

Committee Date	22 nd July 2021		Agenda Item:
Address	34 West Common Road Hayes Bromley BR2 7BX		
Application number	20/05027/FULL1	Officer Agnieszka Nowak-John	
Ward	Hayes And Coney Hall		
Proposal (Summary)	Demolition of existing buildings and redevelopment with the construction of a new three storey building to provide a 50-bed residential care home (Use Class C2), including communal facilities, access, car parking and landscaping.		
Applicant		Agent	
Barchester Healthcare Limited Anniversary House 23 Abbott Road Bournemouth BH9 1EU		Ms Jo Tasker Ken Parke Planning Consultants Anniversary House 23 Abbott Road Bournemouth BH9 1EU	
Reason for referral to committee	Outside Delegated Authority		Councillor call in YES

RECOMMENDATION	PERMISSION SUBJECT TO S106 LEGAL AGREEMENT AND PLANNING CONDITIONS.
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KEY DESIGNATIONS
<ul style="list-style-type: none"> • Conservation Area (adjoining)

Land use Details		
	Use Class	Floor space (SQM)
Existing	B1(c) - Light industrial	717.3

Proposed	C2 - Residential institutions	2896
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Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	N/A	17	17
Disabled car spaces	N/A	2	2
Cycle	N/A	12	12

Electric car charging points	20% (4) spaces with active provision, remaining 80% passive provision
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Representation summary	A site notice was displayed from 08.02.2021. Neighbour letters were sent on 21.01.2021. A press ad was published in News Shopper on 03.02.2021.	
Total number of responses		26
Neutral		3
Number of objections		23

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£145,464	Yes
Healthcare	£53,750	Yes
C2 Use Class	N/A	Yes
Total	199,214	Yes

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application site has the benefit of two extant planning permissions for specialist older persons accommodation in class C3 use.
- The proposal for additional good quality, suitable, specialist older persons accommodation, including dementia care (Use Class C2) is supported.
- The proposed design would not detract from the character and appearance of its surroundings and the adjacent conservation area.
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers.
- The proposed development would not cause unacceptable harm to biodiversity and trees.
- No unacceptable highway impacts would arise.

1. LOCATION

- 1.1 The site is located in a prominent position on the north-west corner of West Common Road and Ridgeway. It has an area of approximately 0.3 hectares which is currently occupied by six disused, single storey buildings previously used for office and storage. The site was last used by a heating and plumbing engineering company until July 2017.



Fig.1 Site location plan and an aerial view (source: Design and Access Statement).

- 1.2 The site has a very slight rise in southern direction and is currently predominantly hard surfaced except for a small overgrown grassed area adjacent to the northern boundary.
- 1.3 The surrounding streets are predominantly residential in character. A two storey, detached dwelling at 32 West Common Road sits along the north boundary and The Knoll, a street of two-storey interwar period dwellings, sits to the rear (west). To the south of the site, on the opposite side of the West Common Road/Ridgeway junction, is 56 West Common Road, a substantial two-storey semi-detached dwelling. Further north beyond No 32 there are two more modern detached properties, The Priest House and Our Lady of the Rosary Roman Catholic Church. Opposite the site are Hayes School playing fields which are bounded along the roadside by a line of mature conifers. From Ridgeway the site is separated from the highway by an area of grass containing two tall mature trees.
- 1.4 The application site falls outside but is adjacent to the Hayes Village Conservation Area.
- 1.5 The site lies within a 500-metre level walk of Hayes Town centre and the railway station. It has a PTAL rating of 2/3 (on a scale of 0 - 6b, where 6b is the

most accessible), which indicates low/moderate level of accessibility to public transport.

2. PROPOSAL

- Demolition of all existing buildings;
- Construction of a 3 storey, 50 bed care home (Use Class C2), providing accommodation and care for '*the elderly, infirm and those suffering from dementia*';
- Total GIA 2896.0m (57.9m² per resident);
- Provision of 19 car parking spaces, including 2 Blue Badge spaces;
- 6 Sheffield type stands which would allow for 12 cycle spaces;
- Provision of electric buggy store; and
- A stand-alone substation measuring approx. 4m x 4m and a maximum height of x 4.2 (3m to the eaves).

2.1 The application site has the benefit of 2 extant permissions for specialist older persons accommodation (see Section 3 of this report). This current application proposes a very similar form of development to the one allowed on appeal (ref. APP/G5180/W/19/3235672). For the purpose of this report this scheme would be referred to as a 'fallback' scheme. The following changes are now proposed to facilitate the residential care home use:

- Amendment to the rear elevation, offering less windows and the removal of individual balconies and a new larger communal screened balcony area;
- The reorganisation of the ground floor services area to bring the refuse closer to the roadside for collection;
- PV panels added within 'sunken' flat roof;
- Addition of air source heat pumps.



Fig.2 Computer generated image (CGI) - view of the proposal from West Common Road.

2.2 In terms of site layout (see Fig.3 below), the current proposal is similar to the fallback scheme but with a reduced number of car parking spaces. Internally, the ground floor would accommodate a foyer, lounge, dining areas, offices, hair and beauty room, café, mobility scooter store, refuse store and 13 bedrooms.

The first floor would house lounge and dining areas, terrace, activity room, kitchen, and 19 bedrooms. The second floor would accommodate 18 bedrooms with lounge and dining areas.



Fig.3 Proposed site layout.

3. RELEVANT PLANNING HISTORY

- 3.1 90/02153/FUL - Planning permission was granted for a detached single storey storage building (Section 63 Application) (04.10.1990).
- 3.2 06/00444/FULL1 - Planning permission was granted for a single storey office extension, 2m high boundary fence and 36 car parking spaces (24.05.2006).
- 3.3 18/01537/FULL1 - Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping. Refused on 21.02.2019 for the following reason:

The proposed development by reason of its prominent siting, height, scale, massing, dominant design and excessive degree of site coverage in this prominent location, represents an uncharacteristic punctuation in the streetscene out of character and context to the scale and massing of the existing buildings and general pattern of lesser scale of development in the vicinity harmful to the visual and residential amenities of the area and contrary

to Policies 4 and 37 of the Bromley Local Plan (2019) and Policies 7.4 and 7.6 of the London Plan (2016).

