

Committee Date	29 th October 2020	
Address	Unit 1 23 Station Road Penge London SE20 7BE	
Application Number	19/03523/FULL1	Officer - Stephanie Gardiner
Ward	Penge And Cator	
Proposal	Demolition of the existing commercial units (Class B1) and redevelopment of the site for a 2-3 storey residential scheme comprising of 8 (Class C3) residential units with associated landscaping and car parking.	
Applicant	Agent	
Hughes Unit 10, Southmill Trading Centre Bishop Stortford CM23 3DY	Ms Angela Jones 35 Westmark Point Norley Vale London SW15 4BX	
Reason for referral to committee	Controversial	Councillor call in No

RECOMMENDATION	
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 50</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
	B1	370

Existing		
Proposed	C3	593

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

Electric car charging points	0
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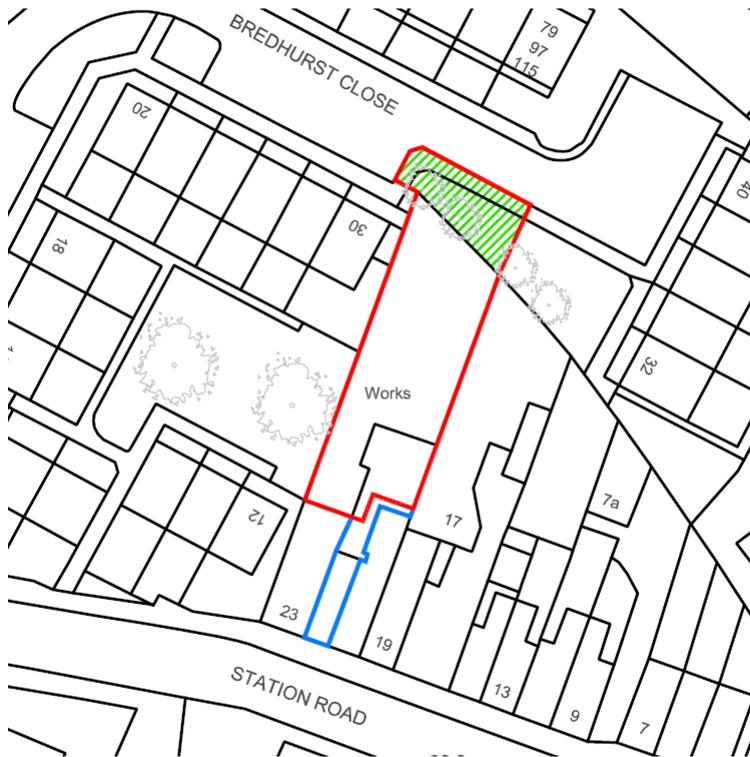
Representation summary	Letters were sent out to 47 neighbouring properties. A further round of consultation was also undertaken based on revised plans.
Total number of responses	12
Number in support	
Number of objections	12

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide 8 new residential units which are all of a good standard of accommodation.
- The proposal would not result in material harm to the character and appearance of the area.
- There would be an acceptable highway impact.

2. LOCATION

2.1 The application site comprises is a rectangular plot, set to the rear of 23 Station Road and backs onto Bredhurst Close. The site contains several commercial buildings in various states of repair and is accessed via a passageway between no's 21 and 23 Station Road, which is a large three storey building constructed from stock brick that has been converted into residential accommodation. Several of the units within this building are accessed directly from the passageway leading to the application site.



3. PROPOSAL

- 3.1 The proposal seeks consent for the demolition of the existing commercial units to the rear of 23 Station Road and the redevelopment of the site with a 2/3 storey block comprising 8 residential units with associated landscaping and parking.
- 3.2 The proposal would include 5 x 1-bedroom 2 person units and 3 x 2-bedroom 4 person units.
- 3.3 5 car parking spaces would be provided.
- 3.4 The application has been amended in order to reconfigure and reduce the scale of the building.



