.6.17)

Parking spaces

- Inadequate parking ration and the proposal and a minimum of 2 spaces should be provided for each dwelling.
- The proposal would increase parking demand in the area and result in parking overspill to the neighbouring road. There are vehicles parked on the road during work days.
- 32 residential and visitors parking spaces should be provided.
- The existing mini roundabout is already under pressure. The proposal would worsen the situation with the increased traffic.
- This addition in car parking space has substantially reduced the garden to A01. The corner of the garden to B02 has been cut off.

Road safety

- The proposal would impede the visibility of the site which connects to a commuter road.
- The site is near to a busy junction. The road is narrow and is extensively used by emergency vehicles to Princess Royal University Hospital.
- The aesthetics and safety of the pedestrian path is poor during dark hours.
- Road Safety Audit was carried during mid-morning outside rush hour during half-term for 20 minutes. This is not representative of the traffic and safety of road users and pedestrians. The waste collections are carried out during the school run and this should be taken into account.
- RSA does not appear to be accurate as there were 4 crashes on Crofton road in Feb 2020 and cars were left outside 138 and 134 Crofton Lane.
- RSA does not include collisions date, traffic count date and speed data. There was a serious crash on the 11th March 2020 involving 2 cars.
- Impact on pedestrian and road safety impact to school children.

- There are proposed cycling lanes planned in the area next year. The proposal would likely impact on the proposed cycle lanes on Crofton Road.
- The proposal would give rise to safety issue for vehicles exiting Crofton Lane on to Crofton Road.
- There are barriers at both ends of the existing pedestrian path outside the application site. The removal of these barriers could encourage the use of motor cyclists and cyclists.

4.14 Pollution and disruption (addressed in section 6.10.4 - 6.10.7; 6.5.12)

- Revised plan indicates the number of parking spaces would be increased and nearer to the neighbouring properties, giving rise to noise and air pollution.
- More temporary traffic lights would be required during construction. A number of sewer, road and building works were carried out in the past 3 years relating to repair and new development. The proposal would worsen the conditions.

4.15 Waste collection (addressed in section 6.6.9; 6.6.12 - 6.6.13)

- Inadequate waste collection arrangement and would pose a risk to other users.

4.16 Flooding and wildlife (addressed in section 6.7.1 - 6.7.2; 6.8.1 - 6.8.5)

- Impact on wildlife, less trees and green coverage would be retained or can be provided within the site.
- The existing trees and planting are visible from the public views and have good visual values.
- Increased localised flooding due to the increased building coverage and hardstanding.

4.18 Inadequate and impact on infrastructure (address in section 7.2)

- Impact on infrastructure such GP, utilities, school and local services

4.19 Other

- Planning statement paragraph 4.1.3 made a false statement stating neighbouring residents have been made aware of the proposal and have raised no objections and this is most certainly untrue. The only support is from the applicant to date. The submitted document is misleading with false and untrue statements.
- There were no discussions with the neighbouring resident as stated in the submitted documents, prior to the formal submission of this application until a neighbouring consultation letter was received from the Council.

- The supporters of this application are either the applicant of this application or people not living in the area such as in West Malling.
- The proposal would set an undesirable precedent in the area. Residents would be targeted by future developers.
- Impact on TV/Broadband signal.
- No allowance was made for servicing and delivery, plumber and builder or spaces for tradesmen.
- Limited neighbouring consultation letters and publicity of the application.
- The timing of this submission during Covid-19 is not ideal.
- The assessments prepared by the applicant are biased as the assessments paid for by the applicant.
- Decrease property value in the area.
- The residents of the application property had already informed that planning approval is likely to be accepted.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan

- 2.6 Outer london: vision and strategy
- 2.7 Outer london: economy
- 2.8 Outer london: transport
- 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
- 3.8 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4a Electricity and gas supply
- 5.5 Decentralised energy networks
- 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
- 7.6 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
- 8.3 Community infrastructure levy

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. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.*
- 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.*
- 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 *After considering the ‘Intend to Publish’ Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.*

5.4.5 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). 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 Draft London Plan

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security, and resilience to emergency
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI12 Flood Risk Management
- SI13 Sustainable Drainage
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential Parking
- T7 Deliveries, servicing, and construction

5.6 Mayor Supplementary Guidance

- Homes for Londoners- Affordable Housing and Viability Supplementary Planning Guidance (2017);

- Housing Supplementary Planning Guidance (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).

5.7 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 72 Protected Species
- 73 Development and Trees
- 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
- 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

5.8 Bromley Supplementary Guidance

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums

6. ASSESSMENT

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

- Land Use
- Design, Scale and Massing
- Housing
- Standard of Accommodation
- Impact on Neighbouring Amenities
- Transport and Highways

- Trees and Biodiversity
- Flooding and Drainage
- Energy and Sustainability
- Noise and Air Quality
- Planning Obligations

6.1 Land use– Acceptable

- 6.1.1 Annex 2 of the National Planning Policy Framework (NPPF) defines previously developed land as, “*Land which is or was occupied by a permanent structure including the curtilage of the development (although it should not be assumed that the whole of the curtilage should be development) and any associated fixed surface infrastructure*”. The application site comprises of 2 domestic single storey detached bungalows with ancillary garages. As such, the site falls within the definition of previously developed land (brownfield land) in the NPPF.
- 6.1.2 The site is not designated or allocated for any particular use in the Bromley Local Plan (BLP) adopted January 2019 or the current London Plan (2016). The proposal would introduce 16 new residential flats and would not result in a change in terms of its land use. As such, it is considered that there are no land use issues which would arise from the proposed development.
- 6.1.3 The proposal would result in an intensification of residential use and changes within the site which would have an impact to the character on this suburban neighbourhood, and traffic and residential amenities enjoyed by the neighbouring properties. The planning merits and impacts of this proposal are assessed in line with the development plan in the following sections of this report.