- 3.4 18/01537/FULL1 - Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping. Refused on 21.02.2019 for the following reason:

The proposed development by reason of its prominent siting, height, scale, massing, dominant design and excessive degree of site coverage in this prominent location, represents an uncharacteristic punctuation in the streetscene out of character and context to the scale and massing of the existing buildings and general pattern of lesser scale of development in the vicinity harmful to the visual and residential amenities of the area and contrary to Policies 4 and 37 of the Bromley Local Plan (2019) and Policies 7.4 and 7.6 of the London Plan (2016).

- 3.5 The subsequent appeal (APP/G5180/W/19/3235672) was allowed on 03.03.2020. It was clarified at the hearing that the reference to the effect of the proposal on the residential amenities of the area in the above reason for refusal, did not refer to harm to the living conditions of neighbouring occupiers. Instead, it related to a concern regarding an impression of enclosure caused by the proposed building. It was agreed that this was relevant to assessment of the proposal's effect upon the character and appearance of the area. The Inspector found that the proposal would not harm the character and appearance of the surrounding area.
- 3.6 19/03215/FULL1 - Demolition of existing buildings and redevelopment to form 25 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping. Permission granted on 12th June 2020.
- 3.7 Both of the above permissions represent significant material considerations in the assessment of the current proposal.

Hayes Bowls Club

- 3.8 DC/19/01794/FULL1 - Change of use of the existing bowls pavilion to D1 (non-residential institution use), and erection of a 3 storey building plus basement to provide a 60 bed care home (Use Class C2), with associated outdoor and indoor amenities, parking spaces and landscaping. Was refused and subsequently appealed (APP/G5180/W/20/3249202) and allowed on 25th February 2021.

4. CONSULTATION SUMMARY

4.1 Statutory

- Clinical Commissioning Group – No objection
- Thames Water – No objection.

4.2 Local groups

- The Royal Society for the Protection of Birds (RSPB) Bromley Local Group – recommends the installation of 15 integral swift nest bricks to be secured via condition.

4.3 Adjoining Occupiers

Objections:

General (addressed in section 6.1 of this report, as well as paragraph 4.4 below):

- question over the need for 2 care homes within 500m of each other;
- the care home should be affordable;
- proposed use entirely out of keeping with the local residential area;
- more details of PV panels should be provided.

Transport (addressed in section 6.5 of this report):

- further increase in traffic, congestion and parking stress;
- inadequate parking;
- parking area would not allow for all of the deliveries required for running a 50 bed care home
- impact on highway safety, more difficult for students to safely cross the road;
- impact on pedestrians;
- the road is very narrow at the place of construction and the heavy goods vehicles and plant needed during the construction will provide significant disruption to the thoroughfare of the road;
- the area will be blighted by heavy construction traffic on roads entirely unsuited to HGVs;
- transport assessment compiled during lockdown.

Design (addressed in section 6.2 of this report):

- 3-storyes is too high to fit in with surrounding area;
- too large for the size of the site – overdevelopment;
- the building is of no architectural merit;
- considerably less sensitive than the development proposed by Renaissance Living for this site;
- proposed development is overpowering in height, length and intensity for such a small plot serviced by a narrow road and pavement;
- there doesn't seem to be much space around the building;
- negative impact on the adjacent Conservation Area;
- the old Stevenson's site contains some of the last remnants of Hayes Place and so must surely be worthy of protection.

Amenity (addressed in sections 6.3, 6.4 and 6.6 of this report):

- noise created by the generator;
- unacceptable noise intrusion from the electric substation and possible health issue due to the proximity to the substation. It should be repositioned to elsewhere within the site;
- an impact statement (Health and Acoustic) to help allay concerns

- 50 residents and staff in such a small space doesn't allow for a very pleasant and airy room or much space to move if confined to the room;
- all the windows facing us (i.e. West) would be fitted with obscured glass;
- the height could be quite intrusive for the residents of The Knoll;
- light pollution from the car park flood lights and from the upper levels of the property, particularly as there is the intention for all upper levels to have floor to ceiling windows;
- no guarantee that our environment will not be polluted with constant odours and noise from service kitchens extractor vents;
- more noise and congestion into the area, with staff coming and going at unsociable hours and a likely influx of visitors at weekends;
- construction noise will blight the area and disrupt the education of more than 1,000 children.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D2 Delivering good design
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H13 Specialist older persons housing
- S1 Developing London's social infrastructure
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 8 Waste capacity and net waste self-sufficiency

- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Bromley Local Plan (2019)

- 1 Housing Supply
- 2 Provision of Affordable Housing
- 4 Housing Design
- 11 Specialist and Older People's Accommodation
- 21 Opportunities for Community Facilities
- 26 Health and Wellbeing
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for All
- 37 General Design of Development
- 42 Development Adjacent to a Conservation Area
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 83 Non-Designated Employment Land
- 99 Residential Accommodation
- 113 Waste Management in New Development
- 116 Sustainable Urban Drainage Systems (SUDS)
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 123 Sustainable Design and Construction
- 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
- 125 Delivery and Implementation of the Local Plan

5.5 Supplementary Guidance

- Planning Obligations SPD
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Housing (March 2016)
- Homes for Londoners - Affordable Housing and Viability (2017)

6. Assessment

6.1 Principle of development – Acceptable

6.1.1 The acceptability of the loss of the commercial floorspace on the site has been established within the previous decisions. The application site has the benefit of two extant planning permissions for specialist older persons accommodation. The current proposal is for a 50 bed care home which would be in a class C2 use as opposed to the permitted use class C3 development. The acceptability of the proposed care home use is discussed below.

Care Home Use (Class C2)

6.1.2 Section 5 of the NPPF encourages a sufficient amount and variety of housing land to significantly boost the supply of homes. Paragraph 59 emphasises the need to provide housing for people with specific housing requirements and paragraph 61 advises the need to provide for older people as well as people with disabilities.

