

<b>Committee Date</b>	07.01.2021	
<b>Address</b>	28 Bruce Grove Orpington BR6 0HF	
<b>Application Number</b>	20/01212/FULL1	<b>Officer</b> - Jacqueline Downey
<b>Ward</b>	Orpington	
<b>Proposal</b>	Development of land off Dryden way to rear of No28 Bruce Grove, BR6 0HF, with erection of a flatted development with part two/three stories providing a total of 9 residential units incorporating 4 x one bedroom flats and 5 x two bedroom flats, with new courtyard and communal garden spaces, and new vehicular access with 4 off street parking spaces.	
<b>Applicant</b>	<b>Agent</b>	
Mr C Pasterfield 1386 London Road Leigh On Sea Essex SS9 2UJ	Mr Andrew Harrison 70C High Street Haslemere GU27 2LA	
<b>Reason for referral to committee</b>	Significant Objections / Controversial	<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Areas of Archeological Significance Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 29</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Dwelling	Not specified
Proposed	Flatted development	594

<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	4	5			9
Affordable (shared ownership)					
Affordable (social rent)					
<b>Total</b>	<b>4</b>	<b>5</b>			<b>9</b>

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	3	0
Disabled car spaces	0	1	0
Cycle	0	9	9

<b>Electric car charging points</b>	Percentage or number out of total spaces 0
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<b>Representation summary</b>	<i>Neighbour letters were sent on 15/04/2020 and again on 09/11/2020</i>	
Total number of responses		18
Number in support		0
Number of objections		18

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not have a harmful impact on the visual amenities of the local area
- The proposals would not result in an overdevelopment of the site
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not have adverse impacts on parking or highway safety

## 2. LOCATION

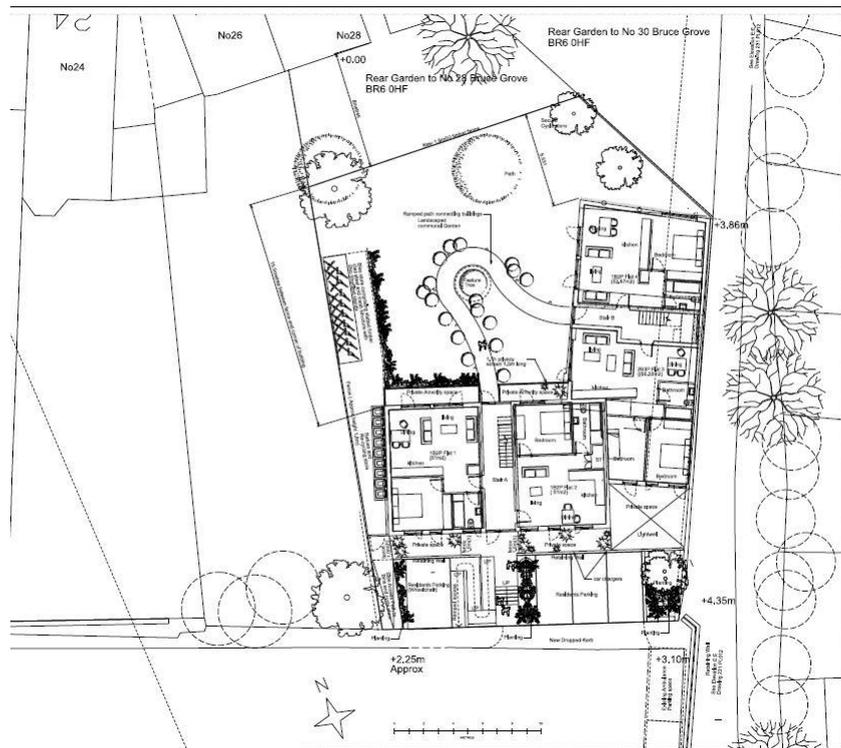
- 2.1 The site comprises of the rear garden of a single dwelling of 28 Bruce Grove which currently hosts a two storey semi-detached property which would be retained. The site would be accessed from Dryden Way which adjoins the rear boundary of the site and is located on the corner of Dryden Way and Lych Gate Road.
- 2.2 The wider area is residential in character on Bruce Grove with mix of single dwellings of typically semi-detached construction and apartments, and is typically two to four storeys in height. To the Dryden Way side, to the south, this arear comprises of a mix of uses incorporating a car park, leisure centre and the Saxon Centre and Orpington College.
- 2.3 The site is situated within an Area of Archaeological Significance.
- 2.4 Site location plan



