

<b>Committee Date</b>	19.05.2022	
<b>Address</b>	172 Pickhurst Lane Hayes Bromley BR2 7JB	
<b>Application Number</b>	21/05711/FULL1	<b>Officer</b> - Russell Penn
<b>Ward</b>	Hayes And Coney Hall	
<b>Proposal</b>	Construction of three, 3 bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way.	
<b>Applicant</b>	<b>Agent</b>	
Grieves	Russell Associates Architects	
172, Pickhurst Lane Hayes Bromley BR2 7JB	Unit 4, Hopyard Studios 13 Lovibond Lane Greenwich London SE10 9FY	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes

<b>RECOMMENDATION</b>	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 51</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Vacant garden land	0
Proposed	Residential (Use Class C3)	360m <sup>2</sup>

<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			3		3
Affordable (shared ownership)					0
Affordable (social rent)					0
<b>Total</b>					<b>3</b>

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	6	6
Disabled car spaces	0	0	0
Cycle	0	6	6

<b>Electric car charging points</b>	3 active charging points.
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<b>Representation summary</b>	Neighbour letters were sent on 23/12/2021. An Article 13 site notice was displayed on the site on 23/12/2022
Total number of responses	24
Number in support	0
Number of objections	24

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site optimisation and unit type of the proposed scheme is acceptable, and the development would not be detrimental to the character and appearance of the area and locality.
- The proposed development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers.

- The standard of the accommodation that will be created will be good.
- The proposal would not have an adverse impact on the local road network or local parking conditions.
- The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency.

## 2 LOCATION

- 2.1 The application site measures approximately 0.18 hectares in area not including the reduced plot of the retained No172. The site currently comprises the rear portion of the L shaped curtilage of No172 partially obtained from No170 some years ago. Additional areas of rear garden curtilage from No's 166 and 168 are incorporated into the redlined application site. A single track access way exists to the side of the existing house leading to an electricity sub station and the land at the rear of No172 which forms part of its curtilage but is separated by internal fencing.
- 2.2 The general character of the area is residential consisting of two storey large semi-detached and detached properties surrounding the site with extensive rear garden areas. Homevale Close to the north is a relatively recent development comprising large detached housing.
- 2.3 The site is located within an area classified as having a public transport accessibility level (PTAL) rating of 3 on a scale of 1 to 6b where 6b is the most accessible. The site is not in a conservation area.



*Location plan*

## 3 PROPOSAL

- 3.1 Planning permission is sought for the construction of three, 3 bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way.
- 3.2 The dwellings are proposed to be constructed on land to the rear of No's to 166 to 172 Pickhurst Lane. Access to the dwellings will be from Pickhurst Lane utilising a widened existing rear access way in a cul-de-sac style incorporating a turning head.

The route also provides access to an electricity substation within the boundary of the application site.

3.3 The site plan shows two detached dwellings (Units 2 & 3) located along the eastern boundary of the site. An almost identical house (Unit 1) is located along the western boundary of the site, with its main aspect being north/south. Six vehicle parking spaces are provided externally in three locations.

3.4 Elevation design depicts a traditionally styled design approach with similarities to the recently constructed dwellings in Homevale Close.