6.2 Design, scale and massing – Not Acceptable

- 6.2.1 The residential properties along Crofton Road and Crofton Lane are characterised by spacious gardens with a small building footprint, well set back from the road and benefiting from ample soft landscaping opportunities. The suburban houses in the area are low density houses with small buildings covering a small footprint and mainly being around 2 to 3 storeys in height. These characters attribute to part of the established pattern of development in the suburban street on Crofton Road and Crofton Lane
- 6.2.2 The proposed building would be facing Crofton Road, the public footpath and Crofton Lane with a linear frontage which measures 51.2 metres long. The proposed floor plan indicates that the proposed building is designed with a stagger in the front building line and would wrap around the frontage. The roof profile of the proposed building is designed with 6 pitched roofs and a flat roof above. The proposed

elevations also depicts the proposed building which would appear as three “pair” of houses as described in the design and access statement.

- 6.2.3 Officers note that these design measures are aimed to break down the extensive frontage, bulk and massing of the proposed building. However, it should be noted that the proposed building would be a single building with an excessive linear frontage and up to 10.8 metres in height. The footprint of the proposed building would also extensively cover the site when compared with the existing buildings and the neighbouring properties. Due to its excessive frontage, scale and massing, it is considered that the proposed building would appear out of scale when compared with the neighbouring houses, in particular the detached bungalows located to the north of the site on Crofton Lane.
- 6.2.4 The proposed building is designed with multiple pitched roofs with a flat roof inserted on top. Whilst the flat roof element would be set in from its respective front building lines and measures between 1 and 3 metres at the second floor level, the proposed building would still appear to be 3 storeys in height with front gable walls on the second floor and would remain significantly prominent when viewed from the street scene. The roof profile design appears to be heavily influenced by the amount of the accommodation proposed. The proposed building would also incorporate a number of front projecting balconies on the first and second floors adding onto the bulk and discordant appearance of the proposed building. As such, it is considered that the design and scale of the proposed building would appear to be excessive and would not be in keeping with the neighbouring properties in this suburban neighbourhood on Crofton Road and Crofton Lane.
- 6.2.5 Officers note that the front building line of the proposed building would be sited approximately 8 metres from Crofton Lane and 16 metres from Crofton Road. It should be noted that the ground floor 3 bedroom units would be sited approximately 3 metres from the public footpath. The use of soft landscaping and screening are not uncommon and could be incorporated to ensure a useable private outdoor space and a degree of privacy are provided for the future occupiers. However, it should be noted that these units would be family units and the outdoor area including habitable room windows would be located in a close proximity to the public footpath. As such, it is considered that the siting and layout of the proposed building would also represent a degree of over-development beyond optimising the potential of the site.
- 6.2.6 Overall, it is considered that the linear frontage and the scale and massing of the proposed building would appear to be excessive when compared with existing and neighbouring houses on Crofton Lane and Crofton Road. The roof profile design, siting and layout of the proposal would also present a degree of over-intensive development, out of keeping and out of character with the surrounding area.

6.3 Housing – Not Acceptable on density and scale

Housing provision

- 6.3.1 The London Plan Policy 3.3 (Increasing housing supply) states that there is a pressing need for more homes in London. London Plan Policy 3.8 (mixed and balance communities) seeks to achieve a mixed and balanced community and new development should offer a range of housing choice in terms of housing size and tenure. London Plan Policy 3.9 states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. This is consistent with BLP Policies 1 and 2.
- 6.3.2 Table 3.1 under Policy 3.3 of the London Plan sets a minimum housing target for the Borough of 641 homes per annum. Table 4.1 of the draft London Plan sets a ten year housing target between 2019/2020 to 2029/2030. The minimum housing target in Bromley will be increased to 774 homes per annum upon the adoption of the new London Plan.
- 6.3.3 The Council's draft Housing Strategy 2019-2029 also recognises that there is an increasing need for housing and affordable housing in the Borough due to the rising population of Bromley.
- 6.3.4 The latest Annual Monitoring report published by the Greater London Authority in October 2019 (Year 2017/2018) indicates that the net housing completion in Bromley was above the minimum housing target at 686 units. However, it should be noted that the number of affordable housing delivery remains lower than anticipated, recorded at 88 units.
- 6.3.5 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 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'.
- 6.3.6 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3.7 In line with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development. The proposal would contribute to the Council's housing supply. The principle to provide 16 additional residential units and a mixture of one to three bed units is therefore supported, subject to the assessment of relevant policies requirements.

- *Affordable housing provision*

6.3.8 Proposals should promote opportunity and provide a real choice for Londoners in ways that meet their needs at a price they can afford. The London Mayor's Viability SPG sets out the Mayor's preferred approach to implementing London Plan Policies 3.11 (affordable housing targets), 3.12 (Negotiation affordable housing on individual private residential and mixed use schemes) and 3.13 (Affordable housing threshold). Proposals which do not meet the 35 percent affordable housing threshold will be required to submit detailed viability information which is scrutinised by the LPA and treated transparently. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social/affordable rent and 40% should be intermediate rent or sale. Priority should be accorded to provision of affordable family housing. This approach is supported by the Bromley Local Plan Policy 2 and the Council's Planning Obligations SPD.

6.3.9 As part of this proposed scheme, a financial viability assessment (prepared by Red Loft; dated November 2019) has been submitted which indicates that the proposal would not be economically viable to provide any on- site affordable housing or off-site financial contributions.

6.3.10 This FVA has been reviewed by the Council and robustly interrogated by independent experts appointed by the Council. The provision of 35 percent affordable housing (a scheme of 4 affordable units) will generate a negative value of £101,656. An appraisal based on no affordable housing was also carried out by the independent consultant as part of the independent assessment. The result indicates that the residual land value of the site will be lower than the bench mark land value which demonstrates that the proposed scheme would not be economically viable to support any affordable housing on site or provide any financial contributions. As such, the absence of affordable housing is considered acceptable in this instance. In accordance with the Mayor's viability SPG and draft London Plan Policy H4, the

affordable housing provision should be subject to an early and late viability review mechanisms.