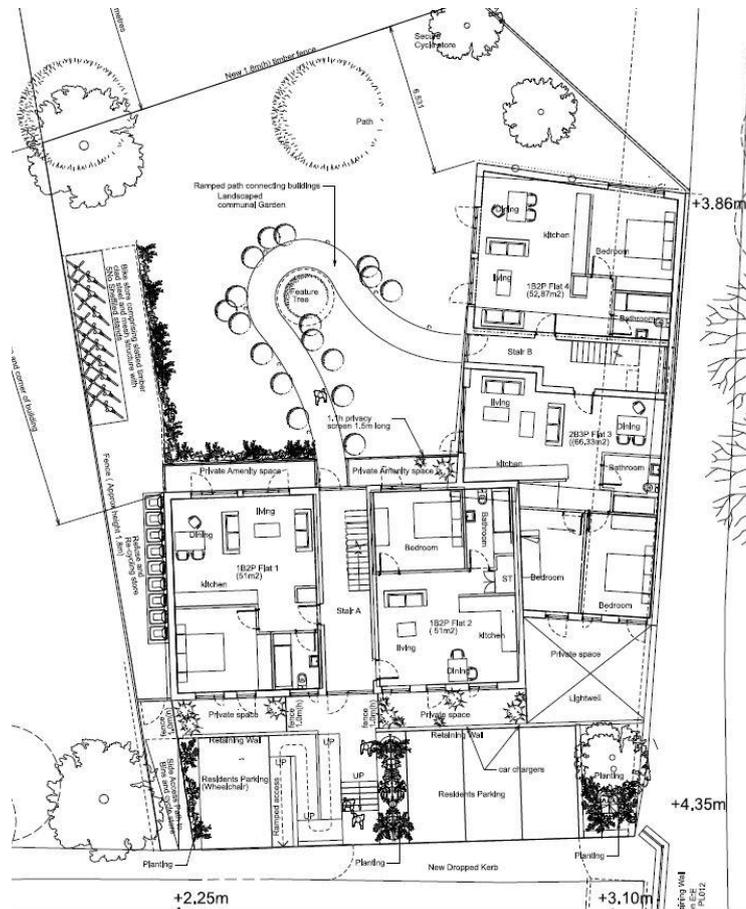
### 3. PROPOSAL

- 3.1 Planning permission is sought for the erection of a part two/three storey building comprising 9 flats (4x one bedroom flats and 5x two bedroom flats) within the rear garden land of NO. 28 Bruce Grove with vehicle access onto Dryden Way and associated landscaping, cycle store and refuse store. A ground floor communal garden area will be provided, along with five private gardens for some of the ground floor flats, three balconies to the front elevation at first floor and the second floor flat will be provided with a terrace along the front, side and rear of the building, and car parking spaces for 4 cars will be provided to the rear of the site.
- 3.2 The building will have a flat roof with a maximum height of 9.4m for the three storey element and 6.9m for the two storey element. The building will be L-shaped with a width of 21.3m and a depth of 22.5m. The building is partially below ground level as a result of the incline of the land which rises from the north to the south.
- 3.3 The application is a resubmission following a refusal under ref. 19/04343/FULL1 for the development of land off Dryden way to rear of No28 Bruce Grove, BR6 0HF, with erection of a flatted development with part two/three stories providing a total of 9 residential units incorporating 2x studio flats 3x one bedroom flats and 4x two bedroom flats, with new courtyard and communal garden spaces, and new vehicular access with 4 off street parking spaces.
- 3.4 The application is supported by the following Documents:
  - Design and Access Statement
  - Planning Statement
  - Floor area details
  - Historic Environment Desk Based Assessment
  - On Street Parking Stress Survey