6.1.3 London Plan Policy H13 ‘specialist older persons housing’ advises that boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of:

- 1) local housing needs information including data on the local type and tenure of demand, and the indicative benchmarks set out in Table 4.3
- 2) the need for sites to be well-connected in terms of contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure and health care, and being well served by public transport
- 3) the increasing need for accommodation suitable for people with dementia.

6.1.4 Supporting text para 4.13.13 relates to dementia care, advising that *‘... the total number of older people with dementia in London is forecast to rise from 73,825 in 2017 to 96,939 in 2029, an increase of 31 per cent. Methods of offering support for people with dementia have improved in recent years, as have accommodation options. There is currently no clear evidence identifying the best method of provision of dementia care or accommodation, and it is likely that a range of solutions will continue to develop. Boroughs should consider the need for accommodation for people with dementia within specialist older persons housing developments.’*

6.1.5 Para 4.13.14 relates specifically to care home accommodation (Use Class C2) – separately from the specialist older persons accommodation annual borough benchmarks 2017-2029 benchmarks set out in Table 4.3. The supporting text notes that care home accommodation *‘is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 care home beds a year’.*

- 6.1.6 Local Plan Policy 11 Specialist and Older Peoples Accommodation advises that *'the Council supports the provision of specialist housing across all tenures, where they are conveniently located for a range of local shops, services and public transport, appropriate to the mobility of the residents, and they provide appropriate parking and suitably landscaped amenity space.'* The policy also advises *'...Where opportunities arise to maximise the use of sites currently providing specialist accommodation, proposals for extensions or redevelopments to providing additional accommodation will be looked on favourably, subject to appropriate scheme design.'*
- 6.1.7 The site does not currently provide specialist accommodation; however, as already mentioned in this report, it does have two extant permissions for specialist older persons accommodation. The spirit of Policy 11 is supportive of the proposal to maximise specialist older persons accommodation on the site, *'subject to appropriate scheme design'*. In this instance, as a care home, the proposal should provide good quality landscaped amenity space and should incorporate design features specifically intended for people with mobility issues and dementia. These aspects are discussed in Section 6.3 of this report.
- 6.1.8 The Council's Education Care and Health Services (ECHS) division note the likely growth in the number of people requiring nursing care and care for dementia. ECHS indicate that market analysis suggests that there are currently sufficient nursing beds within the Borough in the short to medium term but note that the shortage of local nursing bed provision at affordable rates presents challenge for the Council in meeting local demand. ECHS do not offer support to this scheme and suggest that the provision of this type of accommodation may attract people from out of the Borough with an increase in demand for associated services, including health care. Additionally, the risks associated with the depletion of resident's funds (to the individual and the Council) have been highlighted.
- 6.1.9 In response to these comments the applicant, Barchester Healthcare, submitted a Planning Need Assessment undertaken by Carterwood (March 2021). The assessment takes account of the recent planning permission granted at appeal for Hayes Bowls Club and the summary of the findings are as follows:
- The assessment for the market catchment and local authority area in 2023, the earliest the proposed care home could be available, indicates a net need for 188 and 181 market standard care home beds, respectively.
 - The balance of provision for dedicated dementia beds in the market catchment in 2023 indicates a net need for 338 and 227 market standard care home beds in the market and local authority catchments, respectively.
 - There is a net need for care home bedrooms providing full en-suite wetrooms of 694 elderly beds in the market catchment and 785 elderly beds in the local authority area.
 - With no further planned new care homes, the net need is expected to increase to circa 860 and 790 market standard beds by 2043 in the market and local authority catchments, assuming existing supply and prevalence rates remain constant, reflecting the sustained and escalating nature of need.

- Bromley Council commissioning identifies key demand drivers for new care home beds, particularly for nursing and dementia care, given expected growth in the elderly demographic.
- Based on the market catchment, a good proportion of those requiring care are likely to be self-funded, and their choice of care home will therefore be based on location, quality of care and accommodation, and proximity to friends and family, rather than funding alone.
- There is a significant and increasing unmet need for additional market standard elderly care home beds within the market catchment.
- The proposed care home will be capable of providing personal care for residents with a range of dependency levels, including those who require dementia care within a dedicated unit, with well-specified, flexible, COVID-19-compliant care accommodation to enable care to be administered most effectively.

6.1.10 Further, the applicant contends that with the same level of demand if supply increases the average price will fall. If more beds are built there are three possible scenarios:

- 1 the home fills as anticipated by the applicant;
- 2 the applicant has miscalculated the demand and the home remains empty at no cost to the council;
- 3 if 2 above happens, the applicant would economically be forced to offer the vacant beds at a lower price, be it the Councils guide price or otherwise.

6.1.11 The applicant also opposes the suggestion that frail residents whose average age is just under 82 may choose to move from out of area into Bromley and become a “burden” on Bromley taxpayers, as no evidence was adduced to support this assertion and runs completely contrary to both 20 plus years of experience the applicant has of operating care homes, and all the leading analysts and commentators in the industry (Carterwood, CACI, Knight Frank and Christies) who all believe demand is extremely local - over 90% of residents move less than 3 miles to a care home. Moreover, as a detailed financial analysis is carried out by the applicant on all prospective residents to ensure their resources far outlast their expected length of stay, again there is no evidence that a care home would place a burden on local taxpayers.

6.1.12 Whilst the concerns raised by ECHS are noted, it needs to be stressed that the financial issues for the Council are non-planning matters. Paragraph 13 of legal advice to the Council clarifies that potential for an adverse impact on the Care Services budget does not fall within the definition of a “local finance consideration”. Furthermore, the Clinical Commissioning Group (NHS) was consulted on the application and wished to offer no objections.

6.1.13 Nonetheless, officers consider that due to the potential increase in pressure on local health services a site-specific health contribution should be sought. This is further commented on in section 7 of this report.

Five Year Housing Land Supply position

6.1.14 The current position in respect of Bromley's Housing Trajectory, including the 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. The implications of this are set out in the Housing Trajectory report. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.

6.1.15 Supporting text to London Plan Policy H1, para 4.1.9 advises that non self-contained accommodation for older people (C2 Use Class) should count towards meeting housing targets on the basis of a 1:1 ratio, with each bedroom being counted as a single home. As such, the application for an increased provision of the specialist older persons accommodation, and specifically dementia care is supported by Local Plan Policy 11 and London Plan Policy, and would make a valuable contribution to the Borough's housing supply.

