

Committee Date	03.09.2020	
Address	Eastern House Clarence Court Rushmore Hill BR6 7LZ	
Application Number	20/01455/FULL1	Officer - Gill Lambert
Ward	Chelsfield And Pratts Bottom	
Proposal	First floor side extension, elevational alterations and conversion of ground and first floor into one bedroom flat with single garage	
Applicant	Agent Mr Andrew Fryatt	
C/o Agent		The Bothy Old Parsonage House High Street Farningham Kent DA4 0DG
Reason for referral to committee	Significant Objections/Controversial	Councillor call in No

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS		
Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency		

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Garage/Commercial	50

Proposed	Residential Garage	45 30

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	1				
Total	1				

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	21	22	+1

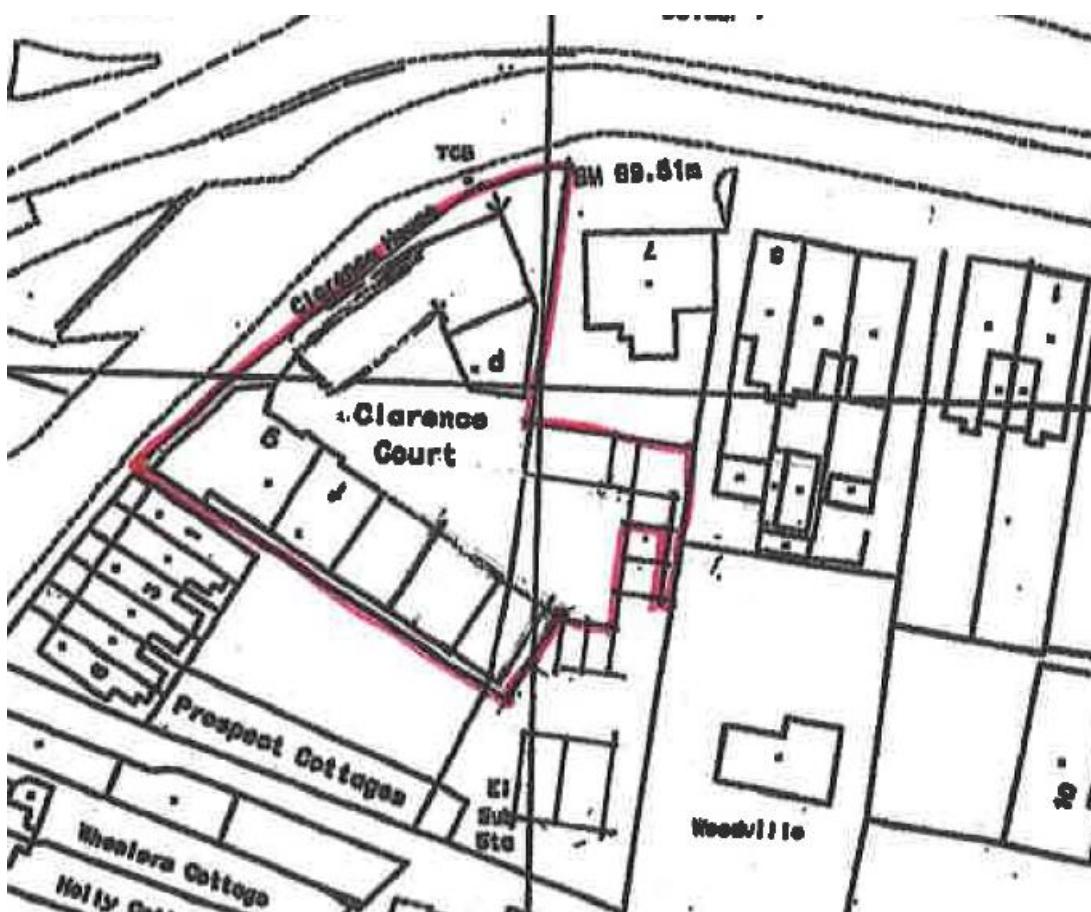
Representation summary	Adjoining owner letters were sent on 30 th April and 3 rd June 2020 A site notice was displayed at the site
Total number of responses	12
Number in support	0
Number of objections	12

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would provide an acceptable standard of residential accommodation
- Adequate parking would be provided

2 LOCATION

- 2.1 The site is located on the eastern side of Rushmore Hill, and forms part of Clarence Court, a two storey office development which was granted permission in 1989 to be used for Class B1 purposes. The majority of the office units have now been converted into residential flats for which prior approvals were granted during the last 4 years.
- 2.2 Eastern House is located in the south-eastern corner of the site and has been recently converted into 2 flats. It has an attached double garage and archive store to its eastern side (which was granted on appeal in 2014), and lies adjacent to a pair of semi-detached dwellings at Nos.1 and 2 Clarence Court.