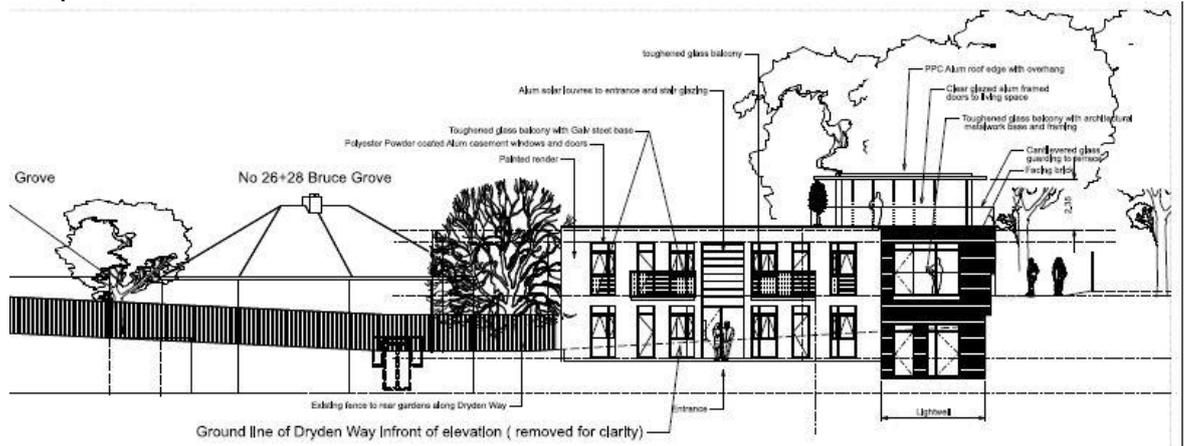
### 3.5 Proposed site plan



### 3.6 Proposed ground floor plan



### 3.6 Proposed front elevation



## 4. RELEVANT PLANNING HISTORY

4.1 19/04343/FULL1 - Development of land off Dryden way to rear of No28 Bruce Grove, BR6 0HF, with erection of a flatted development with part two/three stories providing a total of 9 residential units incorporating 2x studio flats 3x one bedroom flats and 4x two bedroom flats, with new courtyard and communal garden spaces, and new vehicular access with 4 off street parking spaces – REFUSED

4.2 The application was refused for the following reason:

1. The proposal, by reason of its form, design, layout and site coverage would constitute a cramped overdevelopment of the site that would be out of character with the established form and layout of neighbouring development and detrimental to the character of the area, contrary to Policies 4 and 37 of the Bromley Local Plan.
2. The proposal, by reason of its height, massing, siting and fenestration, would have a detrimental impact on the amenities of neighbouring residential properties by way of an oppressive visual impact, loss of outlook, light and privacy, thereby contrary to Policies 4 and 37 of the Bromley Local Plan.
3. The proposal fails to provide adequate private outdoor amenity area for some of the proposed units, providing an unsatisfactory quality of residential accommodation, detrimental to the living conditions and amenity of future occupants of the proposed flats, and contrary to Policies 4 and 37 of the Bromley Local Plan, Policy 3.5 of The London Plan and the Mayor's Housing Supplementary Planning Guidance. The proposal fails to provide adequate private outdoor amenity area for some of the proposed units, providing an unsatisfactory quality of residential accommodation, detrimental to the living conditions and amenity of future occupants of the proposed flats, and contrary to Policies 4 and 37 of the Bromley Local Plan, Policy 3.5 of The London Plan and the Mayor's Housing Supplementary Planning Guidance.
4. The site lies within an area of archaeological interest and no assessment of the likely effects of the development on the significance of heritage assets such as a desk based assessment has been submitted, therefore insufficient information has been submitted to determine the significance of the site and impact of the

development on heritage assets, contrary to Policy 46 of the Bromley Local Plan and Policy 7.8 of the London Plan.

- 4.3 The decision has been appealed however at present no decision has been issued by the Planning Inspectorate.

## 5. CONSULTATION SUMMARY

### A) Statutory

**Historic England - No Objection-** I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. I therefore recommend a condition on any consent.

**Highways – No Objection** - The vehicle and pedestrian access is off Dryden Way. The site is within a moderate (3) PTAL area. The parking provision within the Local Plan gives a range between 0.7 – 1 space per unit resulting in 7 – 9 spaces. There are 4 spaces being provided (0.44 spaces per unit) resulting in a shortfall of 3 – 5 spaces. There appears room to provide another space on the frontage.

There are no other residential units in Dryden Way which is the service road that leads to the multi storey car park and servicing for the units in The Walnuts. There is Pay & Display parking in Dryden Way.

The surrounding roads have parking controls so it would be difficult to leave a car on the street all day without payment. The site is within walking distance of the High Street with its shopping and other facilities.

I would prefer to have at least 0.5 spaces per unit as this has been permitted for other developments nearby. However, I think the low parking provision is unlikely to be a strong enough ground for a refusal on its own but it does suggest that the site is being overdeveloped and more parking or less units should be proposed.

The site is below the level of Dryden Way and the parking spaces need to be level.

Standard conditions are recommended if permission is forthcoming.

**Drainage** - No objections subject to a standard condition

**Thames Water** – No objections - advise that with regard to waste water network and sewage treatment works infrastructure capacity, they would not have any objection to the above planning application, based on the information provided.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application subject to an informative.