Affordable Housing

6.1.16 Policy 2 Provision of Affordable Housing advises that in order to meet the needs of the Borough, the Council will seek affordable housing on all housing developments capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings. However, the London Plan 2021 confirms that the requirements for affordable housing from specialist older persons housing set out in Policy H13 B, are not applicable to care home accommodation (para 4.13.4)

6.1.17 Given that exemption from affordable housing rests upon the specific nature of the use outlined in Policy H13 it is considered necessary to secure this use in perpetuity through a s106 agreement (see section 7 of this report).

6.2 Design and Conservation – Acceptable

6.2.1 In terms of scale, mass, height and footprint the current proposal would be very similar to the previously approved scheme (APP/G5180/W/19/3235672).

6.2.2 Some representations received as a result of the public consultation have expressed concern that this current proposal is a more intensive form of development than the Renaissance Retirement development that has been permitted for the site with 28 apartments (the fallback scheme). It is important to note that that proposal offers a mixture of one and two bedroom units, all with double bedrooms. In this case 50 single bedrooms are proposed together with communal areas and servicing areas, with a gross internal floor area of 2896sqm. This is in fact smaller floorspace, albeit only marginally, than the fallback scheme. A comparison of the two schemes is set out in the Table 1 below:

Extant permission (fallback)	Current proposal
28 retirement apartments	50 bed care home
3 floors	3 floors
2918sqm	2896sqm
42 double bedrooms	50 single bedrooms
84 bedspaces	50 bedspaces

Table 1. Comparison of the current proposal with the fallback scheme.

- 6.2.3 As mechanical and electrical requirements are greater for the proposed use of the building as a care home, rather than the approved domestic scheme, the floor to ceiling height is slightly greater than the previously approved scheme (3150mm instead of 2850mm). Notwithstanding this, the revised design seeks to generally maintain the eaves and ridge heights established within the extant consent (see Figs 4 and 5).
- 6.2.4 The design would continue to draw references from the surrounding context with simple forms articulated to create a series of projecting and recessed elements, breaking down the elevation into distinct components. By varying the roof scape and breaking the scale of the main building blocks, it is intended to promote a domestic scale that provides a high-quality care home for occupiers without appearing dominating or out of scale to the surrounding area. The smaller balconies provided within the approved scheme have been omitted from this proposal, simplifying the elevations. The proposed building intends to use quality materials with detailing that would visually enhance the local area.
- 6.2.5 In terms of the PV panels proposed, they would be located within a sunken area of the roof and would be angled at approximately 20 to 30 degrees in order to sit below the ridge line, and be screen from view. The PV panel sizes are shown on the roof plan, however, as the exact specification would be decided at the construction design stage, a condition is recommended requesting further details to be submitted and agreed prior to construction of the development.
- 6.2.6 The proposed substation would be of a very similar design and would be positioned in the same location as in the extant permission ref. 19/03215/FULL1.
- 6.2.7 As such, officers are satisfied that the proposal would not have any greater impact upon the character and appearance of the area than the fallback scheme, and subject to a condition requiring the submission of details of external materials for the building and soft and hard landscaping, the proposed development would not conflict with Policies 4 and 37 of the Local Plan.



Fig.4 Comparison of the approved, fallback scheme with the current proposal – East elevation.



Fig. 5 Comparison of the approved, fallback scheme with the current proposal – South elevation.

Impact on heritage assets

6.2.8 The site is located adjacent to the Hayes Village Conservation Area. Having regard to all of the above points, officers consider that the proposed development would not have any greater impact upon the special character and appearance of the adjoining Hayes Village Conservation Area than the fallback

scheme. As such, the proposal satisfies Policy 42 of the Local Plan which seeks development proposals adjacent to a Conservation Area to preserve or enhance its setting and not detract from view into or out of the area.

Designing out Crime

6.2.9 London Plan Policy D3 states that measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Local Plan Policy 37(h) (General Design).

6.2.10 Details over how the development could achieve Secure by Design (SbD) principles have been provided by the Applicant. Designing out Crime Officer confirmed that SbD is achievable on site and that criminal opportunities can be reduced whilst still retaining a welcoming appearance. As such, a requirement for a Secure by Design accreditation would be included within planning conditions, should the permission be granted.

6.3 Standard of Amenity for Future Occupiers – Acceptable

6.3.1 Paragraph 2.1.55 within the supporting text to Policy 4 of the Local Plan advises that specialist housing is exempt from housing standards set out in the London Plan. The text, however, goes on to say that a satisfactory standard of accommodation should still be expected for specialist housing. Additionally, Policy 37 of the Local Plan requires all development to be of a high standard of design and layout.

6.3.2 The internal layout of the proposed development takes account of key dementia design principles. The accommodation would offer a variety of lounge, dining and communal spaces, encouraging activities and providing choice of destinations to residents. The applicant advise that a choice of space is particularly important for those with dementia providing opportunities for both quiet and active spaces, and helping to avoid confusion of residents. Corridors would be broken up by natural light and varying widths leading to communal destinations. Clear way finding would be ensured throughout the building and around the site.

6.3.3 Bedroom sizes would significantly exceed statutory minimums to facilitate varied bed position options, maintaining direct views both to the window and en-suite WC facilities. Low level window cills would allow views out from a seated or lying position. Bedrooms would be arranged in a staggered manner where possible, in order to avoid doors being opposite each other, thereby eliminating confusion to residents with dementia. Each floor of each wing would act as a self-contained care group with its own assisted bathroom, nursing

station and utilities. Assisted WC's would be positioned in close proximity to communal spaces, and would be clearly identifiable.

6.3.4 External landscape areas would be provided. All of the 13 ground floor bedrooms would have direct access to outside space. Additionally, a terrace is proposed to the west elevation of the first floor provide meaningful and usable space for multiple residents. To protect residents from falling, a 1.8m high glazed screen would be provided, rather than the typical 1.1m required by Building Regulations.