Density

- 6.3.11 London Plan Policy 3.4 states that planning decisions should take into account the local context and character and its surrounding area, the design principles in Chapter 7 of the London Plan, public transport capacity, and that development should optimise housing output for different types of location within the relevant density range. This approach is supported by Bromley Local Plan Policy 2 and 37.
- 6.3.12 The site is located on suburban streets and within a neighbourhood with low density housing. Based on the footprint of the application properties and the area consisting of low density housing to the west and north, it is considered that the setting of the site is considered to be "Suburban".
- 6.3.13 The London Plan density matrix indicates that for sites located with a PTAL rating of 2 and within an area with predominantly low density development, small residential building footprints and typical buildings of two to three storeys in height are acceptable. The appropriate density range would be between 150 to 250 habitable rooms per hectare (HRH). The proposed residential density would be 269 HRH (43 habitable rooms in total; site area 0.16 hectares) and this would be above the recommended threshold. This proposed density indicates that the proposal would present a degree of over-intensive development.
- 6.3.14 Residential density is often a starting point in assessing the merits of the proposed accommodation. Consideration should be given to the local context, character and quality of the accommodation. It should be noted that the density matrix will be removed and more focus on design-led approach when the new London Plan is adopted. Draft LP Policy D3.B.1 (Optimising site capacity through the design-led approach) states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.3.15 Given that the residential density of this proposal would exceed the recommended residential matrix and the scale and massing of the proposed building including the footprint of the proposed building would be excessive, it is considered that the proposal would represent a degree of over-development. Furthermore, the residential density of the allowed development at 132 Crofton Lane is 156HRH (21 habitable rooms in total; site area measures approximately 0.135 hectare). As such, this part of the proposal is not considered acceptable.

6.4 Standard of Accommodation – Not Acceptable on privacy, outlook and outdoor spaces for ground floor 3 bed units

Internal floor area

- 6.4.1 London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 - 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016.
- 6.4.2 In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document deals with internal space within new dwellings 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 Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 reflect the national guidance.
- 6.4.3 The proposed floor plan indicates that all proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided.

Storage area

- 6.4.4 Each of the proposed units would be provided with a storage area and would comply with the nationally describe space standards, except the 2 bed/3person units on the top floor (A08) which would be below the required standard by 0.5sq.m. Given that the internal floor area of the proposed unit would be above the minimum requirement, it is considered that the deficiency of storage floor space would not warrant as a standalone reason to refuse this application.

Wheelchair unit and inclusive living environment

- 6.4.5 Paragraph 3.3 under London Plan Policy 3.1 states "The Mayor is committed to ensuring a London that provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city - and share in its benefits - while tackling problems of deprivation, exclusion and discrimination that impede them. This includes understanding and addressing the physical and social barriers that prevent disabled people participating"

6.4.6 London Plan Policy 3.8 requires that 10% of new housing meets Building Regulation requirement M4(3) Wheelchair users dwelling; 90% of new housing meets Building Regulation M4(2) accessible and adaptable dwellings. London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.

6.4.7 The proposal would provide 2 wheelchair user units on the ground and 2 disable parking spaces would also be provided in the car park.

Dual Aspect

6.4.8 Standard 28 of the London Housing SPD states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.

6.4.9 Standard 29 of the London Housing SPD states new development should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing exposed to noise levels above which significant adverse effects on health and quality of life occur or which contain three or more bedrooms should be avoided.

6.4.10 Whilst 3 x 1 bed units (3 units out of 16 units) would be single aspect, the proposed family units are designed with dual aspect and there are no single north facing units. This part of the proposal is considered acceptable.

Private outdoor space

6.4.11 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.

6.4.12 Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".

6.4.13 A private front balcony with a floor area ranging between 6sq.m and 7.3sq.m would be provided for the residential units on the upper floors. An outdoor area which ranges between 13sq.m and 24.7sq.m would be provided for the ground floor units. Whilst the proposed outdoor area would comply with the policy requirements in quantitative terms, it should be noted that the outdoor area for the ground floor units would be located within a close proximity to a car park or close to the public

footpath. Due to the siting and close proximity to the car park and public footpath, it is considered that the quality of these outdoor spaces would be poor without an adequate distance. Privacy screens and landscaping could improve the usability and privacy for the future occupiers. However, it is considered that the reliance of reactive mitigation measures would not be sustainable and a greater distance should be provided. Due to the siting of the proposed outdoor spaces for the ground floor units, it is considered that the proposal would represent a degree of over-development and would fail to provide a good standard of outdoor space for the future occupiers.

Privacy and Outlook

6.4.14 The proposed ground floor front habitable room windows would be positioned close to the parking spaces, communal path to the communal entrances or public footpath. For example, the second bedroom associated to the ground floor wheelchair unit (Unit A01) would be located approximately 0.7 metres to the parking space numbered 14. The second bedroom window associated to the other 2 bedroom wheelchair units (Unit B02) would also be positioned in a close proximity to the parking space numbered 15, and measures approximately 0.8 metres. The living room windows of the 3 bedroom units (Unit A02) would be located 1.4 metres from the parking space numbered 14 and the communal path leading to the communal front entrance. Due to its close proximity to the parking space and communal path leading to the front entrance, it is considered that layout of the proposal would not provide adequate privacy for the future occupiers. The layout and design of the proposal would represent a degree of overdevelopment on this suburban street.

6.4.15 The proposed bedroom windows for the three bedroom units (Unit A02 and B02) would be facing the public footpath and each of these units would be provided with a private outdoor area between the proposed windows and public footpath. The proposed site plan indicates that landscaping would be incorporated into the proposal and screening measures could also be incorporated to improve the sense of privacy and reduce the sense of overlooking for the future occupiers. However, it should be noted that the distance between the proposed bedroom windows and the public foot path would measure approximately 3 metres, which is less than a car length. Due to this limited distance and close proximity to the public footpath, it is considered that the proposal would fail to provide a good standard of living accommodation for the future. The reliance of screening measures to alleviate over-looking or privacy issues is not considered to be sustainable. The layout and design of the proposal would present a degree of over-intensive development in this instance.