*Proposed site Layout Plan*



PROPOSED FRONT ELEVATION (NORTH WEST)  
1:100 SCALE

*Unit 1*



PROPOSED FRONT ELEVATION (NORTH WEST)  
1:100 SCALE

*Unit 2 and 3.*

## 4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 17/05848/FULL6: Part one/two storey rear extension and conversion of garage to habitable room. Approved 09.02.2018.
- 4.3 17/05848/AMD: Amendment to 17/05848/FULL6: Removal of existing garage (approved to be converted to study/playroom) and porch, and addition of porch canopy. Approved 18.06.2018
- 4.4 18/04996/FULL6: Construction of a decking approx. 0.8 m above ground level to the rear of 172 Pickhurst Lane to include handrail/guarding and steps to garden level, and addition of fence and trellis to flank boundaries to provide privacy screening (Part retrospective application) Approved 13.03.2019
- 4.5 18/04996/CONDIT: Details submitted to discharge conditions in relation to planning permission ref 18/04996/FULL6 - Condition 2 - Scheme of Planting. Approved 18.02.2021
- 4.6 19/05380/FULL1: Construction of a pair of three bedroom semi detached and two three bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way. Refused 19.08.2020
- 4.7 Refusal Reasons:
- The proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design, isolated siting and proximity to neighbouring garden curtilage and the surrounding development pattern and spatial layout of the area. If permitted this would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the streetscene contrary to Policies 1, 3, 4, 8 and 37 of the Bromley Local Plan and Policies 3.4, 7.4 and 7.6 of the London Plan and the NPPF (2019).
  - The proposed development by reason of the location of the houses at the rear and introduction of publicly accessible areas to the rear and side of the existing property into predominantly rear garden curtilage in close proximity to neighbouring buildings and rear property boundaries would result in an excessive increase in noise and disturbance from multiple users of the development, increased and detrimental overlooking resulting in a serious and adverse effect on the privacy and amenity enjoyed by the occupiers of adjoining properties that they might reasonably expect to be able continue to enjoy contrary to Policies 3, 4, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan and the NPPF (2019).
  - The development at the scale proposed fails to take particular account of the impact to and wellbeing of existing trees on the site and on adjoining land, the quality and character of the local landscape, which in the interests of visual amenity and/or

wildlife habitat, are considered desirable to be retained to a greater extent contrary to Policies 37, 73 and 77 of the Bromley Local Plan and Policy 7.21 of the London Plan.

- The development at the scale proposed will have an adverse impact on protected species in and adjacent to the site due to the close proximity of the proposed dwellings to habitat. Mitigation measures proposed are not considered sufficient measures to facilitate survival and reduce disturbance to protected species contrary to Policy 72 of the Bromley Local Plan and Draft London Plan Policy G6.

4.8 The application was subsequently appealed and dismissed on 14.06.2021.

4.9 The Planning Inspector commented (in summary) that the proposal would pick up on the design cues from the variety of suburban house designs to be found in this area and would more closely match the design, materials, form and spatial qualities of the existing garden land development at Homevale Close.

4.10 It was also opined by the Planning Inspector that the proposal would result in a change to the character of the townscape in this part of the local area. However, the proposal would not appear as anomalous within the local context, as it would reflect that of the adjacent garden land development at Homevale Close, be well designed, maintain the existing streetscene and would not, therefore, result in undue harm to the character and appearance of the local area.

4.11 In terms of neighbouring amenity, the Planning Inspector found that the layout and separation distances between proposed and existing dwelling was acceptable. However, it was found that due to the proximity of the vehicular access to No. 170, the overlooking afforded by the proposal (from the vehicle accessway) would be greater than that from neighbouring gardens and would be to a degree that would be experienced by the occupiers of this property as intrusive, resulting in a loss of privacy. It was also opined that a similar loss of privacy would also be experienced by the occupiers of No.172.

4.12 In terms of loss of trees on site the Planning Inspector found that the loss of trees could be mitigated through a suitable landscaping scheme.

4.13 The Planning Inspector also commented in respect of the badger sett on the site that, even with the proposed mitigation measures, this local badger population would be subject to more human pressure and interference than in their present secluded living and foraging area, which would be substantially reduced by the presence of the proposed housing development. This implies a reduction in the biodiversity value of the site in respect of its currently resident badger population that would cause significant harm to its biodiversity significance and potential.

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

Environmental Health Pollution Officer – No objection

- No objections within the grounds of consideration.

- Conditions recommended for further details in respect of a construction management plan; gas boilers must meet a low NOx emission rate for air quality; installation of electric car charging point.
- Informative recommended in respect of if during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

#### Drainage Officer – No objection

- Although the applicant has confirmed that the access drive will be constructed with permeable materials, the drainage layout is not showing as how the surface water run-off generated by the access drive area is collected and connected into the system. Further details to be sought by planning condition.