Fire Safety

6.3.5 London Plan Policy D12 states that in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required.

6.3.6 A Fire Safety Statement provided demonstrates that the proposals have considered fire safety throughout the design which includes as follows:

- The method of escape would be Progressive Horizontal Escape (PHE);
- Building Regulations Part B (volume 2) currently does not require sprinklers etc for a care home however Barchester's standard specification requires a Fire Suppression by means of a Mist System designed, installed, commissioned, tested and maintained in accordance with BS 8458 2015;
- A fully addressable BS 5839-1:2017 L1 (or equivalent) standard alarm and detection system would be installed within the premises with smoke detection in all rooms where a fire may start;
- The building would be divided into compartments of no more than 5 bedrooms - significantly less than the maximum of 10 allowed under Building Regulations Part B (volume 2);
- The floors and compartment walls would provide a minimum of 60 minutes compartmentation.

6.3.7 Officers consider it appropriate that a full Fire Safety Strategy is submitted for further approval covering the above points in greater detail in order to ensure that a robust fire protection and management procedures are in place to safeguard the safety of the future residents. A condition is recommended to this effect.

6.3.8 Overall, officers are satisfied that the proposed accommodation would create a safe and comfortable living environment with good standard of amenity for future residents. As such, the proposal complies with Local Plan Policy 4 and Policy 37.

6.4 Impact on Existing Residential Amenity – Acceptable

6.4.1 The proposal maintains the overall scale, mass, height and footprint of the fallback scheme (APP/G5180/W/19/3235672) and the proposed development would not sit closer to the boundaries or neighbouring properties.

Consequently, it is not considered that any new impact upon the daylight/sunlight and outlook/sense of enclosure would result.

- 6.4.2 In regard to privacy, the proposed terrace would be located in a similar position as some of the first-floor balconies of the approved scheme. Whilst officers recognise that the size of the terrace could lead to a more intensive use, the omission of balconies and the reduction in the number of windows within the west elevation would decrease the overall opportunities for the actual or perceived overlooking (Fig.6). As with the approved scheme, end of corridor/sitting windows on both the first and second floors facing west would be fixed shut and obscure glazed.



Fig.6 Comparison of the approved, fallback scheme (top) with the current proposal (bottom) – West elevation.

- 6.4.4 As already mentioned in para 6.2.6 of this report, the proposed substation would be of a very similar design and would be positioned in the same location as in the fallback scheme.

General disturbance

- 6.4.5 The proposed development would employ a total of 45 staff members. The administration staff would work 8am-5pm, with the carers completing the following shift patterns: 8am-1pm (day), 1pm-8pm (afternoon) and 8pm-8am (overnight). A maximum number of 25 staff (18 carers and 7 admin staff) would be present on-site at a time, but with only care staff present during overnight shifts (8 carers overnight). While no specific visitor times are provided, information from the applicant has confirmed that peak visiting hours are

between 8am and 6pm (10 hours), and that an estimated maximum number of visitors in one day would be 9 visitors.

- 6.4.6 Whilst the proposed care home use could introduce a greater level of activity to the surrounding area when compared to the fallback scheme, officers acknowledge that the peak activity on the site arising from visitors and staff changeover periods would fall comfortably within the 'daytime' hours. Further, the point of access to the development would be located on West Common Road which already experiences significant activity from both existing pedestrian and vehicular sources. In officers view, the additional activity and any potential disturbance and noise generated by the development would not be of such significance as to result in a harmful impact on the amenity of existing neighbours. An assessment of the Environmental Health considerations, such as air quality and noise is carried out in section 6.6 of this report.
- 6.4.7 To this end, officers consider that there would be no adverse impact on the living conditions of neighbouring occupiers resulting from the proposal, in line with Local Plan Policy 37.

6.5 Transport and Highways – Acceptable

- 6.5.1 The application site is located in an area with low/moderate PTAL rating of 2/3 (on a scale of 0 - 6b, where 6b is the most accessible). Given the care home use proposed, there would be no demand for resident parking. The parking on-site would be provided for staff and visitors, in lower quantity than the approved scheme. Nineteen car parking spaces (inclusive of 2 disabled spaces) are indicated on the submitted plans.
- 6.5.2 The existing access would be modified to 5m wide leading to the car parking area. This is satisfactory in principle and all redundant vehicular crossovers would need to be reinstated to footway level. Similar to the extant approval the refuse collection would be from the carriageway, however allowance has been made for deliveries to be made from within the site.

Parking demand - staff patterns

- 6.5.3 The Addendum Transport Statement by Paul Basham Associates (April 2021) provides data with regards to shift patterns and staffing levels and likely parking demand generated by staff members. The proposed development would employ a total of 45 staff members. The staff numbers and roles to be provided on site are summarised in Table 1 below:

Staff Role	Quantity
Manager	1
Deputy	1
Administrator	2
Senior Carer	6
Carer	25
Activities Officer	1
Chef/Kitchen Staff	5
Laundry	2
Housekeeper	3
Domestics	1
Maintenance	1
Receptionist	1
TOTAL	45

Table 2. Proposed staff numbers.

6.5.3 The applicant has confirmed that administration staff would work 8am-5pm, with the carers completing the following shift patterns: 8am-1pm (day), 1pm-8pm (afternoon) and 8pm-8am (overnight). The proposed development would have a maximum number of 25 staff (18 carers and 7 admin staff) present on-site at any one time. The Addendum Transport Statement states that *“Information from the client’s experience suggests that 30% of staff members would travel by car, however that this would likely be car sharing with a minimum of 2 staff members in one vehicle. The remaining 70% of staff members would travel by walking, cycling or public transport.”* When this is applied to the maximum of 25 staff members on-site at any one time, this would equate to the demand for 2 admin staff and 5 carers to park, leaving 10 spaces plus 2 disabled spaces available for visitors. This therefore suggests that there is capacity on site to accommodate the parking demand associated with members of staff. The proposed development provides a total of 19 car parking spaces, which equates to a parking ratio of 0.38 spaces per bedroom.

Parking demand - visitor numbers

6.5.4 To understand the predicted visitor numbers, data from similar existing Barchester Healthcare care homes located in PTAL areas of 2 to 3 has been provided to confirm the average number of visitors to these sites pre-COVID (Table 2).