**Crime Officer** – No objections - Designing Out Crime Group London will **not be** seeking to have planning conditions relating to crime and criminality and Secured by Design on

applications of less than ten residential units. However, I see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products. I would, therefore, encourage as a minimum the use of the following measures for this application:

- *Main entrance door leading into the dwelling communal area should meet PAS24 2016 or alternative Secured by Design Standard*
- *Flat entrance doors should meet PAS24 2016. or alternative Secured by Design Standard*
- *Any other external doors leading into the dwelling should meet PAS24 2016 or alternative Secured by Design Standard. (This would include the terrace doors on the ground and the balcony doors).*
- *Any ground floor or other accessible windows (including climbable balconies and rooflights) to be PAS24 2012 or alternative Secured by Design Standard*
- *Mail Delivery if not in the property front door, should be via boxes in a secure lobby area, through the wall or external boxes.*
- *Audio visual entry access control system to be employed.*
- *Utility meters should be located outside of the dwelling at a point where they can be overlooked or intelligent smart meters with automatic signaling are an acceptable alternative. .*
- *Any bicycle stands should be a galvanised steel bar construction (minimum thickness 3mm) with a minimum foundation depth of 300mm with welded 'anchor bar'*
- *Parking should be allocated, and protectable to prevent dispute.*

## **B) Local Groups**

None received

## **C) Adjoining Occupiers**

### Overdevelopment and out of character (addressed in para 7.2 and 7.3)

- new application does little to address the grounds of refusal
- Impact on character, appearance and context
- Inappropriate scale and density (overdevelopment)
- Inappropriate design and materiality
- Non-compliance to Side space policy H9
- Non-compliance to LHDG standards
- There has been no attempt to address the overdevelopment of the site and impacts to No26. 28 and 30 Bruce Grove
- principle of development should not be considered acceptable, the proposed site is the rear garden of number 28 Bruce Grove and not urban land as described/stated in the applicants Design and Access statement.
- introduction of flatted development to the rear of 28 Bruce Grove would introduce a new dwelling typology which will fundamentally alter the character of Bruce Grove
- Nine flats on the same plot size as a typical single residential dwelling in this location would be wholly out of keeping with the character of the area and would have a detrimental impact on the context of the area.

- The proposed retained garden of No.28 Bruce grove has now been significantly reduced resulting in only 130m<sup>2</sup>
- The proposals equate to 112.5 dwellings per hectare (9 dwellings on a plot size of 0.08 ha), whereas the typical density along Bruce Grove is more akin to 25 dwellings per hectare (1 dwelling on a plot size of 0.04 ha).#
- the third storey is inappropriate development, which is out of context with the surroundings.
- Modern contemporary design does not respect the traditional dwellings
- The choice of materials, glass and cladding, used does not address those used in the surrounding area and is not sympathetic to established residential context.
- At present the proposals are unacceptable, conflicting with both Policy H9, 3 and 4 of the Local Plan.

#### Impact on residential amenities (addressed in para 7.6)

- Unacceptable impact on the residential amenity of existing residents (loss of privacy)
- Loss of sunlight, overshadowing, and lack of high standard of separation and landscaping
- third storey glass element of the schemes design in particular will have a detrimental impact on the quality of amenity for the existing residents,
- third-floor amenity terrace on the proposed development would lead to direct overlooking into the neighbouring gardens along Bruce Grove
- direct views introduced into the gardens of Bruce Grove and Lodge Crescent.
- "a high standard of separation" which we do not consider to have been appropriately addressed

#### Standard of accommodation (addressed in para 7.5)

- No provision of wheelchair units (10% to be provided)
- scheme design is incomplete as lacks service riser and utility cupboards, which when introduced will result in a loss of internal floor area to the flats, and substandard accommodation being provided
- couple of units within the scheme that are not achieving the dual aspect standard
- Flat 3 whilst achieves circa 42m<sup>2</sup> NIA, which is only slightly above the 37m<sup>2</sup> minimum requirement
- This flat will likely be occupied by a couple and could result in cramped accommodation standards.

#### Nature conservation and biodiversity (addressed in para 7.9 and 7.10)

- Trees and loss of visual amenity and wildlife habitat
- Mature and establish trees in the garden of 28 Bruce Grove were only recently felled by the applicant prior to the submission of the previously refused application.
- This resulted in a significant impact and loss of visual amenity and habitation to the local wildlife (birds and squirrels).