Child Play

6.4.16 According to the London Plan child yield calculator in the SPG and based on the information in the application, the child yield of this proposal would be 4.6 and there is not a requirement to provide an on-site child play area for development generating less than 10 children. This part of the proposal is considered to be acceptable.

Secure by Design

6.4.17 London Plan Policy 7.3 (Designing out crime) states development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. This approach is supported by BLP Policy 37 (General Design).

6.4.18 The Designing out crime officer has raised no objection to the proposal. It is recommended that a planning condition requiring the development to achieve Secured by Design Accreditation be attached should planning permission be recommended for approval. The proposal should incorporate security doorsets to prevent rough sleeping, criminal damage and arson. The permeability, ease of access to the secluded area including bin and cycle storage areas should be secured.

6.5 Impact on Neighbouring Amenities – Not Acceptable

6.5.1 The adjoining properties at No.3 Crofton Lane and 134 Crofton Road would be the nearest accommodation which would experience the impact of this proposed development, in particular the side and rear residential windows and residential gardens.

134 Crofton Road

6.5.2 The rear building line of the existing bungalow (132 Crofton Road) is projected approximately 7.8 metres further than the rear building line of the neighbouring properties at 134 Crofton Road. The flank wall of the existing bungalow is located approximately 6.8 metres from the neighbouring property.

6.5.3 The rear building line of the proposed building would project approximately 6 metres from the neighbouring rear building line. However, the flank wall of the proposed building would be positioned 1 metre from its side boundary and the proposed building would comprise of three floors and would be significantly higher than the existing bungalow and higher than the neighbouring property at 134 Crofton Road.

6.5.4 It is noted that the flank wall of the neighbouring property at No.3 Crofton Lane is located less than a metre from the application site boundary. It should be noted that the property is a bungalow and is of a similar characteristic in the area where the houses are well spaced out and surrounded by spacious gardens.

- 6.5.5 The proposed building would be 10.6 metres in height and coupled with its siting and relationship with its surroundings, it is considered that the proposed development would appear as an unneighbourly development and would have an adverse impact due to its sense of enclosure and resulting loss of outlook.



Fig 10: Photos taken from 134 Crofton Road, view towards existing bungalow and garage at 132A Crofton Road.

- 6.5.6 A sunlight and daylight report is submitted in support of this application. Four windows (ground floor W1, W2 and W3 and first floor W1) are tested which indicates that the daylight of these windows would experience a reduction of 12 percent to 17 percent of its former/existing value between 0.79 and 0.84. Whilst the proposal would have an impact in terms of loss of sunlight, the impact is considered to be limited and would comply with the threshold (no greater than 20 percent) in the Building Research Establishment (BRE) guidance.
- 6.5.7 Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows

with an orientation within 90 degrees to the south need be assessed. There are no habitable room windows which would be within 90 degrees to the south. As such, this part of the development is considered acceptable.

3 Crofton Lane

- 6.5.7 There are two primary bedroom windows and a secondary living room window facing the application site. Whilst the proposed building would be located approximately 6.2 metres south from the neighbour's bedroom windows, it should be noted that the height of the proposed building would be up to 10.6 metres and would comprise 3 floors. Due to its siting and relationship with the neighbouring properties, it is considered that the proposal would have an adverse impact on the residential amenities in terms of loss of outlook and unneighbourly sense of enclosure.



Fig 11: Front elevation of No.3 Crofton Lane (Credit from Google Street View)

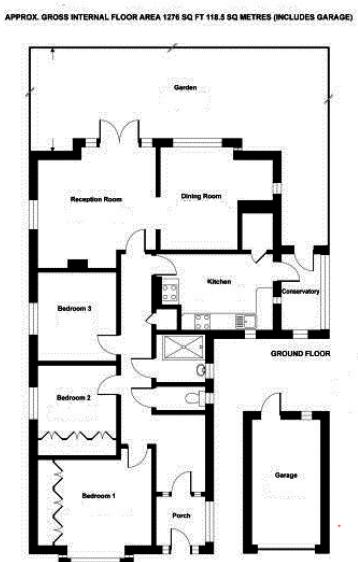


Fig 12: Floor plan of No.3 Crofton Lane (Credit from Rightmove)

6.5.8 The windows on the north, west and south elevation of the neighbouring property are tested. The daylight test indicates that the proposal would have an adverse impact on the living room (rear garden facing/west). There are two south facing primary bedroom windows which would be affected by the proposed development. The vertical skyline component of bedroom windows are outlined as follows:-

Room/VSC value	Bedroom W9	Bedroom W10
Existing	24.24	25.06
Proposed	16.67	14.23
	-0.68(31% reduction)	-0.57 (43 % reduction)
Existing without soffit	31.71	32.53
Proposed without soffit	25.58	23.10
	-0.81(19.3% reduction)	-0.71 (29% reduction)

6.5.8 The sunlight and daylight report indicates that there are no windows that would have an adverse impact in terms of loss of daylight, except window W10 with a reduction of 29%. The report also states that "*The BRE Guide (Clause 2.2.11) allow consideration "without balconies/soffit" as such obstructions can already significantly limited the availability skylight and inherently result in disproportional reductions resulting from even limited obstruction".*

6.5.9 The BRE Guidance does provide a numerical guideline and should be interpreted flexibly since natural lighting is only one of many factors in site layout design. However consideration should be taken into account in terms of siting, relationship, design and the actual context of the proposal and each case should be assessed on its merits. An existing projecting balcony and/or large soffit could potentially result in a disproportionate lighting reduction as illustrated below.