#### Highways Officer – No objection

- The previous application was for the construction of a pair of three bedroom semi detached and two three bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way.
- Whereas this application is for construction of three, 3 bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way. So, in all there is reduction of 1 unit. The site is located in an area with PTAL rate of 3 (on a scale of 0 – 6b, where 6b is the most accessible).
- Vehicular access is via Pickhurst Lane adjacent to No.172 leading to the car parking area to the rear. The access road varies in width 4.8m at the junction with Pickhurst Lane then widens to 6.3m narrowing to 4.2m and widening again to 6.0m and reducing to 4.8m for the turning area. The area is very tight for larger good vehicles to turn around.
- Six car parking would be provided. This is satisfactory. Cycle parking is indicated.
- Refuse storage is indicated on the submitted plans. The applicant has carried out a swept path analysis showing that a refuse vehicle can enter and exit in a forward gear. This is very tight but achievable.
- The entrance and exit of this access road via Pickhurst Lane adjacent to No.172 leading to turning area of the development are wide i.e. 6m providing a passing bay at both ends. As it is a straight road, so it has no visibility issues. The access road varies in width i.e. it narrows down in the middle but as it serves only 3 units there will not be much traffic coming in and out of this development.

### Tree Officer – No objection

- I note the tree team objected to the previous scheme on the basis that there was insufficient opportunity to offset the proposed tree loss in any future landscape scheme. Although the appeal was dismissed the Inspector disagreed with the above, finding that there was “enough scope to produce a landscaping scheme that could provide for suitable compensatory native tree planting”.
- The current application has shifted the balance of amenity space towards the rear gardens but broadly a similar planting opportunity exists. Given the above previous ruling, on tree issues alone there is no reason to object. In the event that permission is granted I would recommend a soft landscaping condition to secure adequate tree planting and a compliance tree protection condition.

### West Kent Badgers Group – General comment

- It is commented that “a number of mitigation measures will be taken if permission is granted but this will not mean that the existing badgers lives will not be disrupted. It will be impossible to build these houses - in close proximity to the badger area - without causing upset and disturbance to the badgers. The mitigation measures also mention a watching brief by a badger expert and ongoing measures to protect the badgers following the completion of the building work. Our recent experience in many areas we cover is that very often, no such monitoring actually takes place (even if the planning conditions require it) since, once planning permission has been granted, there is very little that can be done to ensure conditions are respected and observed.”

## **B) Local Groups**

- Hayes (Kent) Village Association objects on the grounds that the proposed vehicular access to this development presents a potentially highly dangerous series of road safety hazards.
- Hayes Free Church on Pickhurst Lane have commented that congregation members have raised concerns regarding the safety of the access to the site.

## **C) Adjoining Occupiers**

### Character (addressed in para 7.3)

- Concerns regarding loss of ‘green land’.
- Concerns with overcrowding of houses in the area.
- Loss of one house to the scheme and reduction of site area does not overcome previous concerns.

### Neighbouring Amenity (addressed in para. 7.6)

- Concerns regarding effectiveness of planting along the access road to maintain privacy to adjoining neighbours.



- Comments the plot layout impacts only neighbouring properties that are not selling garden areas.
- Comments regarding being enclosed by further development.
- Unit 1 located to rear of No170 creates adverse effect to amenities by way of noise, restricted sunlight, and visual amenities.
- Privacy, additional noise and security issues not overcome in this application.
- Noise still an issue despite proposals to mitigate.
- Views from access road into No170 still an issue despite proposals to mitigate.
- Noise from access road will impact rear garden enjoyment.
- Negative change in views from surrounding property to the site.
- Concerns with increased overlooking due to ground level differences especially to Constance Crescent.