6.5.5 The data provided in Table 2 suggests that on average other Barchester Healthcare care homes receive 8 visitors a day with a worst-case scenario of 11 visitors a day (Cheverton Lodge). Data from the sites where separate weekday and weekend visitor information was collated indicate that on average 70% of visits occur during the week and 30% occur at the weekend. Based on the average number of visitors (pre-COVID) at other sites, the proposed development is anticipated to generate 56 visits a week (i.e. 8 visitors x 7 days). When the percentage splits for weekday and weekend visits are applied this equates to 17 visits occurring at the weekend and 39 visits occurring throughout

the week on average. In the light of the above, the application site is anticipated to receive its highest number of visitors on a weekend day with 9 visitors.

Development Name	Average Number of Visitors Pre-COVID (per day)	
	Weekdays	Weekend day
Atfield House	7	6
Cheverton Lodge Care Home	11	11
Hugh Myddelton House Care Centre	7	7
Magnolia Court Care Home	6	6
Southgate Beaumont Care Community	6	6
Westgate House Care Home	8	11
AVERAGE	8	8

Table 3. Existing Pre-COVID visitor numbers and staff numbers at existing sites.

Visiting Times

6.5.6 While no specific visitor times are provided, information from the applicant has confirmed that peak visiting hours are between 8am and 6pm (10 hours). When this is applied to the maximum number of visitors in one day (9 visitors), this suggests that on average there would be 1 visitor an hour at the proposed site. Visitor hours vary significantly and indeed so does the length of time of each visit. It is therefore likely that visitors would be coming and going over a period of 8am-6pm.

Parking Accumulation Assessment

6.5.7 A staff parking accumulation assessment indicates that there is sufficient parking on site to accommodate staff members, with a minimum of 5 parking spaces available during the changeover period between the day and the afternoon shifts. The above indicates that there is adequate capacity within the site car park to accommodate the anticipated 9 daily visitors. It is therefore considered that the level of parking provision onsite is sufficient to accommodate the demands generated by future staff and visitors without overspill onto the surrounding highway network.

Electric Vehicle Charging Points (EVCP)

6.5.8 London Plan requires all residential car parking spaces to provide infrastructure for electric or Ultra-Low Emission vehicles. In line with Policy T6.1 'Residential Parking', 20 per cent of spaces would have active charging facilities, with passive provision for all remaining spaces. A condition to secure this provision is recommended.

Cycle parking

6.5.9 Given the nature of the proposed development it is unlikely that residents would cycle, however, in line with London Plan minimum cycle parking standards, a total of 12 cycle spaces are provided on site which form 6 Sheffield standards. Additionally, space for cycle storage and mobility scooter parking would be made available on site, located close to the main entrance of the building and easily accessible to the highway. As such this is considered acceptable.

6.6 Environmental Health – Acceptable

Noise

Car parking

6.6.1 London Plan Policy D13 agent of change places the responsibility for mitigating impacts from existing noise and other nuisance- generating activities or uses on the proposed new noise – sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

6.6.2 The Noise Assessment Report completed by Clarke Saunders Acoustics (November 2020) assessed the noise from vehicle manoeuvring within the car park and the slamming of car doors. It has assumed an estimated total of 119 daily vehicle trips (12-hour) within the carpark as specified in Section 5.10 of the Transport Statement. To demonstrate 'worse case' source measurements of car doors being 'slammed', rather than 'closed', were undertaken in the CSA car park alongside the movement of diesel cars.

6.6.2 The report stated that '*Given the context of the proposed car park being part of a care home, the maximum noise levels used in the assessment could be considered extreme where lower noise levels would be expected for typical usage*'. The assessment demonstrated that the existing daytime background sound climate may increase by up to 2 dB, based upon 169 instances of car park movement and door closures, but this is worse case as indicated above and over the averaged time period should not be significant. Also, it should be noted that an existing brick boundary wall would be retained between the car park and adjacent residential receptor. Although not mentioned in the acoustic report or considered in the noise calculation the proposed site plan details an additional new 1.8m high close boarded acoustic fence surmounted on the existing wall. The fence is likely to afford additional noise mitigation for the car park. Measured L_{Amax} events of car doors being closed have been used to assess impact and these were predicted to be within the WHO Guidelines for Community Noise (1999), inside the neighbouring property with windows open.

Building Services Plant Noise

6.6.3 Policy 119 of the Bromley Local Plan requires any new noise source is 10 dB below the existing typical background LA₉₀ noise level when measured at any

sensitive receptor, where there is a risk of cumulative impact on background level over time or where an area is already subject to an unsatisfactory noise environment. The noise assessment provided the proposed plant design noise criteria in 5.2.3, based on 10dBA below the background noise level:

5.2.3 Plant noise emissions should target the following design criteria, at the window of the nearest residential receptor:

DAYTIME (07:00 - 23:00)	NIGHT-TIME (23:00 - 07:00)
34 dB	19 dB

Proposed plant design noise criteria [dB ref. 20µPa]

Table 4 Proposed plant design noise criteria (source: Noise Assessment Report).

6.6.4 The report has identified the above design criteria when assessing plant noise emissions for the proposed development and future cumulative plant noise emissions. As no specific details of any proposed plant were submitted with the proposal, further acoustic assessment would be required prior to installation of any fixed noise generating plant to prevent adverse effects from plant noise, providing mitigation and calculated evidence that meets the noise limit criteria set out in the report submitted. It should be noted that the cumulative plant noise should include the noise from the substation.

Air Quality

6.6.5 An Air Quality Assessment by Hawkins Environmental (April 2020) submitted in support of the application presents an air quality neutral assessment for traffic and the CHP plant and demonstrates that both elements would be air quality neutral. With the plant, however, the assessment was based on the emissions data being less than 3 g/kWh, from a building perspective, as at the time the report was produced the data concerning emission rates of the proposed plant was not supplied. Consequently, in order to minimise the impact of the development on local air quality and to ensure the development is Air Quality Neutral, the Combined Heat and Power plant (CHP) must not exceed the dry NOx emission rate specified in the report. A condition is recommended to secure this requirement.