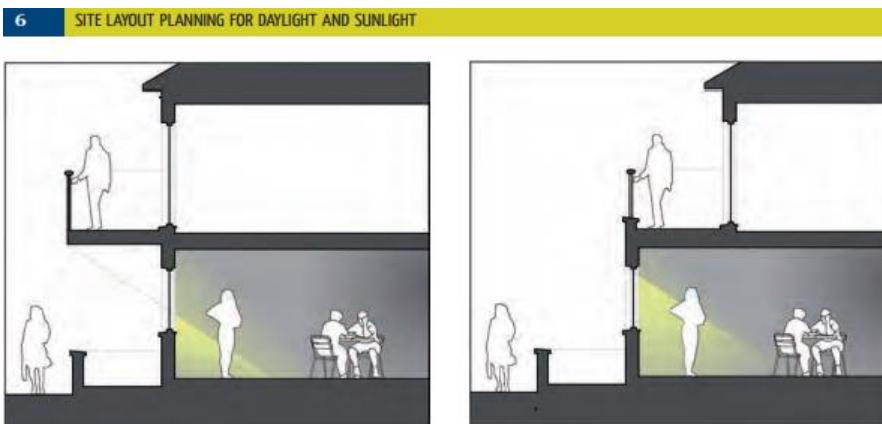


Figure 10: Balconies and projecting access ways can restrict daylight to rooms lit by windows below them

Figure 11: Section showing stepped back rooftop access ways. This gives improved daylight compared to a conventional section (see Figure 10).

Fig 13: Credit from The BRE Site Layout Planning For Daylight and Sunlight – A guide to good practice second edition – Paul Littlefair.

6.5.10 No.3 Crofton Lane is a post-war domestic bungalow. The soffit boards of post-war dwellings are normally around 404mm (15.9 inch) in width. The existing soffit at No.3 Crofton Lane is not considered to be a significant or exceptional feature projecting over the bedroom windows to a significant degree. As such, the suggestion that the proposed bedroom W9 would fall within the BRE guidance is not considered acceptable in this instance.

6.5.11 Furthermore, it should be noted that these windows are both south facing primary bedroom windows. Due to the orientation, close proximity and use of the neighbouring windows, it is considered that the proposal would have an adverse impact to the neighbouring properties in terms of loss of daylight. It should also be noted that the impact upon the bedroom window facing Crofton Lane is not provided in submitted sunlight and daylight report.

Middle Court/former 132 Crofton Road

6.5.12 The north facing windows including the nearest windows (W1, W2, W3 and W4) to the site are tested and would both comply with the BRE guidance in terms of sunlight and daylight.

Sun on Ground (Overshadowing on open spaces)

6.5.13 The BRE guidance makes recommendations concerning the effect of new development on sunlight to open spaces including residential gardens. The guide recommends that the level of overshadowing on such areas should be checked on the equinox 21st march). The BRE guide notes that sunlight into those open spaces is valuable for a number of reasons, to: “provide attractive sunlit view (all year); make outdoor activities like sitting out and children’s play more pleasant (mainly warmer months); encourage plant growth (mainly spring and summer); dry out the ground, reducing moss and slime (mainly in colder months); melt frost, ice and snow (in winter; dry clothes (all year).”

6.5.14 The guidance recognises that open spaces has different sun lighting requirements and that it is difficult to suggest a hard and fast rule. It recommends that: “... at least half of the amenity area should receive at least two hours of sunlight on 21st March”. When assessing the impact of a proposed development on the level of overshadowing an existing open amenity, the BRE guide recommends that: “if, as a result of new development the area which can receive two hours of direct sunlight on 21st March is reduced to less than 0.8 times its former size, the further loss of sunlight is significant. The garden or amenities will tend to look more heavily overshadowed”.

6.5.15 The sunlight and daylight report indicates that the proposal would not lead to overshadowing to the neighbour’s garden at 3 Crofton Lane. The proposal would result in overshadowing to the neighbour’s

gardens at 134 Crofton Road. However, the impact would be limited to a reduction of 0.01 times of its former value. As such, it is considered that the proposal would not result in any significant overshadowing to the neighbour's gardens and this part of the proposal is considered acceptable.

Noise

- 6.5.16 The proposed access road to the car park would be located in a close proximity to the neighbouring property at No. 3 Crofton Lane. It is noted that the proposed access would utilise an existing vehicular access. However, the proposal would accommodate up to 15 parking spaces adjacent to the neighbouring property. Due to its close proximity and the number of parking spaces proposed, it is considered that the proposed layout would be an unneighbourly development when compared with the existing conditions.
- 6.5.17 Concerns from local residents regarding noise generated during construction. Construction activities are likely to cause a temporary disruption to the public car park, additional noise and disturbance, additional traffic generation and dust. Should planning permission be recommended, a detailed construction management plan and logistic plan to manage and control the working hours should be secured by planning condition.

6.6 Transport and Highways - Acceptable

Residential parking spaces

- 6.6.1 Table 1 in the BLP Policy 30 (Parking) sets the off-street parking standard for new residential development and the standards, subject to the particular characteristics of the development and the public transport accessibility. The site has a PTAL rating of 2 and a minimum of 0.7 parking spaces should be provided for each 1 or 2 bed unit. A minimum of 1 space should be provided for 3 bedroom units.
- 6.6.2 A total of 16 parking spaces would be provided achieving a ratio of 1 space per dwelling and this would comply with the minimum policy requirement.
- 6.6.3 A Transport Statement (TA) including a parking survey is provided in line with the Lambert Methodology for residential use on the 31st July 2019 and 1st August 2019. For non-residential development, a day time survey would be required. The parking survey covers an area of 200 metres around the site and demonstrates that there is ample parking capacity in the area surrounding the proposed site. As such, it is considered that the proposal would provide adequate parking spaces for the future occupiers and would not result in an unacceptable overspill of parking on the neighbouring roads.

6.6.4 The draft London Plan sets the minimum standards for electric charging facilities for residential development, a minimum of 20 percent of parking spaces should have active charging with passive provision for all remaining spaces. A total of 4 residential active electric charging points should be provided in order to comply with the minimum, 3.2 electric charging spaces requirement. The remaining 12 spaces should be passive. These provisions and details would be secured by a planning condition.