4. RELEVANT PLANNING HISTORY

85/02374/EUC - 21A and 21B Station Road SE20 use as two self-contained flats
Established Use Certificate - Permitted: 24/04/1986

03/04139/FULL3 - Elevational alterations and change of use from shop (Class A1) to one bedroom flat – Permission.

07/03138/ADV - 1 non-illuminated sign Retrospective Application. Refused

08/00989/ADV - Non-illuminated sign. Refused

15/03347/AXRPA Change of use from Class A1 (Unit 5, 23 Station Road) to Class C3 dwelling house to form 1x one bedroom flat. (56 day application for prior approval in respect of transport and highways, contamination and flood risks under Class M Part 3 of the GPDO). Granted.

16/03564/AMD - Installation of two Velux windows on the flat roof at the rear of the property. The open sky courtyard is to be omitted. Withdrawn - No further action.

20/02146/TPO - 3 x Sycamores - Remove.
SUBJECT TO TPO 2690 (24.2.2020). No objections raised.

5. CONSULTATION SUMMARY

Statutory

5.1 Highways – No objection

The site is located in an area with PTAL rate of 4 on a scale of 0 – 6b, where 6b is the most accessible.

Access- The vehicular access is from Bredhurst Close via a new vehicular crossover leading to the car parking area. There are number of trees and a large area of grass verge which needs to be removed. Furthermore according to the records parking and part of development would be on highway land. The applicant is required to purchase the land (from LBB) and stop up the highway (verge area) in order to provide parking spaces to the rear.

Hugh Chapman, Arboricultural Manager, should be also consulted
Hugh.Chapman@bromley.gov.uk

Car parking- A total of five car parking spaces will be provided. This is acceptable in principle.

Cycle parking- London Plan should be adhered to.

Refuse/ servicing- indicated; please also consult Waste Management team

Providing the above items are addressed; please include the following with any permission:

CONDITION

H01 (Access)

Nonstandard Condition- trees needs to be removed and the land should be purchased and stopped up prior to occupation)

OC03 (Parking)

AG11 (Refuse storage)

AG12 (Cycle parking)

PC17 (Construction Management Plan)

AG24 (Highway drainage)

INFORMATIVE

DI16 (Crossover)

Nonstandard informative – Street furniture/ Statutory Undertaker’s apparatus “Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker’s apparatus, considered necessary and practical to help with the creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant

5.2 Drainage Officer – No objection

Recommend the following conditions. The development permitted by this planning permission shall not commence until the detailed design of the measures in the submitted "Drainage Strategy" Plan with Ref No. STRKSA-Z0-ZZ-DR-C-6000 dated July 2019 have been submitted to, and approved by, the Local Planning Authority.

REASON: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

5.3 Waste Services – No comments received.

5.4 Environmental Health – No objections

A Phase 1 Desktop Study has already been carried out by Contaminated Land Solutions (Report 1693-P1E-1, August 2019) which assesses the risk to construction workers and future residents using the conventional source-pathway receiver model for risk assessment. A number of risks have been identified which are classified as Moderate and the recommendation in the Report is to carry out further intrusive sampling. Agree with this approach. Small amounts of asbestos-containing materials have also been identified on the site.

I would recommend that the following Condition be attached should Planning Permission be granted:

Standard Contamination Condition (less part A as this has already been completed) It is also recommend that the following Informative be included:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

Before demolition work commences, the Applicant is advised to contact the Health & Safety Executive regarding the requirement for an intrusive asbestos survey, and to ensure that any asbestos identified is removed, handled and disposed of in accordance with current legislation and guidance.