#### Highways and parking (addressed in para. 7.5)

- Repeated concerns/comments regarding the safety of the access to/from the site from Pickhurst Lane.
- Access road is narrow without footpath.
- Concerns regarding the impact to parking and access arrangement at the existing No172.
- Concerns regarding visibility splays on to Pickhurst Lane.
- Comments regarding refuse vehicle access to the site and suitability of surfacing for that purpose.
- Comments regarding surface water drainage to highway and lighting of access drive.
- Use of footpath is unlikely.
- Car parking spaces unsuitable sizes.
- Concerns regarding accuracy of transport statement.

#### Noise and disturbance (addressed in para. 7.6)

- Increase in noise and light pollution to neighbouring property.
- Disruption and noise associated with access to the proposed properties will impact the adjacent residents in Pickhurst Lane.

#### Ecology (addressed in para. 7.11)

- Concerns regarding impacts to badger sett on the site.
- Comments regarding badger impact mitigation may not take place and how recommended solution will be ensured to take place.
- Changes to site area do not mitigate impacts to badgers.

#### Trees (addressed in para. 7.10)

- Loss of tree roots may have impact to bank stability.

#### Other comments (addressed in section 7)

- Comments regarding accuracy of submitted statements.

- Loss of open space will have ecological effect on biodiversity.
- Comments regarding historical application at No172 relating to site dimensions and widening of the access road.
- Concerns with drainage and profile of the access road.

## **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 revised and published on 20th July 2021. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

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

### **6.5 National Policy Framework 2019**

### **6.6 London Plan 2021**

- SD1 Opportunity Areas
- D1 London's form and characteristics
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening

G6	Biodiversity and access to nature
G7	Trees and woodlands
SI1	Improving air quality
SI4	Managing heat risk
SI5	Water infrastructure
SI7	Reducing waste and supporting the circular economy
SI12	Flood risk management
SI13	Sustainable drainage
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential Parking
T7	Deliveries, servicing and construction

## 6.7 Bromley Local Plan 2019

1	Housing supply
3	Backland and Garden Land Development
4	Housing design
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
72	Protected Species
73	Development and Trees
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
121	Ventilation and Odour Control
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## 6.8 Bromley Supplementary Guidance

Housing: Supplementary Planning Guidance. (March 2016)  
 Technical housing standards - Nationally Described Space Standard (March 2015)  
 SPG1 General Design Principles  
 SPG2 Residential Design Guidance

## 7 ASSESSMENT

### 7.1 Resubmission

7.1.1 The application is a resubmission to the 2019 application that was refused and dismissed at appeal as detailed above in the planning history.

7.1.2 The main change to the revised proposal involves the provision of three houses in a different layout instead of four with a reduced site area that now excludes the rear garden area of No164; alterations to the access road and enhanced measures to improve privacy to neighbouring property; and enhanced mitigation measures in respect of the badger sett to the south east corner of the site.

7.1.3 The merits of the revised scheme are assessed in the main body of this report.

### 7.2 Principle of Development – Acceptable

- Housing Supply

7.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 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 (2021) 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 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

7.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.2.6 This application includes the provision of three residential dwellings and would represent a minor 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.

- Optimising Sites:

7.2.7 Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

7.2.8 Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

7.2.9 The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.

7.2.10 Local Plan Policies 4 and 37 accord with paragraph 130 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

7.2.11 Policy 3 of the Bromley Local Plan in respect of 'Backland and Garden Land Development' states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in

relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

7.2.12 The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

7.2.13 The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

7.2.14 The comments of the Planning Inspector as regard the 2019 application are a material consideration in respect of the use of the site for further residential development where it was opined that the proposal would not appear as anomalous within the local context, as it would reflect that of the adjacent garden land development at Homevale Close.