### Car parking (addressed in para 7.7)

- Lack of car parking
- In PTAL 3, unrealistic to expect residents to not have at least one car per dwelling.
- only offer 4 car parking spaces, meaning the remainder of the dwellings will park their cars on the nearby residential streets, causing disturbance to the local residents.

### Sustainability (addressed in para 7.10)

- Lack of sustainability measures - Energy and CO2 standards 6.2.1 LHDG standard (zero carbon). No energy statement submitted.

### Topography misleading (addressed in para 7.3 and a condition)

- two new sections titled 'existing sections/elevations' are misleading and as no topographical survey has been provided to verify levels, these should be ignored
- applicant is required to state, floor/slab, ridge height and eaves levels on the planning drawings, and an AOD as a point of reference added.

### Comments received following amended plans dated 29/10/2020 (addressed in para 7.3 and 7.6)

- It is also disappointing that this appears to be the third version of the application which is currently 'live' as the first one is currently pending appeal and I am not aware the second, submitted earlier this year, has been withdrawn.
- I cannot see anything in the latest plans that overcomes the majority of my previous objections
- The proposals are completely unsuitable for a domestic garden in a residential area of semidetached houses.
- The design and materials are totally out of place in the immediate area.
- The density of the planned development is far too great for the location proposed.
- There is insufficient car parking for the number of units proposed.
- The height and location of the proposed development, even as amended, gives rise to serious
- privacy issues for neighbours on all sides.
- It is disappointing that there are still no large trees proposed as screening on the footpath/Lodge Crescent side of the development.
- I cannot see that the proposals comply with Planning regulations and guidelines.
- new plans still represent a serious over-development of the site and neither the east or west boundaries appear to meet side space requirements.
- eastern boundary is far too close to the footpath,
- height of the proposed development including the terrace means there are still serious privacy issues in regard to neighbouring properties on all sides.
- welcome the change in terms of the orientation and the flat block which now fronts Dryden Way, however this only demonstrates that the site is still over developed
- contrary fire to regulations in terms of fire breakout through the windows and spread of flame on the façade.

- There had been a setting back and slight reduce in the massing of the northern end of the block but I note the terrace garden stills remains which does little to address the loss of privacy and noise impact from its use.

## **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 National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.

6.9 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).

6.10 The application falls to be determined in accordance with the following policies:

London Plan 2016:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Draft London Plan

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

Bromley Local Plan

Policy 4 - Housing Design

Policy 8 - Side Space  
Policy 30 - Parking  
Policy 31 - Relieving Congestion  
Policy 32 - Road Safety  
Policy 33 - Access for All  
Policy 37 - General Design of Development  
Policy 46 – Scheduled Monuments and Archaeology  
Policy 73 – Development and Trees  
Policy 77 - Landscape Quality and Character  
Policy 112 - Planning For Sustainable Waste Management  
Policy 113 - Waste Management in New Development  
Policy 116 - Sustainable Urban Drainage Systems (SUDS)  
Policy 117- Water and Wastewater Infrastructure Capacity  
Policy 119 - Noise Pollution  
Policy 120 - Air Quality  
Policy 122 - Light Pollution  
Policy 123 - Sustainable Design and Construction  
Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

#### Additional guidance

Housing: Supplementary Planning Guidance. (March 2016)  
Technical Housing Standards - Nationally Described Space Standard (March 2015)  
Supplementary Planning Guidance 1  
Supplementary Planning Guidance 2

## **7. ASSESSMENT**

### **7.1 Resubmission**

7.1.1 The proposal is a revised scheme following a refusal under ref. 19/04343/FULL1 for development of land off Dryden way to rear of No28 Bruce Grove, BR6 0HF, with erection of a flatted development with part two/three stories providing a total of 9 residential units incorporating 2x studio flats 3x one bedroom flats and 4x two bedroom flats, with new courtyard and communal garden spaces, and new vehicular access with 4 off street parking spaces.

7.1.2 The principal amendments comprise of the following:

- the repositioning of the two storey rear part of the 'L' shaped block from the rear of the site to towards the site frontage so that it would be set back 24m from the existing dwelling at No. 28 as opposed to 12m previously proposed
- re-configuration of the communal gardens
- change in the size of the units to 4 x one bedroom flats and 5 x two bedroom flats
- provision of private gardens at ground floor for flats 1, 2 and 3 and three balconies at first floor

## 7.2 Principle of Development

- 7.2.1 Following the previously refused application ref. 19/04343/FULL1, 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 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.
- 7.2.5 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.
- 7.2.6 The London Plan places an emphasis on the provision of housing and encourages development proposals to optimise a site's potential. The National Planning Policy Framework places a similar focus on ensuring planning policies and decisions

promote an efficient use of land in meeting the need for homes and other uses. However, the definition of previously developed land in the NPPF excludes land in built up areas such as private gardens.