Access and visibility splay

- 6.6.5 A Transport Statement indicates that there were 10 collisions between 2014 -2019 in the area and there was no serious injuries. The TA also indicates the location of the proposed access to the proposed car park would be via Crofton Lane and would achieve the required 2.4m x 43m visibility splay on a 30mph road.
- 6.6.6 Following planning consultation, the Council's highway officer has requested a Stage 1 Road Safety Audit be carried out and the audit was carried out in the present with one of the Council's traffic engineers. There are no changes in terms of the geometry of the Crofton Lane and Crofton Road and a speed survey was not required.
- 6.6.7 The access to the site would be via the existing vehicular access on Crofton Lane and Crofton Road. The proposal would intensify the use of the access with a new car park to the rear of the building, via an internal access road. The purpose of this audit is to identify potential road safety issues or problems that may affect all users of the highway and to recommend measures to eliminate or mitigate these problems. Concerns were raised by residents regarding to the timing and length of the audit. The timing and process of the audit was agreed with the Council's highways team and is considered acceptable in the presence of a Council's highway engineer.
- 6.6.8 The Stage 1 RSA identified that the details of the vehicle track movement was not provided to demonstrate adequate carriage widths and turning radii will need to be provided. In particular, the swept path for refuse vehicle and parking bays numbered 15 and 16 is required.
- 6.6.9 A designer's response is provided which confirms waste collection arrangements would be the same as the existing arrangement, via Crofton Lane and Crofton Road. Swept path analysis confirming the manoeuvrability of parking bay number 15 and 16 are provided. The Council's highway and waste services were consulted and raised no objection to the proposal.
- 6.6.10 The RSA indicates the proposed visibility spays of 2.4m x 43m would appear to be adequate for vehicle speed on Crofton Lane. However, it was not clear from the submitted drawings what will be done with the site frontage onto Crofton lane to achieve the required visibility splays.

The extent of site clearance to achieve the required visibility splays including details of the proposed boundary treatment would be required.

6.6.11 The designer's response also confirmed the boundary treatment facing Crofton Lane would not be higher than 0.6 metres and would not obscure the visibility. The Council's highway officer was consulted and considered that the proposal would be acceptable. A Stage 2 Road Safety Audit and a £3,000 planning contribution towards the amendment of waiting restriction in the area should be secured by planning condition and a S106 legal agreement. The planning obligations can be returned should works not be required to be carried out within 5 years of the development.

Waste storage

6.6.12 Residential waste and recycling waste associated to the existing facilities will be collected within the site. Waste collection would be via Crofton Lane and Crofton Road and would be the same as the existing arrangement. The proposed building storage area would be located below 18 metres from the road and would be step free. The Council's waste guidance note states that 1 x 1100 litre bin for non-recyclable , 1 x 240 litre bin for paper and 1 x 240 litre bin for bottles should be provided for every 6 flats.

6.6.13 A total of 3x 1100 litre bin for non-recyclable, 2 x 240 litre bin for bottle and 2 x 240 litre for paper and 1 x 140 litre bin for food waste would be provided in the communal residential storage area. The Council's highway and waste divisions were consulted and no objection or comment was received. Subject to the bin storage enclosure confirming the storage would be secured and not abused by non-residents, it is considered that this part of the proposal would be acceptable.

Cycle storage

6.6.14 In line with the London Plan Policy 6.9, a minimum of 25 long-stay and 1 short stay cycle storage spaces would be required. Two communal residential cycle storage areas with capacity of 24 spaces and 2 outdoor cycle storage spaces would be provided. Should planning permission be recommended, the details dimension of the two -tier cycle storage and outdoor storage fixture should be secured by a planning condition.

6.6.15 Concerns are raised from the residents regarding to the impact upon the Council's highway and cycling improvement works in the area. The Council has published an interim transport improvement scheme consultation report in November 2019. This project is intended to allow residents to have a genuine choice of transport options and encourage residents to make local trips to the station schools and shops on foot,

by bike or by bus. The initial key elements of the proposed works were as follows: -

- New and widened footways between Ormonde Avenue and Crofton Lane;
- The provision of physically segregated width flow cycle lanes between Crofton Lane and Orpington Station;
- New zebra crossings and refuges to give more and safer opportunities to cross with a particular emphasis on walking to school;
- Enhancements to the local greenery along the route through the planting of a number of additional trees and low level vegetation

6.6.16 There are no new zebra crossings, widening or narrowing road works proposed near to the existing and proposed vehicular accesses of the application site. The proposed new zebra crossings are located near to 13 Crofton Road, 42 Crofton Road, junction near Crofton Road and York Rise. There no proposed shared footways for cyclists and pedestrians proposed outside or near to the vehicular access of the application site.

6.6.17 The Council's highway officers have advised that the proposal would not prejudice the proposed highway works, as indicated in the initial highway design. It should be noted that the existing vehicular accesses to the site would be retained and the proposed development will be subject to a Stage 2 Road Safety Audit to ensure conformity of the design response as outlined in the Stage 1 response. The Council's initial highway design details of the proposed highway works relevant to the application site is attached below.