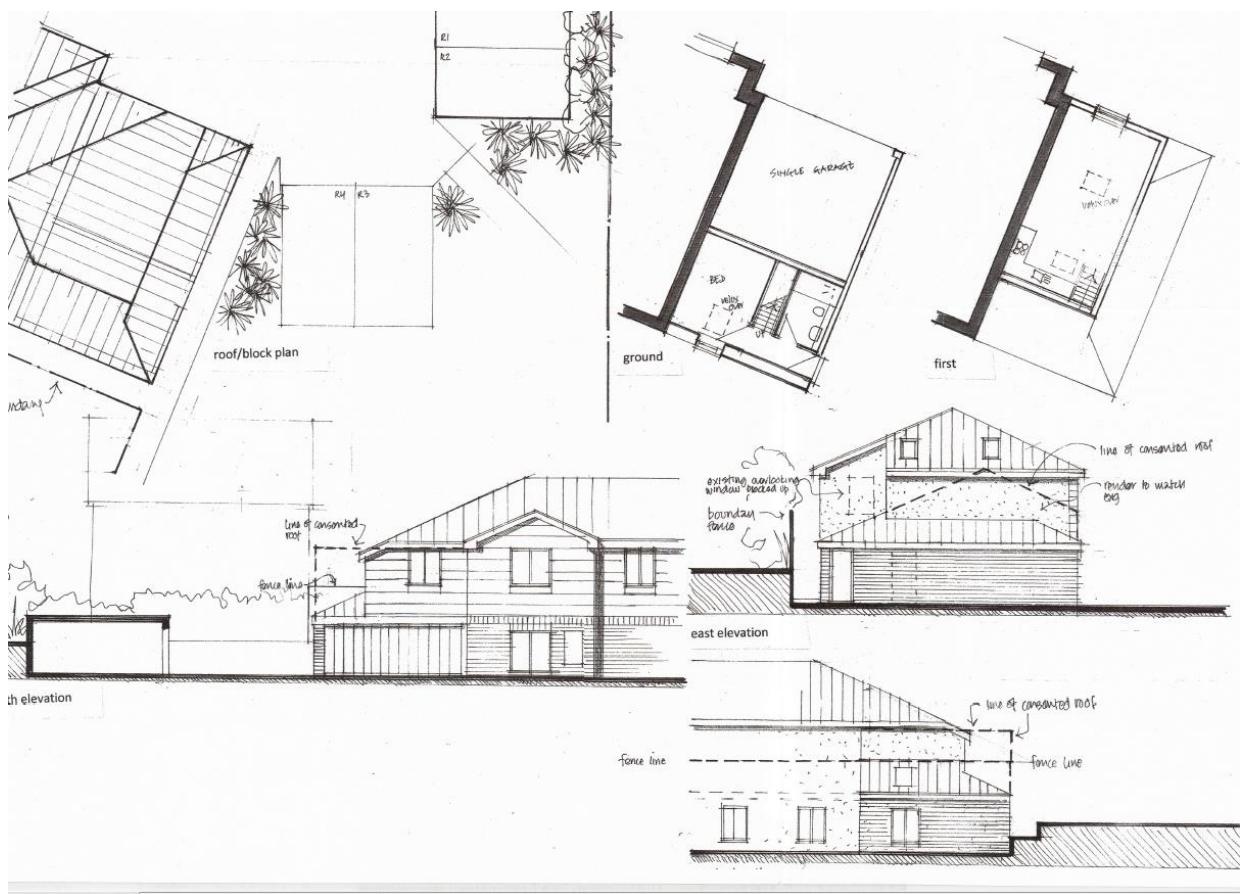


3 PROPOSAL

- 3.1 Planning permission is sought for the construction of a first floor side extension with pitched roof to Eastern House over the attached double garage and archive store which was linked to the previous offices, and the conversion of the ground and first floor of this part of Eastern House into a one bedroom flat and a separate integral garage.
- 3.2 The ground floor would contain a single garage which would be allocated to a flat in Connect House, and a new door would be added to the side elevation to access the flat which would contain a bedroom and bathroom on the ground floor and a

living/kitchen/dining room on the first floor. A rear ground floor window and rooflight would be added to serve the ground floor bedroom.