5.5 Street Tree Officer – No comments received

5.6 Arboricultural Officer – No objections.

Adjoining Occupiers

Objection (Paragraph 7.28 – 7.41)

- Block out light
- Overlooking and loss of privacy
- Insufficient parking and lack of on-street parking
- 5 parking spaces are not enough for 8 flats
- Increased congestion
- Noise pollution due to increased volume of residents and building works
- A three-storey block will extend across whole eastern side of neighbouring property and across the communal area. The sun rises in the east and the block will significantly diminish the amount of light that reaches neighbouring garden for at least half the day.
- Dispute the accuracy of the daylight/sunlight and overshadowing report and request an independent report is produced.
- Right to light and loss of light.
- Loss of light to neighbouring solar panels. This runs contrary to planning and climate change policies as established by the High Court in William Ellis McLenna Vs Medway Council.
- The application states that the surrounding area contains a precedent for a range of different building heights and styles. However, the three-storey housing on Station Road and the 4-storey housing on Bredhurst Close are located at a significant distance away from neighbour at Number 30 so no direct overlooking.
- Balconies will overlook neighbours
- Less safe for children playing in Bredhurst Close
- Destruction of 5 trees, the majority of which have been assessed as being of moderate quality with a life expectancy of at least 20 years. These will be replaced with just one and living roofs.
- Trees remove contaminants from the air. The roofs will make some contribution to local air quality but not as much as the existing trees.
- The submission states that 'the amenity of residents will be improved as instead of overlooking poor quality redundant commercial buildings their view will be across

the roofs. This may be true of the station road properties but not for those living on Bredhurst Close.

- Will compromise privacy especially neighbouring gardens.
- Two big trees already restrict light and if the new buildings are built they would permanently block out light.
- Development will add further strain to on-street parking.
- Query accuracy of daylight report.
- Loss of trees and green space.
- Image of Bredhurst Close will be damaged by the removal of trees.
- Bredhurst Close needs to become Permit Parking only. This will stop people parking for the station.
- Neighbouring properties boxed in.
- Increase traffic and pollution
- Destruction of 5 trees. Replaced by living roofs, which makes some contribution to air quality, they will not make as much of a contribution as the existing trees.

Neighbours were reconsulted on the amended plans and the following representations were received:

- Amended plans only make cosmetic changes to the building planned for Bredhurst Close end of site.
- Previous objections still stand and should be considered
- Loss of natural light
- Overcrowding
- Right to light
- Loss of trees and green space
- Parking concerns
- Highway safety concerns
- Insufficient parking provision
- Will increase footfall to the area and space is limited
- There should be parking bays for neighbours of Bredhurst Close
- What provision to replace green space
- Fire safety concerns
- Major disruption to the main entry to the close and within the close. Inconvenient and also a safety risk.
- Value to property
- The existing use was only 9-5 and made no noise to residential neighbours. There will be increase noise and waste

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

Bromley Local Plan 2019

Policy 1 Housing Supply
Policy 4 Housing Design

Policy 13 Renewal Areas
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 83 Non-designated Employment Land
Policy 96 Neighbourhood Local Centres, Local Parades and Individual Shops
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

The London Plan

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 5.17 Waste capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

London Plan (Intent to Publish)

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
H1 Increasing housing supply
H2 Small sites
SI 12 Flood risk management
SI 13 Sustainable drainage
T5 Cycling
T6 Car Parking

Bromley Supplementary Guidance

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (2015)

7. ASSESSMENT

- 7.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

7.6 This application includes the provision of 8 residential dwellings and would represent a moderate contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Principle of development - Acceptable

7.7 Policy 83, which relates to Non-designated employment land is applicable. This policy states that a change to a non-employment generating use will be considered on the following criteria:

- a) whether there is a demonstrable lack of demand for the existing permitted uses, including evidence of recent marketing for reuse,
- b) whether all opportunities for reuse or redevelopment for employment generating uses have been explored, and
- c) where the site is capable of accommodating a mixed-use scheme, whether the proposal includes the provision of a similar quantum of floor space for an employment generating use.