6.6.6 The air quality construction impact was assessed for the site and it concluded that Dust Emission Magnitude was “Medium” for earthworks and construction, “Small” for demolition and trackout, and it was therefore considered a “Medium Risk Site” overall. A Construction and Environmental Management Plan condition is recommended to ensure the mitigation measures identified in the report are followed.

Construction and Environmental Management Plan

6.6.7 The environmental impacts arising during construction phase will be addressed through the Construction and Environmental Management Plan. An informative will be added to this consent, should it be granted, drawing the Applicant’s attention to the ‘Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017’.

Contaminated Land

6.6.8 The Technical Appraisal Report by RSK (May 2016) submitted with the previous application and re-submitted as part of this application, presented results from a site investigation report where there were elevated levels of PAH and TPH concentrations. The report recommended that capping material should be provided, comprising a 300mm thickness of clean, inert topsoil/subsoil in all proposed areas of soft landscaping and a thickness of 600mm in private gardens. The land contamination condition is therefore recommended, in order to ensure the remediation strategy presented in the report is followed and for there to be a watching brief during the construction process and as specified in part d of the condition *'If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf*.

Lighting

6.6.9 The applicant has confirmed standard specifications for external lighting levels:

- Car parks and pathways - 5 Lux
- Main entrance - 20 Lux
- Meander paths (including stairs) - 5 Lux
- Escape routes and emergency muster point(s) - 5 Lux
- External Refuse/Bin Store - 10 Lux (Local PIR)

6.6.10 The above Lux levels are considered as generally acceptable, however as no lighting scheme was submitted, further details are required for submission prior to the commencement of the above ground works.

6.6.11 The Council's Environment Health officer raised no objection to the proposal, subject to the imposition of the recommended conditions and the implementation of mitigation measures as outlined in the technical reports.

6.7 Biodiversity – Acceptable

6.7.1 NPPF Policy 170 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.7.2 London Plan Policy G5 states major development should contribute to the greening of London including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs, green wall and nature-based sustainable drainage. The London plan recommends a target score of 0.4 for developments that are predominantly residential. London Plan Policy G6 states development should manage impacts on biodiversity and aim to secure net biodiversity gain.

6.7.3 Policy 72 of the Local Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats. Policy 73 requires proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

Trees

6.7.4 The application is accompanied by an Arboricultural opportunities and constraints assessment, as well as Arboricultural assessment and method statement, including a Tree Protection Plan prepared by Barrell (October 2020 and November 2020 respectively). There are no Category A or TPO trees within or directly adjoining the site. All four trees that would need to be removed to facilitate development (two apple trees and two sycamore trees) are all identified as being category C, i.e. of no significant amenity value because of their poor condition or small size. All retained trees would be protected during development by using fencing and ground protection. Special precautions to limit the impact of encroachment would be applied to tree T9 (Acacia). An indicative landscaping plan indicates that 4 fruit trees would be planted in order to mitigate for the loss of the two apple trees.

6.7.5 With adequate precautions to protect the retained trees implemented, the development proposal would not cause an unacceptable or adverse impact on the long-term vitality of the retained trees, and therefore the character and appearance of the area. Subject to the imposition of landscaping and tree protection conditions no objections are raised in this respect.

Biodiversity enhancements and urban greening

6.7.6 The site has very little green space with almost all areas covered by hard standing and buildings. There is a small garden area, some ornamental shrubs and a partial hedge at the rear, thought to be part of a neighbouring property's boundary. Preliminary Ecological Appraisal and Ecological impact assessment by Abbas Ecology (November 2020) submitted in support of the application advises that all of the buildings were inspected internally and externally for evidence of bats and nesting birds. External areas were considered as potential BAP habitat and the surveyor looked for habitat suitable for/evidence of reptiles, rare amphibians, badgers, dormice and other protected species.

6.7.7 The report advises that the site was assessed as having no evidence of and negligible potential for protected species. Previous survey work in 2017 found no evidence of bats using internal voids or crevice features on the buildings. The survey in 2020 found low - negligible potential for protected species other than bats. Nesting birds could use features on the buildings, but this can be addressed through timing of works to avoid the nesting bird season. The garden

space is regarded as too small to be a significant resource for reptiles and amphibians, although small numbers could be present.

- 6.7.8 The development will not cause any direct impacts to protected species or habitats on site providing appropriate precautions are taken with regard to soft demolition and site clearance. The report recommends an appropriate method of works for supervised removal of Potential Roost features from buildings prior to demolition, as well as clearance of the small garden area with the aim of manipulating habitat to encourage any reptiles present to move into adjacent gardens. of potential bat roosting features and vegetation clearance to avoid harm to nesting birds and reptiles. The development is also unlikely to have any negative impact on nearby protected or locally important sites, as residents of the care facility would not usually be able to leave site for recreation.
- 6.7.9 The London Plan recommends a target score of 0.4 for developments that are predominantly residential. An urban green calculation has been submitted which indicates that the proposal would achieve a score of 0.24. Whilst this score falls short of the threshold recommended, officers note that the biodiversity enhancements proposed as part of the proposal would create opportunities for wildlife and a net gain for biodiversity. New trees and permeable paving areas would be introduced within the site. The existing area of green space would be increased in size. Planting proposals include the use of native species forming the majority of hedgerow plants and also feature non-native plants known to be attractive to pollinators, including some recommended by the Royal Horticultural society and the Bumblebee Conservation Trust. The proposed enhancements include installation of a bat and bird boxes, and swift nest bricks. The gaps in fences and boundaries would allow hedgehogs to move freely across the site.

6.8 Drainage and flooding – Acceptable

- 6.8.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Bromley requires surface water runoff rates and volumes from development to be managed in accordance with the London Plan.
- 6.8.2 The submitted Drainage Strategy Report by Arch Associates (November 2020) demonstrates how the principles of Sustainable Drainage Systems have been applied to the development in line with the above policies and guidance.
- 6.8.3 The proposed foul water drainage strategy was designed in accordance with Thames Water requirements. Given the site topography and location of the foul sewer within West Common Road, it is proposed to discharge the foul water run-off from the site into the existing sewer south via a new foul network gravity

system. The hydraulic design for the discharge rate for the foul wastewater has been calculated at 1.4 litres per second based on a 50 bed care home at 375 litres per bed per day.