- 7.2.7 This application includes the provision of 9 residential units in the rear garden of a site and would represent a material 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.
- 7.2.8 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.2.9 The site is surrounded by residential dwellings and blocks of flats along Bruce Grove and Lodge Crescent and commercial and other non-residential uses to the southern side of the site along Dryden Way. The site is currently developed for a less dense residential use with a single residential house on a large plot. Therefore the provision of a residential block on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, archaeology, sustainable design and energy, community safety and refuse arrangements.

### 7.3 Design

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 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.

- 7.3.4 London Plan and Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 Policy 1 (Housing) aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites. The suitability of windfall sites for housing purposes will be assessed against criteria: whether the site comprises previously developed land; the location of the site; the capacity of existing and potential infrastructure; physical and environmental constraints on the development site and the need to retain the existing land use on the site.
- 7.3.6 Policy 4 of the Bromley Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of;
- density;
  - a mix of housing types and sizes, or provision of house types to address a local shortage;
  - the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas;
  - provision of off street parking;
  - the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and
  - security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.3.7 Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".
- 7.3.8 Policy 37 requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.
- 7.3.9 Policy 8 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.
- 7.3.10 The predominant urban character of this area is mixed in design and form with a range in scale and massing in the surrounding buildings incorporating two storey

semi-detached dwellings, terraced dwellings and some newer flatted development, such as at Blakely and Harrington apartments, on Bruce Grove and Lodge Crescent. On Dryden Way, upon which the proposal would front, incorporates a mix of commercial, education and community uses which vary in size and height with one to three storey buildings and a multi storey car park. The design of a new building at the site should therefore take cue from the prevailing development heights within the locality and be sensitively designed in response to the prominence of the site.

7.3.11 This corner of the road on Dryden Way upon which the development would be sited is presently formed of the rear gardens of properties on Bruce Grove therefore is undeveloped. There is development on this side of the road, further to the west of the site forming part of the Walnuts Shopping. Following the previously refused application ref. 19/04343/FULL1 which projected significantly into the site, near to the rear building line of the existing dwelling at No. 28, with a separation of 12m from the rear of the existing property, the proposal development would now have a greater frontage on to Dryden Way with the two storey element which spans the width of the site being repositioned close to Dryden Way with a separation of 24m from No. 28 Bruce Grove. The properties further along Bruce Grove to the west have rear gardens of a lesser depth than the application site, there is a minimum separation of approx. 16m to the main rear building line of Nos. 6 to 18 Bruce Grove and The Walnuts. Although the three storey element would continue to sited in a similar position, it is set back from the rear of the property and there is a separation of 14.7m to this part which is similar to the separation of properties to the west, and the proposed development would now provide a substantial green space between the proposed development and No. 28 Bruce Grove, to the rear of the property which would better reflect the surrounding plot sizes and pattern of development. Although the rear garden of 28 Bruce Grove would continue to be reduced in depth to 8m, its rear garden and the communal garden of the development would still provide the sense of separation between the properties which is consistent the separation between the neighbouring properties to the west and the Walnuts and therefore would now not appear overdeveloped or out of character with the area.

7.3.12 It is noted that there are two and three storey commercial, community and blocks of flats surrounding the site as detailed above. Given that the design includes a part two and three storey design and the three storey element is set in from the first floor to the front and sides and would have glazed elevations which would soften its appearance. There is also taller development in Dryden Way including the multi storey car park on the opposite side of the road to the west and the college to the south. The overall height is not considered to be excessive or out of character with the prevailing development of this part of Dryden Way.

7.3.13 The proposed building would be situated in close proximity to the eastern flank boundary with a gap of between 0.2m and 0.1m with a retaining wall along the boundary which would not comply with the minimum side space requirements of Policy 8 which requires 1m minimum separation to the boundary for the full height and length of the development. The site lies adjacent to a public footpath to the eastern boundary and on the other side of the footpath are the rear gardens of dwelling on Lodge Crescent. Therefore, the proposal would still be set back significantly from the development to the east of the site and given its siting abutting

a public footpath, this land would not be likely to be developed. To the western side, the proposal would be set back by 4m and 5.5m from this side boundary at its closest point with a further separation of 12.1m to the front of the development. Therefore, it is considered that the proposal would not result in a harmful terracing effect. Also given that the proposal would be more concentrated to the front of the site it is not, as previously considered under ref. 19/04343, that the separation is indicative of an overdevelopment of the site. The siting of the development along the footpath also provides a greater separation from the adjacent side boundary of No. 26 Bruce Grove.