7.2.15 Therefore, the Council will consider a residential infill development 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. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

### 7.3 Design and Layout – Acceptable

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 126 of the NPPF (2021) states that beautiful and sustainable 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 130 of the NPPF (2021) 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 Policy D3 of the London Plan relates to ‘Optimising site capacity through the design-led approach’ and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.3.6 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.3.7 Policy D5 of the London Plan relates to ‘Inclusive Design’ and states that development proposal should achieve the highest standards of accessible and inclusive design.
- 7.3.8 Policy H2 of the London Plan states that Boroughs should also recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 7.3.9 The general aims of the Council’s design policies state that housing development should be designed to the highest level both internally and externally. In addition, the Council seeks that developments should have regard for the wider context and environment and should seek to enhance the residential environment and attractiveness as a place to live.
- 7.3.10 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of

parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

7.3.11 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

7.3.12 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

7.3.13 In this case the area is primarily characterised by relatively good sized detached dwellings with properties benefitting from good sized front and rear gardens which contribute to the spacious suburban character and appearance of the locality creating a consistency in the pattern of development, design character and scale of properties in the locality with a common building line generally within the road.

7.3.14 To the north east of the site there is a relatively recently constructed development known as Homevale Close. This was approved in 2010 (under ref 10/01337/FULL1) comprising six detached houses with garages and an access road. The access road leads off Mounthurst Road and is considered as an estate road. The development at Homevale Close is a material consideration.

7.3.15 The revised scheme has now reduced the site area and quantum of dwellings from four to three. In terms of the spatial character of the site it is acknowledged as concluded in the recent Appeal on the site that there would be a level of change to the character of the site. However, given the site characteristics of the locality the change as proposed for three dwellings would not now be considered out of character and would reflect that of the adjacent garden land development at Homevale Close.

7.3.16 In terms of the access the revised scheme has now increased the width of the access road to the site by an average of 0.2m from that previously submitted. It is noted that the access to the site is more constrained in closer proximity to neighbouring dwellings at No172 and No170 than Homevale Close is to its



neighbouring property. However, as the proposal would repurpose the existing sub station access lane, there would be minimal visual effect on the street scene of Pickhurst Lane.

7.3.17 The design approach is traditional in materiality which takes its cues from the materials used in the locality and from the variety of suburban house designs to be found in this area and would more closely match the design, materials, form and spatial qualities of the existing garden land development at Homevale Close. Therefore, it is considered that the impact on the character of the locality in terms of the design approach would add suitable traditionally styled buildings to the locality.

#### 7.4 Standard of Residential Accommodation - Acceptable

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

7.4.2 Policy D6 of the London Plan relates to 'Housing quality and standards' states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.4.3 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

7.4.4 A Part M Compliance Statement is included as part of the Design and Access Statement that indicates compliance with the relevant sections. A compliance condition is recommended with any permission in this regard.

7.4.5 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for

dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

- 7.4.6 The nationally described space standard requires 93m<sup>2</sup> for a three bedroom five person dwellings over two levels in relation to the number of persons and bedrooms provided in each unit. The size of the dwellings are compliant in this regard.
- 7.4.7 The shape and room size in the proposed houses is generally considered satisfactory where none of the rooms would have a particularly convoluted shape which would limit their specific use. It is noted that the roof space voids appear capable of conversion to habitable space. It is recommended that permitted development rights are removed in this respect to allow the LPA to consider any future alterations to dwellings at the site in terms of neighbouring amenity.
- 7.4.8 Garden spaces for housing should also generally be in a proportion and configuration that is representative of the general context and pattern of development in the vicinity. The size and proportions of the rear curtilage amenity space appear acceptable for family dwellinghouses as proposed.

#### 7.5 Highways – Acceptable

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 London Plan and Bromley 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.
- 7.5.4 The Council's Highway Officer has been consulted in respect of the highway and parking arrangements. The level of parking provision is considered acceptable.
- 7.5.5 In terms of the suitability of the access road to service the development, it is noted that the access road narrows in its middle section. The Highway Officer has advised that as the access is a straight road with clear visibility end to end and with access provided to only three dwellings, the road would provide a suitable access. Third party representation comments regarding the structure of the road are noted.