- 3.3 The two existing parking spaces in the double garage which were originally allocated to the two flats in Eastern House would be relocated to the parking spaces opposite along with the additional space for the proposed flat. A revised parking layout for the whole Clarence Court development was submitted on 3rd June 2020. This plan shows that the 16 existing flats are allocated one parking space each, the 2 semi-detached dwellings two parking spaces each, and the last remaining office unit (Ludo House) has two spaces. Additionally two spaces were retained by the Management Company, and it is one of these spaces that would be allocated to the proposed new flat.



4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was refused in 2014 for a two storey side extension to Eastern House to provide car parking on the ground floor with offices above (ref.14/00060), and for a single storey side extension to provide car parking and an archive store (ref.14/01747), the latter subsequently being allowed on appeal in 2015.
- 4.3 Prior Approvals have recently been granted for change of use from Class B1(a) office to Class C3 residential at Gloucester House (ref.17/00200/RESPA), Connect

House (ref.17/01774/RESPA) and Clarence House (refs.17/05840/RESPA and 18/03013/RESPA).

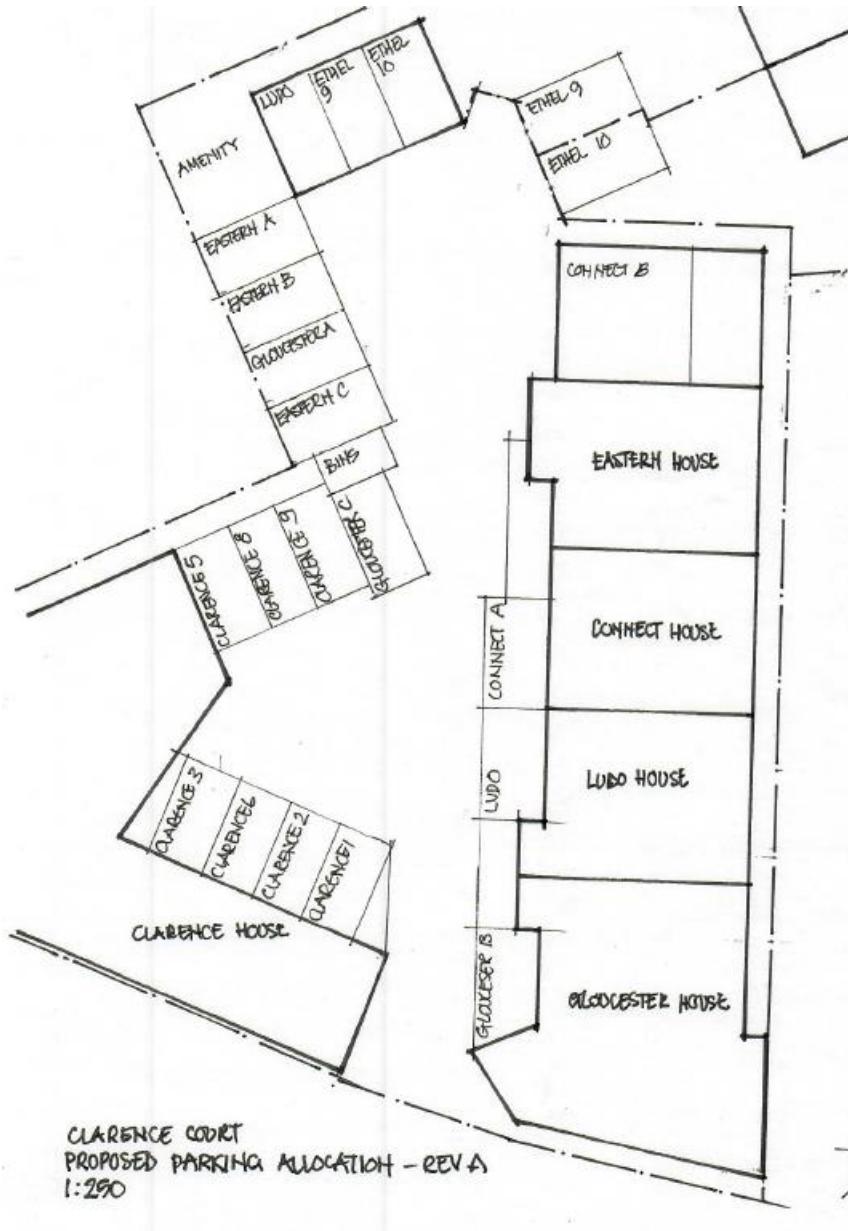
- 4.4 Most recently, prior approval was granted in June 2019 (ref.19/01690/RESPA) for change of use from Class B1(a) office to Class C3 residential to form 2 flats at Eastern House for which 2 car parking spaces were allocated within the attached double garage. This application did not include the ancillary archive store.