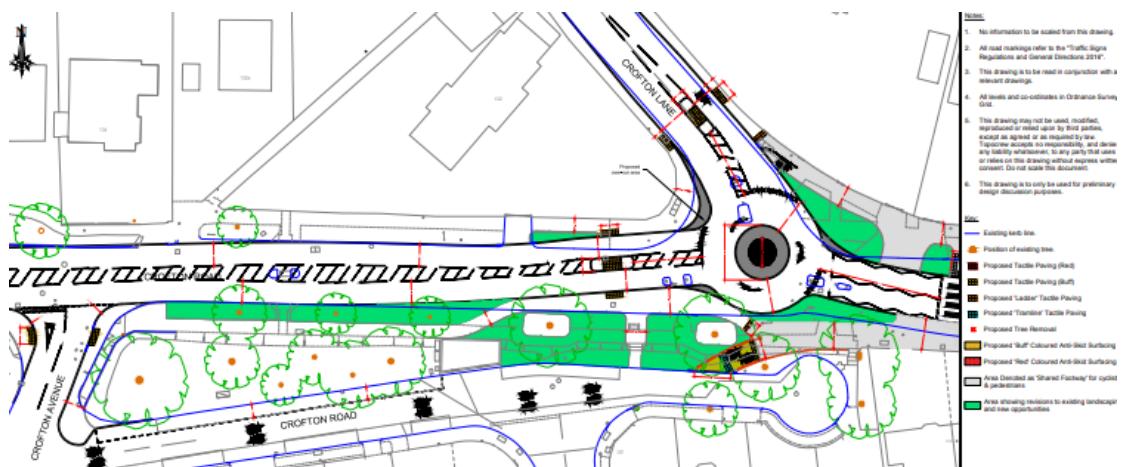


Fig 14: Highway works in consultation

6.7 Landscaping and biodiversity - Acceptable

6.7.1 An arboricultural report is submitted which indicates that there are no trees with any tree preservation orders. All trees, hedges and shrubs within the site will be removed to facilitate the proposed development , except the existing hedges along the eastern and south boundary of

the site would be retained (Hedges H23 (Leyland Cypress), hedges H30 (Leyland Cypress) and hedge 31 (Leyland Cypress and Pyracantha)). The trees located offsite will be retained and protected during construction works.

- 6.7.2 The Council's tree officer has raised no objection to the proposal. Should planning permission be recommended, it is recommended that replacement planting of sufficient quality and quantities be secured by a landscaping condition to mitigate the loss of the planting.

6.8 Flooding and Drainage - Acceptable

Surface water drainage

- 6.8.1 The proposed building and car park spaces to the front and rear of the building would increase the impermeable area of the site from 294sq.m to approximately 1,119sq.m.
- 6.8.2 In line with the national and local planning policies, the Council's drainage officer has stated that the acceptable discharge rate allowable for the 1 in 100 year plus climate change event is the greenfield run-off rate or a maximum of 2 l/s.
- 6.8.3 In order to restrict surface water run-off rate at 2 l/s, an estimated storage volume of 51.2 m³ will be required. A drainage strategy is submitted which indicates that the proposal would include soft landscaping areas and an underground geocellular attenuation storage tank with a storage capacity of 56m³ would also be provided. These provisions would enable surface water to infiltrate into the ground or storage within the site, ensuring the surface water run off rate be kept at the required level and minimising any surface water runoff.
- 6.8.4 The location and dimension of the attenuation storage tank are indicated on the drawing below. The Council drainage officer has raised no objection to the proposal and considers the detailed design of these provisions be secured by a planning condition.

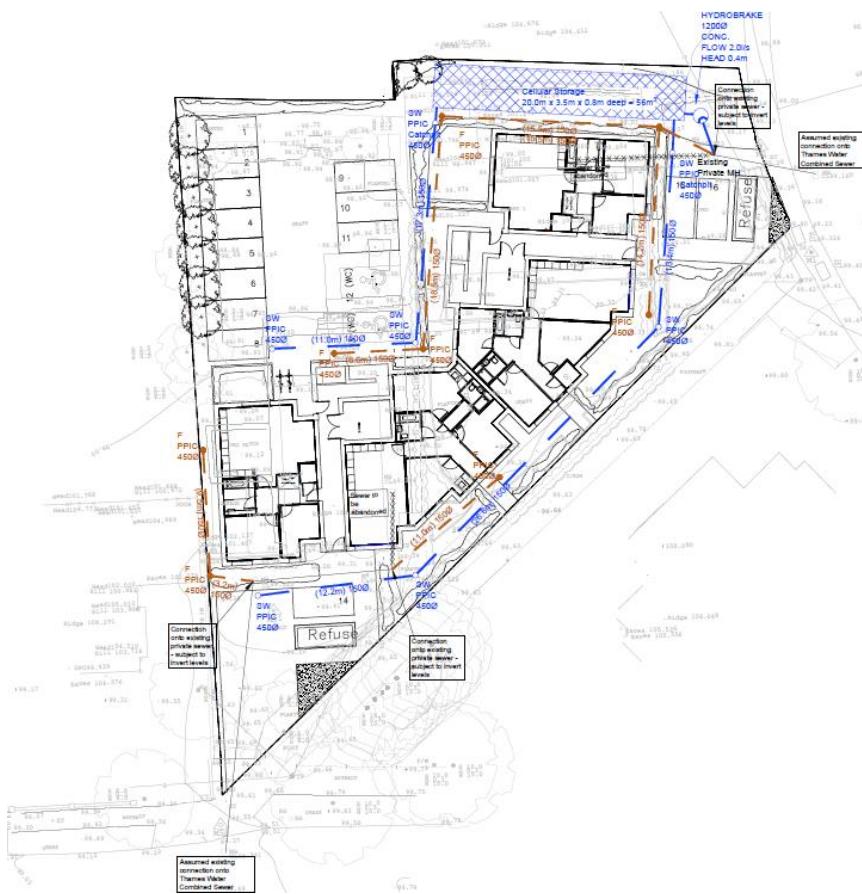


Fig 13. Location of underground attenuation tank.

Water and foul water

- 6.8.5 New connections connecting to the public water and sewage network will be required and this is covered under Building Regulations legislation (approved document Part H). Thames water was consulted and raised no objection. Thames Water has advised that a ground water risk management permit from Thames water will be required for any discharge of ground water into a public sewer. Thames water aims to provide customers with a minimum pressure of 10m head (approx. 1bar) and a flow rate if 9 litres/minute. Should planning permission be recommended, informatics advising the above would be attached.