7.3.14 The proposed elevations encompass a flat roof and a contemporary architectural design and use of materials including glazed walls and a mix of finishes including render, facing brickwork and timber. Having regard to the development in Dryden Way, these materials would complement the area, which comprises a mix of finishes and architectural form. In addition, the elevations will be provided with interest and visual breaks in terms of massing and window details and will not appear bland or without architectural interest.

#### 7.4 Density

7.4.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 112 dwellings per hectare across the resulting site with the table giving a suggested level of between 70 - 170 dwellings per hectare in urban areas with a PTAL rating of 3. The proposals would therefore result in a density that would be within the recommended density for the site, and whilst the density recommendations should not be applied mechanically and should take account of the character and density of the general area, given the examples of other flatted development in the area and proximity to the town centre, it is considered that the density of the development would be appropriate for the location.

#### 7.5 Standard of Residential Accommodation

7.5.1 Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

7.5.2 The floor space size of each of the proposed units in the building ranges between 50m<sup>2</sup> and up to 75m<sup>2</sup>. In the previously refused scheme 2 studios flats were proposed however the current proposal would involve only one bedroom and two bedroom flats. The nationally described space standard requires a gross internal area of 50m<sup>2</sup> for a 1 bedroom 2 person unit, 61m<sup>2</sup> for a 2 bedroom 3 person unit and 70m<sup>2</sup> for a two bedroom 4 person unit of gross internal floor area, all of which are only one level. On this basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

7.5.3 The shape and room sizes in the proposed building are considered satisfactory. Each flat has a dual aspect for outlook, light and ventilation including the main

habitable rooms having views over the communal garden or open views over the street.

- 7.5.4 All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony.
- 7.5.5 In terms of amenity space, there is a further provision of private amenity spaces than the previously refused scheme with the provision of three balconies to the first floor flats 5, 6 and 7 all flat. One of the ground floor and first floor flats would not be provided with a private amenity space however given the reconfiguration of the site, the communal garden has been improved significantly with a large communal garden to the rear of the site and given the constraints with the neighbouring residential properties on Bruce Grove to the rear of the site there are privacy issues with providing a balcony to flat 8, it is considered that the level of amenity space provided in terms of private and communal gardens is considered to provide a satisfactory standard of accommodation to the future occupiers of the proposed units.
- 7.5.6 Given that only 2 compared to 5 previously proposed (ref. 19/04343) of the proposed units would not benefit from any private amenity space, the amount of amenity space which would be provided as part of the development is considered acceptable.

## 7.6 Neighbouring Amenity

- 7.6.1 Policy 37 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.
- 7.6.2 Following the previously refused application ref. 19/04343 where the proposed building was situated at its closest point at a distance of 12m from the existing dwelling at No. 28 and semi-detached property (No. 26). The proposal would now provide a separation of 24m immediately to the rear of No. 28 and 17.9m from the main dwelling for the set back element which is three storeys. The resiting of the two storey element towards the front of site, facing Dryden Way, would significantly improve the visual impact of the development on the neighbouring properties on Bruce Grove over the refused scheme (19/04343) so that it would not now appear oppressive or overshadow the neighbouring properties, Nos. 26 and 28, given the level of separation provided which is considered sufficient to alleviate the visual impact on the neighbouring properties.
- 7.6.3 In terms of outlook from the resultant building, the fenestration arrangement will provide mainly front, rear and side outlook for each unit at ground and first floor and there would be fenestration to all elevations at second floor. However at second floor the east elevation facing Lodge Crescent, the fenestration to the apartments would be obscure glazed instead of one way glass previously proposed under ref. 19/04343 and the terrace would have a privacy screen along this elevation and at

first floor only a window to the staircase is proposed which would prevent a harmful loss of privacy to the neighbouring properties on Lodge Crescent, having regard also to level of separation to this side some screening provided by the tall trees, on balance, it is not considered that the proposed would result in a seriously harmful impact on the privacy and outlook of neighbouring properties on Lodge Crescent to warrant the refusal of the application on this basis.