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- On site, the layout is as the plan titled “Proposed parking allocation Rev a”, and the bin store is in place. The parking area is quite tight but it is low speed manoeuvring and the residents are aware of the situation. The bank of 4 bays marked Eastern A, B and C and Gloucester A measure a total of 9.5m in width which is just under the minimum 9.6m (4 x 2.4m), but this is minimal, particularly as the spaces are next to the green amenity area. Some of the bays aren’t marked out and some vehicles were not parking correctly. Given the myriad of planning applications and conversions, it is assumed that this is a spare space being allocated to the proposed flat.
- In spite of the tight layout, it would be difficult to sustain a ground of refusal as the space is already there. As the construction phase may be difficult given the limited access, safeguarding conditions are suggested.



Environmental Health Housing – Objections raised

- Lack of natural light to the bedroom due to the location of the rear boundary fence 1m from the rear-facing casement window
 - The window and rooflight to the bedroom would not provide a reasonable view or outlook of the surroundings
 - The bedroom and first floor living area would only be of a suitable size for a 1 person dwelling.

B) Adjoining Occupiers

Increased pressure on parking (addressed in para.7.6.4)

- The parking area is already very tight and more parking for an additional flat would exacerbate the problem

- The refuse store obstructs the parking spaces and makes turning very difficult
- Increased difficulty for access by emergency vehicles

Inadequate provision for refuse storage (addressed in para.7.4.4)

- There is inadequate provision for refuse storage for the existing flats and the current proposals would exacerbate this

Detrimental impact on residential amenity (addressed in paras.7.4.2 and 7.4.3)

- Loss of light to neighbouring properties
- Noise and disturbance during construction works
- Access to the flat would be immediately adjacent to the rear gardens of the semi-detached houses

Poor standard of accommodation (addressed in para.7.5.6)

- The garage would be in separate use and may disturb future occupiers of the flat

6 POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
 - (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 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.
- 6.5 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.

- 6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.7 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.
- 6.8 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.
- 6.9 The application falls to be determined in accordance with the following policies:-

6.10 National Policy Framework 2019

6.11 The London Plan

- 6.13 Parking
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture

6.12 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.13 Bromley Local Plan 2019

- 4 Housing Design
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 83 Non-Designated Employment Land
- 86 Office Uses Outside Town Centres and Office Clusters

6.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Principle of development - Acceptable

7.1.1 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.1.2 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.3 This application includes the provision of 1 dwelling unit, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.1.4 This site is located in an area that is mixed commercial/residential, and the Council may consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, and the design and layout of the dwelling unit provides suitable residential accommodation whilst providing adequate parking and amenity space for the occupants.

7.1.5 The existing permitted uses of the single storey building (which is to be extended and converted into a one bedroom flat and single garage) are for 2 car parking spaces and a 15sq.m. archive store which was previously used ancillary to the office unit at Eastern House, and remains in Class B1a use.

7.1.6 Policy 83 of the Bromley Local Plan outlines that proposals for the change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered on the following criteria:

a - whether there is a demonstrated lack of demand for the existing permitted uses, including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of a planning application over a minimum period of six months,

b - whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units, and

c - where the site is capable of accommodating a mixed use scheme, whether the proposal includes the re-provision of a similar quantum of floorspace for employment generating uses, that is flexibly designed to allow for refurbishment for a range of employment uses.

7.1.7 Supporting paragraph 6.1.22 states that ‘these sites serve an important purpose in the Borough, accommodating small business units that often cannot for various reasons be located satisfactorily in an area designated for industrial/employment purposes. It is therefore important to retain a range of accommodation for different business uses, unless there are significant reasons as to why their continued business use is not feasible.’

7.1.8 Policy 86 outlines that the redevelopment and change of use of existing B1a use sites outside of Town Centres and Office Clusters to non-B1a uses will be permitted where there is a lack of demand and where a sufficient quantum of flexible employment floorspace is re-provided.