7.8 The applicant has supplied marketing information which provides information from 'The Address', who are a local estate agent. The property was marketed as commercial use for both sale and lease between September 2017 and September 2018 with little interest. The marketing information highlights feedback received from prospective tenants. This identifies several key problems with the site and these are highlighted as being restrictive for future tenants; these include: -

- Existing residential use within the three-storey building at the front of 23 Station Road and the locality not being compatible with the proposed commercial use due to restrictions on hours of business and noise.
- The single restrictive narrow passageway as the sole access was unsuitable.
- Poor street frontage regarding the face of the business and poor footfall.
- Lack of parking for loading and customer.

7.9 The property was also offered as commercial auction in September 2018 and the reserve was not met.

7.10 The site is located to the rear of a three-storey building fronting Station Road. This comprises residential properties which look back over onto the development site. There are also residential properties at ground floor level. This includes residential accommodation within the single storey rear projections immediately abutting the development. The site itself is bounded by residential dwellings to the south west, two storey residential terraces and a communal area of grassland to the west, and Bredhurst Close to the north. To the east are a number of 1/1.5 storey commercial buildings. Access to the site is currently only via a narrow-gated passageway beneath the main building fronting Station Road. This passageway includes entrances to several residential properties.

7.11 In this case, when taking the above site factors in account and Policy 83, it is considered that it has been sufficiently demonstrated that there is a lack of demand and the arrangement of the site, including the access and surrounding uses are

prohibitive to the future commercial uses. Therefore, the loss of the employment in this instance is considered to be acceptable.

Design– Acceptable.

- 7.12 Policy 4 relates to housing design. This requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing developments will also need to respect local character, spatial standards, physical context and density. Policy 37 states that all development proposals should be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas.
- 7.13 The site is immediately to the rear of a three-storey building fronting Station Road. The buildings within the locality vary between one/two/three and four storeys in height. The site itself is a rectangular plot of land which currently houses office/warehouse and storage units. To the rear of the site is Bredhurst Close, this is a dead-end road leading to an estate development comprising mainly two storey terracing housing and flatted blocks with forward facing balconies.
- 7.14 The application proposes the demolition of the existing part one/two storey buildings which cover almost all the development site and the erection a stepped rectilinear one/two/three storey flatted block comprising 8 residential units. The surrounding area includes residential properties which are not solely single dwellings houses. There are flatted blocks, with an example of a four-storey flatted development located on Bredhurst Close directly opposite the site; therefore, a three-storey residential flatted block, which has a Bredhurst Close facing elevation, would not be wholly out of character within this setting. Additionally, the overall density of the development at 160u/ha and 400 hr/ha accords with London Plan density ranges for an urban context
- 7.15 The development would front Bredhurst Close and a small open grassed courtyard to the west. This courtyard is surrounded by two-storey residential terrace properties and a two-storey commercial building on the application site. Several of the adjoining terraces are accessed from this courtyard and it also abuts several rear gardens. Access to the site would be via a gate from this area of open space, serviced by an existing walkway and also via Bredhurst Close.
- 7.16 The flatted block would therefore have an active frontage with both Bredhurst Close and the open courtyard space to the west. The building has been stepped, with the lower one/two-storey element closer to the rear of 23 Station Road. This then steps up in height to three-storeys towards Bredhurst Close. The development has taken cues from the massing of larger scale buildings within the immediate locality, including the 4-storey flatted building opposite the site on Bredhurst Close. Additionally, the building is stepped in plan form, with the use of light-wells and differing elevational treatments to help break-up the overall scale and massing of the development. There is currently an existing two-storey building on-site, which sits hard on the boundary with the area of open green space. The proposal would however be set-back marginally from this boundary, providing a degree of visual relief and an active frontage. The proposal would also sit adjacent to a two-storey

residential terrace to the west and single storey warehouse buildings to the east. The east elevation of the proposed development includes several single aspect rooms, which are served by windows looking out over onto the roof of eastern neighbouring plot. Therefore, any future development on this neighbouring plot could be impacted by the position and single aspect nature of these windows. However, this relationship would need to be considered within the scope of any future planning application which came forward.