- 6.8.4 Given the ground poor infiltration potential and relatively shallow groundwater level, is not possible to drain all the surface water run-off by infiltration. The proposed surface water strategy would therefore consist of a gravity sewer system, a SuDS management train in the form of cellular attenuation crate system, and permeable paving with flow control units. All run-off from roofs will be directed into a gravity system that comprises an attenuation tank, a Hydrobrake flow control unit and permeable subbase for storage. The SuDS features would be designed to cater for all storms up to and including the 1 in 100 year event plus an allowance of 40% increase due to climate change. The proposed surface water run-off from the development site would be discharged at a limited peak rate of 5.0 l/s, via a flow control unit, to an existing public surface water sewer network running along West Common Road in northerly direction to the east of the site.
- 6.8.5 The Council's drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the detailed design of the sustainable drainage measures. Subject to the conditions and informative, it is considered that the proposal would be acceptable with regards to the surface water run-off and drainage.

6.9 Energy/Sustainability – Acceptable

- 6.9.1 Paragraph 153 of the NPPF states that in determining planning applications, LPAs should expect new developments to comply with policies and requirements for decentralised energy supply unless this is demonstrated to not be feasible or viable.
- 6.9.2 Local Plan Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy
- 1) Be Lean: use less energy and manage demand during operation;
 - 2) Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
 - 3) Be Green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site;
 - 4) Be Seen: monitor, verify and report on energy performance.
- 6.9.3 London Plan requires a net zero-carbon target for all new major developments with at least a 35% on-site reduction beyond Part L 2013 of the Building Regulations. Under the Be Lean measures, residential development should achieve 10 per cent. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on site, any short fall should be provided in agreement with the borough, either:
- 1) Though a cash in lieu contribution to the borough's carbon offset fund or

2) Off-site provided that an alternative proposal is identified and delivery is certain.

- 6.9.4 Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.
- 6.9.5 The revised Energy and Sustainability Report by Harniss Consulting Ltd (June 2021) concludes that the conceptual design stage energy strategy includes the provision of a photovoltaic array of 260sqm in addition to an enhanced fabric and energy efficient fixed building services systems. By following the energy hierarchy, a saving of over 35% beyond baseline AD Part L2A has been achieved reducing the overall emissions to 51.04 tonnes CO₂/annum for the proposed development. To become a nett zero carbon development a cash in-lieu contribution to off-set the carbon for the next 30 years was calculated at £145,464 based on £95 per tonne.
- 6.9.6 The Council's Energy officer has been consulted and no objection is raised to the proposal and recommended the total carbon offsetting payment be secured by a legal agreement. A condition is also recommended to secure the carbon saving measures as set out in the energy assessment can be delivered.

7. Planning Obligations

- 7.1 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 7.2 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.
- 7.3 The development, as proposed, would necessitate the following obligations, which have been agreed with the agent:
- Carbon offset cash-in-lieu: £145,464

- Health contribution: £53,750
- Care home use in perpetuity (Use Class C2)

CIL

- 7.4 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.5 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.
- 7.6 In line with the Community Infrastructure Levy (CIL) Charging Schedule (April 2021), the gross internal area of a new build residential development which delivers additional care and support services, i.e. care home (Use Class C2) is not CIL liable. Nonetheless, officers consider that a site-specific health contribution should be secured to address any potential increase in pressure on local health services. The formula based health contribution for a 50 bed care home amounts to £53,750 and the applicant agreed to this figure.

8. Conclusion

- 8.1 Member's attention is drawn to the fact that the application site has the benefit of two extant planning permissions for specialist older persons accommodation. The current proposal is for a 50-bed care home which would be in class C2 use, as opposed to the permitted use class C3 development.
- 8.2 Increased provision of good quality, additional specialist older persons accommodation including dementia care is consistent with the relevant planning policies and would make a valuable contribution to the Boroughs housing supply.
- 8.3 The proposal offers a very similar form of development to the one allowed on appeal (ref. APP/G5180/W/19/3235672), despite changes needed to accommodate the amended residential care home use.
- 8.4 In terms of scale, mass, height and footprint, the proposal would not have any greater impact upon the character and appearance of the area than the fallback scheme and no harm to the setting of the adjoining conservation area would result.
- 8.5 The proposal would appropriately respond to the constraints of the site without resulting in any material harm to the amenities of the neighbouring residential properties.

- 8.6 The application demonstrates that the traffic and parking provision would not have a significant impact on local highways infrastructure or road safety and the proposed parking, access and servicing arrangements are acceptable.
- 8.7 The development would be acceptable in respect of environmental health, ecology, drainage as well as energy and sustainability aspects.
- 8.8 Consequently, the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase the housing supply in the Borough. Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application is recommended for permission, subject to planning conditions and completion of a S106 legal agreement.

9. RECOMMENDATION:

PERMISSION SUBJECT TO S106 LEGAL AGREEMENT AND PLANNING CONDITIONS.

SUMMARY OF CONDITIONS AND INFORMATIVES

- **Standard condition**
 - Time limit of 3 years
 - Drawing numbers

- **pre- commencement**
 - slab levels
 - CEMP
 - SUDS
 - phase 1 Habitat Survey (demolition)
 - tree protection plan

- **prior to above ground works**
 - surface water drainage
 - materials
 - landscaping
 - lighting scheme
 - kitchen extract system
 - cycle parking
 - refuse
 - Fire Safety Strategy
 - Secured by Design
 - PV panels

- **prior to occupation/use**
 - travel plan
 - Visibility splay

- Obscure glazing
- Ecology Mitigation/Enhancements
- Stopping up of the existing access
- **compliance conditions**
 - Contamination (of which parts a-c have already been complied)
 - Parking to be provided as approved
 - Energy statement
 - Non-Road Mobile Machinery
 - NOx emission rate (CHP plant)
 - Fixed Plant noise (inc. substation)
 - Hardstanding for wash-down facilities for construction vehicles

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

- **Informatives**

1. Code of practise for Construction Sites
2. Thames Water

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