7.1.9 In order to justify the loss of commercial floorspace, the applicant has submitted the following points:

1. “Prior Approval was granted for the change of use of Eastern House from B1a to C3 under 19/01690 on 14th June 2019
2. The archive store was consented under APP/G5180/W/14/3000712 on 13th May 2015
3. The archive store is currently 18m² internally and has a floor to ceiling height of 1975.
4. Bringing the external walls up to current Building Regulations would reduce the gross internal area to 15m². After the construction of staff welfare facilities this would further reduce to 10m² rendering the space too small to be commercially viable providing less space than the office standard.
5. No self-contained office spaces are marketed below c400sqft (37sq.m.) in order to support a stand-alone office environment with administrative facilities (copying etc)
6. Demand for smaller office spaces is within a serviced office environment where reception, secretarial, administrative, and staff welfare space is available within common parts. The agglomeration required is supplied by these communal spaces
7. The existing ceiling height is only 1975 which is too low for office space (although it would be acceptable in the staff welfare area

8. With the change of use under the GPDO the original development of B1a office space has effectively ceased and the courtyard has taken on a residential form. The former archive space would then be brought into line with the current usage.”
- 7.1.10 It is clear that the floorspace of the archive store is small, awkwardly shaped and located within the context of a larger residential development, and it would therefore be difficult to argue that it should be retained in this case.
- 7.2 Design – Layout, scale, height and massing – Acceptable**
- 7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.2.2 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.2.3 Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.2.4 London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.2.6 The proposed first floor side extension would be set in from the side and rear walls of the garage, and the roof would be hipped to the side. The size and design of the extension is not considered to detract from the appearance of the building, and would not appear out of character with surrounding development.

7.3 Density – Acceptable

7.3.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 87 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be above the thresholds in the London Plan. However, the current density of residential development permitted under the prior approval applications is 82 dwellings per hectare, therefore, under the current proposals, the density would not increase significantly.

7.4 Residential Amenity – Acceptable

- 7.4.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.4.2 The proposed first floor extension would be modest in size and would be set away from the adjacent residential properties at Nos.1 and 2 Clarence Court. It is not therefore considered to unduly affect outlook or light to neighbouring residential properties. No first floor side or rear windows are proposed in the extension, only high-level rooflights, and no loss of privacy would therefore occur.
- 7.4.3 Residents have raised concerns about the close proximity of the proposed entrance door to the flat to neighbouring residential gardens, but this is not uncommon in a residential area and is not considered to cause undue noise and disturbance to neighbouring properties.
- 7.4.4 Residents have also raised concerns about the existing provision for refuse storage which they consider to be inadequate to serve the existing flats, and that the problem would be exacerbated by the current proposals. However, there is an existing bin store located within the parking area which currently serves the 16 existing flats, and therefore the provision of an additional one bedroom flat within the development is not considered to significantly add to this pressure.

7.5 Standard of outlook and amenity for future occupiers – Acceptable

- 7.5.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building

Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

- 7.5.2 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.5.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.5.4 The proposals comprise 1 one bedroom 1 person flat for which The London Plan suggests that the minimum size should be 39sq.m. in floor area. The proposed one bedroom flat would provide 45sq.m. floorspace, and would therefore achieve this standard.
- 7.5.5 In terms of amenity space, there is a small communal amenity area provided at the eastern end of the Clarence Court development adjacent to the parking area which serves all the flats. Although no private amenity area is provided for the proposed flat, this would not be out of character with the surrounding development.
- 7.5.6 Environmental Health has raised concerns about the close proximity of the boundary fence to the ground floor bedroom window which would limit natural light and outlook from this window. However, the fence is set back approximately 1m, and the bedroom would also have a rooflight, therefore the impact is not considered to be significant.
- 7.5.7 Residents have raised concerns about possible noise and disturbance caused to future occupiers of the proposed flat as a result of the use of the garage by a separate occupier of Clarence Court, however, it is considered that this impact would be limited.

7.6 Highways – Acceptable

- 7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on

transport grounds where the residual cumulative impacts of development are severe.

- 7.6.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.6.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.6.4 No highways objections are raised to the number of parking spaces provided for the development, and although the parking layout is quite tight, it would be low speed manoeuvring and the residents are aware of the situation. Safeguarding conditions are suggested to limit disruption during the construction phase.

7.7 CIL

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

8 CONCLUSION

- 8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would not result in the unacceptable loss of Class B1a office space, it would preserve the character and appearance of the surrounding area, it would not harm the amenities of neighbouring residential properties, and the parking provided would be acceptable.
- 8.2 Additionally, the provision of 1 new dwelling unit would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.
- 8.3 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the area generally.
- 8.4 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: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Construction and Environmental Management Plan**
- 4. Car parking details to be implemented**

5. Matching materials

6. Remove PD rights (Classes A/B/C/E)

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

Informatics:

1. CIL