- 7.17 The site is within an urban location, where there is a mix of higher density flatted schemes, which are interlaced by lower scale terrace houses and commercial properties. The wider estate appears to generally be of 1970s/80s construction and is therefore more contemporary in appearance. The introduction of a part one/two/three-storey modern flatted development of brick and render construction on this previously development site, within this context, is not therefore considered to be wholly out-keeping-with scale of wider development and character and appearance of the area in general.
- 7.18 The building would however be situated on the west side of Bredhurst Close, directly between the lower scale two-storey terrace housing to the west and the single storey commercial units to the east. It would therefore be viewed in the context of these properties. The three-storey massing would be located immediately adjacent to Number 30 Bredhurst Close, which is a modest two-storey end-of-terrace property. The development would extend c.16m beyond its rear at three-storey. The properties to the west and their gardens are not large, and the two/three storey massing would extend across a significant proportion of the plot. Due to the cul-de-sac arrangement, views of the development would somewhat restricted and the primary views would be from the west looking eastward when entering the Close. The neighbouring terraces and courtyard would therefore be in the foreground. The building would step up in height by an additional storey above the roof of this neighbouring terrace. The overall step-up in height is not considered to be a significantly abrupt or a harmful change in scale when considering wider development and urban context, but the overall mass of the building is somewhat exacerbated by the depth of the three-storey element.
- 7.19 The building would be very visible and would result in a densification of the site and the immediate context. However, the site is previously developed and includes a two-storey flat roof commercial building along the eastern edge of the open courtyard. The courtyard is surrounding by residential properties on all remaining sides, albeit these are single residential properties. However, the provision of a residential building, which is stepped both in height and plan form along the eastern edge would adhere to this residential character. The building would be set back providing a degree of visual relief and further provides an active frontage. A condition could be imposed requiring the submission of a landscaping plan in order to soften the boundary treatments along the courtyard edge, as well as further details of facing materials to help ensure the development is of an acceptable high quality.
- 7.20 The development would be very visible from surrounding properties and the public realm, due its position and scale, and it would also result in a densification of the site and area in general. However, when taking into account the design in respect

of the 1970/80s estate, scale of wider development, urban location, and stepped nature of the building in both height and plan form, the overall impact on the character and appearance of the area is considered to be on-balance acceptable.

Standard of residential accommodation – Acceptable

- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 The development includes the provision of 8 one- and two-bedroom dwellings.
- 7.25 The submitted plans indicate that units would comply with the above standards and would be provided with balconies/or outdoor amenity space.
- 7.26 All habitable rooms would achieve a satisfactory level of light and outlook.
- 7.27 A part M4(2) compliance statement has been supplied and demonstrates compliance where possible.

Neighbourhood Amenity –Unacceptable

- 7.28 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.