- 7.6.4 The front windows and balconies would overlook the adjacent roads of Dryden Way and Lych Gate Road which would not overlook any neighbouring properties on these roads. There would not be any side windows within the western elevation adjacent to the rear garden of 26 Bruce Grove and the side windows to the set back element of the western elevation would be separated by at least 15.3m from the side boundary. The separation of 24m to the existing property at No. 28 and further separation to the main dwelling at No. 26. These distances to the neighbouring properties on Bruce Grove are considered to be sufficient to prevent a significantly harmful loss of privacy to these neighbouring properties.
- 7.6.5 In terms of the second floor roof terrace, the proposal would incorporate a privacy screen of 1.7m in height along its rear part adjacent to No. 28 and at the front along its side adjacent to the public footpath therefore it will not overlook the neighbouring properties adjacent to the site of Bruce Grove and Lodge Crescent.

## 7.7 Highways

- 7.7.1 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.
- 7.7.2 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
- 7.7.3 London Plan and Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.7.4 The Council's Highway Officer has reviewed the current application and not raised objection in this regard. The parking provision within the Local Plan gives a range between 0.7 – 1 space per unit resulting in 7 – 9 spaces. There are 4 spaces being provided (0.44 spaces per unit) resulting in a shortfall of 3 – 5 spaces. The surrounding roads have parking controls so it would be difficult to leave a car on the street all day without payment. The site is within walking distance of the High Street with its shopping and other facilities.

- 7.7.5 The Highways Officer advises that at least 0.5 spaces per unit should be provided for the development however the level of parking is not considered to be so significant an issue to warrant the refusal of the proposal on highways grounds. No concerns were raised by the Highways Officer in terms of the access arrangements.
- 7.7.6 A cycle store is proposed to the rear of the site with 9 cycle spaces provided. The required level of cycle spaces would be 13 for the 9 flats with 4 x two bedroom units. The provision would be slightly less than the required level. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 1 cycle space per 1 bedroom unit and 2 spaces per all other dwellings. Policy 6.9 (B)(a) states that developments should provide integrated, covered, convenient and accessible cycle parking facilities. The proposal would meet the requirement limit as set out in the London Plan. The access to the cycle store is convenient given its sited to the side of the development.
- 7.7.7 All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units in a separate store towards the front of the site adjacent to Dryden Way. The location point is considered acceptable within close proximity of the highway for collection services.

## 7.8 Heritage Assets

- 7.8.1 The site lies within an area designated as a Archaeological Priority Area. NPPF Section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF section 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. A field evaluation may also be necessary.
- 7.8.2 A desk based assessment has now been provided for this resubmission scheme, this report indicates that the main interest is with the Mesolithic archaeology recorded within the immediate area but that the potential for this site would be interpreted to be low. Historic England has provided have not raised any objections to the assessment or proposal, although the proposal could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition

## 7.9 Trees

- 7.9.1 An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers. There are currently no trees on this part of the site as it appears that some trees have been felled around the time of the previous application. The development provides an opportunity to provide a new planting scheme. A landscaping condition can be imposed to secure details of this.

## 7.10 Sustainability

- 7.10.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies

advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

7.10.2 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

7.10.3 Whilst no specific information has been provided indicating what sustainability measures would be used to ensure that the development strives to achieve the objectives as set out above, the Planning Statement and Design and Access Statement state that the development will strive to achieve these objectives and taking into account that this is a new development it is considered that these objectives could be met.

#### 7.11 CIL

7.11.1 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 had regard to the above it is considered that the development in the manner proposed is acceptable in that it has fully addressed the previous reasons for refusal, would not result in a significantly detrimental impact on the character of the area and in that it would not have a detrimental impact on the character of the area, would not impact detrimentally on the amenities of neighbouring residential properties and would provide an acceptable standard of accommodation for future occupants. Additionally, the provision of 9 new dwelling unit would make a material contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.2 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**
- 2. Standard compliance with plans**
- 3. Construction and Environmental Management Plan**
- 4. Scheme for surface water drainage**
- 5. Slab levels required**
- 6. Piling method statement**

- 7. Details of arrangements for bicycle parking**
- 8. Surface water Highways**
- 9. Parking spaces compliance**
- 10. Obscure glazing**
- 11. Landscaping scheme implementation**
- 12. Materials as in application forms/drawings**
- 13. Hardstanding for wash down facilities**

#### **Informatives**

- 1. Groundwater Risk Management Permit**
- 2. Minimum water pressure**
- 3. Consult the Street Naming and Numbering**
- 4. CIL liable**
- 5. Contact the Pollution Team of Environmental Health & Trading Standards**

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