6.9 Energy and Sustainability – Acceptable

- 6.9.1 The London plan sets a minimum on-site carbon reduction to be achieved and allows for any carbon shortfall to be paid as a payment-in-lieu contribution into the local authority's carbon offset fund. New residential development is required to achieve zero carbon of which, a minimum of 35 percent carbon reduction should be achieved on site.
- 6.9.2 The application is supported by a Sustainability Statement which has been reviewed by the Council's energy officer and it is considered the proposed carbon reduction measures have followed the GLA Energy

Hierarchy and the proposal would comply with the policy requirements. The total regulated carbon saving on the site would achieve 35 percent against Part L 2013 of the Building Regulations Compliant Development.

- 6.9.3 The statement indicates that cumulative on site carbon saving including the use of solar PV panels at the roof level would achieve 6.97 tonne on-site carbon saving which is equivalent to 35 percent carbon reduction. In line with the GLA Energy Assessment Guidance, the shortfall of 65 percent carbon saving, equivalent to 12.933 tonne (£23,279) would be secured by a S106 legal agreement.
- 6.9.4 Furthermore, it should be noted that the required carbon contribution would be increased upon the adoption of the new London Plan as the carbon price will be increased from £60/ tonne to £95/ tonne. The required carbon contribution will be increased to £36,859.05 upon the adoption of the new London Plan.

6.10 Noise and Air Quality - Acceptable

Noise

- 6.10.1 British Standard BS 8233:2014 Guidance on Sound and Noise Reduction for Buildings set the standards provides indoor ambient noise level for residential dwelling as follow:

Activity	Location	07.00 to 23.00	23.00 to 07.00
Resting	Living room	35 dB L _{Aeq, 16hour}	-
Dining	Dining room/area	40 dB L _{Aeq, 16hour}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq, 16hour}	30 dB L _{Aeq, 8hour}

- 6.10.2 An external sound monitoring survey was undertaken on the 16th Sep 2019 and 17th Sep 2019. The noise results on the southern and eastern facades are as follows:

Index	Measured Free-field Noise Level, dB		Target Internal Noise Level - dB	
	Day	Night	Day	Night
Southern Façades (MP1)				
L _{Aeq}	57	51	35	30
L _{AFmax}	-	70	-	45
Eastern Façades (MP2)				
L _{Aeq}	64	57	35	30
L _{AFmax}	-	75	-	45

- 6.10.3 The survey results indicates that double glazing, ventilation or façade insulation would be required to ensure the internal noise level of the residential units would be below 35dB during the day hours and below

30dB during the night hours. The noise assessment also indicates that the proposal would achieve the required standards. The Council Environmental Health Officer was consulted and raised no objection to the proposal, subject to the glazing, ventilation and façade insulation details. Should planning permission be recommended, these details should be secured by a planning condition.

Air Quality

6.10.4 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.

6.10.5 The application site is neither located within nor adjacent to an Air Quality Management Area. The proposal is not considered to be a potential polluting use nor would it generate a significant amount or volume of traffic.

6.10.6 The Council's Environmental Health Division has raised no objection to the proposal and recommended that an updated Construction Environmental Management Plan (CEMP) including the air quality management monitoring during construction should be submitted and agreed by the Local Planning Authority prior to commence of the work.

6.10.7 A further planning condition requiring any Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) should be attached. Should planning permission be recommended, these details would be secured by planning conditions.

7. OTHER ISSUES

Planning obligations and CIL

- 7.1 Developer contributions associated to new development are secured by means of planning conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Level (CIL). This is in line with BLP Policy 125 and the Council's Planning Obligations SPD.
- 7.2 The proposal is liable to the Mayor of London's CIL and is subject to planning obligations. In line with the Council's Planning Obligation SPD, the following planning contributions are identified and should be secured prior to the development: -
 - Health contribution: £ 11952.00;

- Education contribution: £ 36,699.87;,,
- Energy £23,279;
- Highway: £3,000;
- Affordable housing review mechanism; and,
- Planning obligation monitoring fee £2,000.

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.

7.4 The proposal is liable to the Mayor of London's CIL and the applicant has completed the relevant form.

8. CONCLUSION

- 8.1 The proposal in its current form would represent an over-intensive development within a suburban neighbourhood and would appear out of keeping and character when compared with the existing or established pattern of development in the rear.
- 8.2 The proposal would have an adverse impact on the residential amenities enjoyed by the adjoining properties in terms of loss of outlook, privacy, loss of day light and unneighbourly sense of enclosure. The proposed accommodation would fail to provide useable private outdoor spaces for the ground floor units due to its proximity to the public footpath, parking spaces or communal entrance.
- 8.5 Having regard to the presumption in favour of sustainable development, the merits derives from this proposal would not significantly and demonstrably outweigh the impact arising from this proposal when assessed against the policies in the National Planning Policy Framework taken as a whole. As such, it is considered that the proposal cannot be supported for the reasons outlined below.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL WITH THE FOLLOWING GROUNDS.

REASONS:

1. Design, scale and massing

The proposal, by reason of its extensive linear frontage, scale, massing and roof profile design would appear out of keeping and out of character with the locality, appearing as an over-dominant structure and an over-intensive development within a suburban neighbourhood with an excessive residential density, contrary to London Plan Policy 7.4, draft London Plan Policy D2, Bromley Local Plan Policies 4 and 37.

2. Standard of accommodation

The proposal, by reason of its close proximity to the public footpath, communal entrance door and parking spaces would represent a cramped and over-intense development which fails to provide a good standard of living environment for the future occupiers in terms of privacy and provision of useable private outdoor spaces for the ground floor units, contrary to Bromley Local Plan Policies 4 and 37.

3. Impact on residential amenities

The proposed building, by reason of its siting, close proximity to the primary bedroom windows associated to No, 3 Crofton Lane and the neighbouring property at 134 Crofton Road would be an unneighbourly development and would have an adverse impact on the residential amenities in terms of an increased sense of enclosure, loss of outlook and loss of daylight, contrary to Bromley Local Plan Policy 37.