- 7.29 The proposed development has been stepped away from the rear of Number 23 Station Road. This property includes residential properties at ground, first and second floor level. There is an existing part one/two storey building on the site, but the two-storey element is set c.12.5m away from the rear elevation and has a limited width/depth.
- 7.30 The proposed ground floor would abut the rear of the ground floor additions at 23 Station Road. At first floor, the proposed development would be set-back from the rear of 23 by c. 12.5m. An additional floor is then proposed at second floor level and this is c.20m from the rear of Number 23. At present, the existing first floor element is of a relatively modest scale and is set further away from the rear elevation, which allows for relatively open prospect. The degree of separation of the first floor of the development to the rear of 23 would not be too dissimilar to the existing building. However, the overall scale of the building would be greater and bulkier due to the added second floor and its general width across the whole of the plot. Nevertheless, whilst visually bulkier, the separation is sufficient in respect of outlook, natural light and overshadowing for the rear windows within Number 23.
- 7.31 Several small windows serving non-habitable rooms would be located within the rear of the ground floor and these would look back towards the internal walkway under Number 23. A further window would also be located at third floor level and would also face back towards this neighbour. But considering the fenestration arrangement and design it is not considered that there would be an unacceptable loss of privacy or overlooking for the properties within Number 23
- 7.32 Number 19 adjoins Number 23 and is located to the east of the site. This is a small two-storey residential property. The rear elevation of Number 23 already extends marginally beyond the rear of this neighbour and there is a two-storey pitched roof commercial building and site to the rear of this property. This commercial building and yard appear to abut the shared boundary with the application site. The eastern elevation of the development would include windows which overlook the roof of the ground floor commercial unit at Number 17. However, they would set away at an oblique angle to the rear of Number 19. Accordingly, it is not considered there would be an unacceptable loss of privacy for this neighbour. Given the existing relationship and arrangement of the buildings in respect of Number 19, together with the commercial nature of Number 17 it is not considered that the development would result in an unacceptable visual impact in relation to light, outlook, visual bulk or overshadowing.
- 7.33 To the west of the site there are the residential terrace properties of 8-12 Bredhurst Close and 20 -30 Bredhurst Close. These are set around a small grass courtyard which includes two large trees.
- 7.34 Numbers 8-12 are located on the south side of the open courtyard and have their principal elevations facing towards this area of open space. Number 12 sits immediately adjacent to the development site, and projects marginally beyond the rear of Number 23. At present, there is an existing single-storey projection at ground floor within the development site, which abuts the shared boundary with the courtyard and space to the front/side of Number 12. Part of this appears to be an

existing ground floor projection associated with Number 23 and an element associated with the development site. The existing two-storey commercial building within the development site also currently sits flush to the boundary with open courtyard for a length of c.11.8m and, based on the submitted plans, this is set back from the front elevation of Number 12 by c.9.4m. The existing ground and first floor structures have therefore resulted in an established visual bulk along the western boundary of the development site.

- 7.35 The proposed ground floor of the development which is set immediately adjacent to the front of Number 12, would be set-back from the boundary. However, whilst it may be taller than the existing building, the set-back would offset this increase, as it provides a degree of visual relief. The first floor of development, at its narrowest point, would be c.10m away from the rear of Number 12 and would be stepped back within the plot resulting in a c.3m separation to the boundary. Finally, the second floor would also be stepped in plan form, which breaks up the massing of the building. The degree of separation of the second floor to Number 12 would be c.19-20m respectively. The overall height, scale and general bulk of this development would be more dominant in appearance and would have an enclosing effect on the courtyard and properties surrounding it. However, this degree of separation and layout of the building is generally sufficient and would not be unacceptably overbearing. Additionally, in relation to the orientation, it is not considered that it would result in an unacceptable loss of light/overshadowing. There are windows within the west elevation of the development, which overlook the courtyard. These would be primarily at an oblique angle to the rear of Number 12 and wider terrace. Several upper floor windows are located within the lightwells and they would look back towards Number 12, but the degree of separation would be acceptable in respect of privacy and overlooking for these neighbours.
- 7.36 Numbers 14-18 Bredhurst Close are located to the west of the courtyard and the separation to the proposed development would be in excess of c.26m. It is not therefore considered that the development would result in material harm to the residential amenities of these properties by way of an overbearing form of development, lost outlook or overlooking.
- 7.37 Number 20-30 Bredhurst Close is located to the north of the courtyard and to the west of the application site. Number 30 specifically is the residential property which sits immediately adjacent to the development. This property is accessed from the road to the north and the rear garden backs onto the open courtyard. The rear elevation of this property includes windows which appear to serve habitable areas and a small garden. There is also currently a large brick wall along the common boundary and single-storey commercial pitched roof building immediately adjacent, but within the development site. The existing two-storey commercial building also within the development site is situated at the end of the garden of Number 30.
- 7.38 The development would be set across three floors adjacent to this property and wider terrace. This would represent a significant increase in the built form immediately adjacent to this neighbour. In order to break-up the massing, the development has been set-back from the boundary and it also has a staggered western building line. The wider portion of the three-storey part of the building would be c.2.2m away from the boundary and this would stop roughly in-line with

the rear elevation of Number 30. The building then steps further away from the western boundary, with a separation of c.3.2m and this section would have a depth of 5.5m beyond the rear of this neighbour. The remainder of the building then steps inwards again from the western boundary by c.7m in the form of a lightwell and then continues in its staggered layout. At three storeys, the development would project c.16m beyond the rear of Number 30. but as outlined above, this has been staggered to break-up the mass of the built form. This arrangement provides articulation to the building and this would help to break-up the massing. In addition, there is a reasonable degree of separation to the boundary, which provides further visual relief. However, when taking into account the scale of the existing buildings within the application site and outlook currently experienced by this neighbour, it is clear that the height and length of the development immediately adjacent to this neighbour would be very visible from the rear windows and garden, and there would be an impact on the residential amenities of this property in terms of enclosure and dominance.

- 7.39 The development is located to the east of Number 30. The applicant has supplied a daylight, sunlight and overshadowing report in support of the application. This has been based on the original submission, however this related to a deeper and wider scheme than the current proposal and is therefore still considered to be applicable. The report concludes that the impact on the amenities of the immediate neighbours, including 30 Bredhurst Close in respect of overshadowing, daylight and sunlight is within acceptable BRE limits. In addition, due to the orientation, any impact on light/overshadowing would be limited to the morning period.
- 7.40 The proposal includes various windows and openings within the north, east and west elevations of the building. The west elevation, which faces towards 30 Bredhurst Close, includes windows which would sit adjacent to garden/rear of this neighbouring property and terrace. Most of the upper floor units have been designed to be dual aspect and the windows within the upper floors of Units 3 (duplex), 5, 6, 7 and 8 which face towards Number 30 are either secondary windows or serve non-habitable rooms; they could therefore be conditioned to be obscured glazed and non-opening below 1.7m in order to protect the immediate neighbours from direct overlooking and a loss of privacy. However, whilst this would provide direct mitigation, there could still be greater perceptions of overlooking from the development as a result of its scale, proximity with the boundary and number of windows along the western elevation which could adversely affect the neighbours and terrace starting at 30 Bredhurst Close. It is not considered however that there would be adverse harm from the ground floor windows as these would either look out onto the courtyard or a boundary treatment.
- 7.41 To the north and north east of the site there is a four-storey flatted block and a row of two-storey terrace houses. The proposal includes balconies to the east and north, however balconies are noted on the flatted block. These would be overlooking public facing areas generally and the degree of separation between these neighbours to the development is considered to be sufficient and would not result in significant visual harm in respect lost outlook, loss of light, overlooking or a loss of privacy.

Highways - Acceptable

- 7.42 Policy 30 (Parking) sets out the Council's standards for residential parking for new development. Moreover, Policy 6.13 (Parking) of the London Plan also sets standards for new residential development. The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking.
- 7.43 The application site has a PTAL rating of 4. In accordance with Policy 30, developments providing 1-2 bedrooms should have a minimum of 0.7 parking spaces per unit. However, the London Plan states that in areas of good public transport accessibility, such as the application site, developments should aim for less than 1 space for each new residential unit.
- 7.44 The proposal would provide 5 off-street parking spaces to the rear, accessible from Bredhurst Close. These spaces would be created on an existing grass verge, which currently includes several large trees.
- 7.45 Objections have been raised by neighbours with respect to local parking stress, but no objections have been raised by the Highways officer to the level of parking provision or the potential for an increase in on-street parking pressures. However, the area to be used for parking is currently outside of the applicant's ownership and the applicant would be required to purchase the land from the Council. The applicant has had discussions with the Council's asset department relating to the purchase of this land, and these discussions are on-going. Therefore, if the application was deemed acceptable, it would be reasonable and necessary to impose a Grampian condition preventing the commencement of development prior details being submitted, which satisfactorily demonstrate that parking can be constructed and provided in full. This would be needed prior to commencement of the development in order to avoid the situation where development starts and no parking could then be achievable.
- 7.46 The parking spaces are also located on a grass verge with three street trees, which are the subject of a Tree Preservation Order. An application for their removal was permitted earlier this year and this is set out within the History section of this report. Their removal is discussed below.

Trees – Acceptable

- 7.47 Policy 73 relates to development and trees. This states that proposals for new development will be required to take account of existing trees on site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.48 As outlined above, the development site includes a grass verge to the rear, which sits within Bredhurst Close. This land is currently within the Council's ownership, but the applicant is seeking to purchase this land. This verge includes three large Sycamore Trees, which are subject to a Tree Preservation Order. The grass verge and trees contribute to the visual amenity of the area. However, their removal would be necessary to facilitate the area of proposed parking. The applicant has made a Tree Application to have these trees removed and this has been granted consent.

This Tree Application is a material consideration. At present the trees are outside of the applicant's ownership and their removal is at the consent of the Council. As noted, the applicant is seeking to purchase this land and, on completion of this transfer, there would be nothing to prohibit their removal. The removal of the trees and verge would result in the increase in hardstanding, and as such there would be some impact on the appearance street scene as a result of the loss of the trees, however the area is urban in character and a landscaping plan can be conditioned. Therefore, on balance, this impact is acceptable. Two trees are also located within the Courtyard to the west, however from an Arboricultural perspective no objections have raised in respect of harm to these trees from the development.

Contamination – Acceptable

- 7.49 The site has been used for commercial purposes and therefore in accordance with Policy 118 a Phase 1 Desktop Study has already been carried out by Contaminated Land Solutions. which assesses the risk to construction workers and future residents. Several risks have been identified which are classified as Moderate and the recommendation in the Report is to carry out further intrusive sampling. The Council's EHO has not objected to this approach or the findings of the report, provided that a Contaminated land Condition is attached to any permission requiring further investigation. This is a reasonable and necessary condition to protect future occupants. Therefore, no objections are raised in respect of land contamination.

CIL - Acceptable

- 7.50 The Mayor of London's CIL is a material consideration. CIL is payable on this application.

8. CONCLUSION

- 8.1 The development would result in provision of 8 new residential dwellings within a sustainable location, which all achieve a satisfactory standard of accommodation. The development contributes modestly to the borough's overall housing provision. Additionally, the proposal would provide an acceptable level of parking and would not result in an unacceptably highway impact. In respect of neighbouring amenities, there would be some harm to neighbouring residential amenities in terms of dominance, visual bulk and perceptions of overlooking.
- 8.2 In respect of the Council's 5-year housing land supply and the Inspectors conclusions surrounding the recent appeal outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, when weighing up benefits of the development, considerable weight is attributed the provision of new housing within a sustainable location and that the harm arising from the proposal would not significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance the proposal is considered to acceptable.

8.3 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: Application Permitted

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Condition(s)

1. Time limit of 3 years
2. Drawing number

Prior to commencement Condition(s)

3. Surface Water Drainage
4. Construction Management Plan
5. Grampian Condition requiring the provision of land for parking spaces
6. Contamination

Prior to commencement of Groundwork

7. Landscaping Plan (Hard and Soft Landscaping)
8. Details of Materials
9. Details of Refuse Storage and Management
10. Details of Bicycle Storage
11. Scheme of Lighting for Access

Prior to Occupation

12. Parking Space Arrangements
13. Window details with Obscured Glazing

Compliance Conditions

14. M4(2) Compliance.

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

Informative

1. CIL
2. Contamination
3. Crossover
4. Movement of street furniture.