The materials of the road and structure would form part of a hard and soft landscaping condition for parts of the site not occupied by buildings.

7.5.6 It is noted that a significant level of concern has also been raised locally from representations received in respect of the impact of the development to highway safety from the access onto Pickhurst Lane. However, it has been concluded by the Highway Officer that they are satisfied in this respect that the access is compliant and will not represent an undue impact to highway safety that would warrant refusal in this regard.

7.5.7 Electrical car charging points should be provided as per the requirements of the London Plan. The scheme indicates three spaces in this regard. A condition for further details and requiring installation prior to occupation is recommended in this regard.

- Cycle parking

7.5.8 Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage for each house. A planning condition is recommended in this regard for further details of containment structures.

- Refuse

7.5.9 All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area for all houses. On balance, the locations are considered acceptable. A planning condition is recommended in this regard for further details of containment structures and capacity.

## 7.6 Neighbouring Amenity - Acceptable

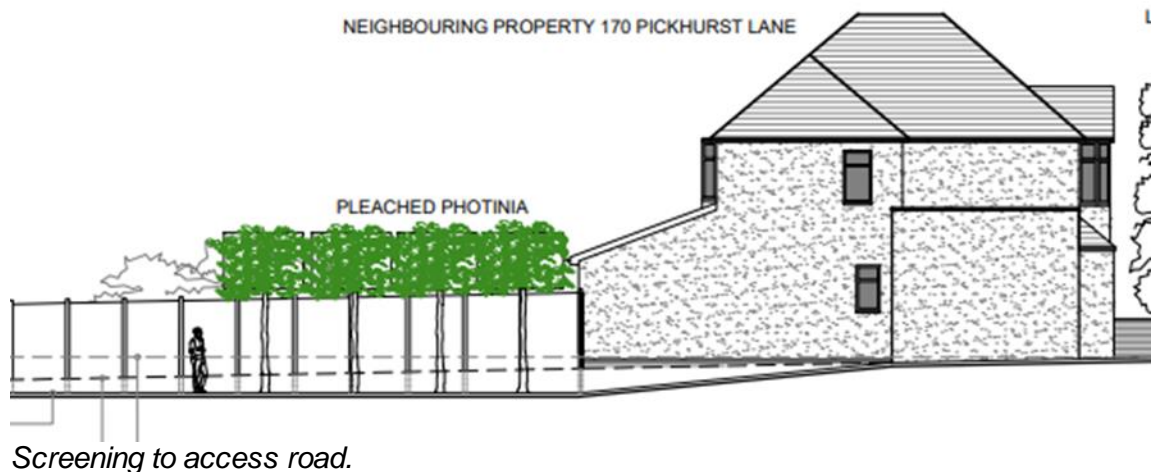
7.6.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

7.6.2 Policy 4 of the Bromley Local Plan also 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.

7.6.3 In terms of the revised layout for the now three dwellings proposed, in relation to adjacent properties, it is noted there has been neighbouring concerns raised by commentators of the application regarding overlooking to and from the proposed development to adjacent properties in the revised layout. Given the distance between the two proposed houses (Units 2 and 3) and those properties on Constance Close, whose rear gardens adjoin the site, notwithstanding the difference in ground level, the proposal is not considered to result in an overbearing effect that would be detrimental to outlook from these neighbouring properties.

Similarly the distance from Unit 1 to the rear elevations of properties on Pickhurst Lane is not considered to result in an overbearing effect that would be detrimental to outlook.

- 7.6.4 Commentators have also raised concerns in respect of views by users of the access road overlooking to the rear of No's 170 and 172 exacerbated by the change of ground level along the access road to the proposed dwellings. It is commented that this would afford views directly into rear windows that a raised boundary fence would not mitigate. The revised scheme has sought to address this issue by lowering the level of the access road towards Pickhurst Lane and introducing tree planting along the boundaries of the access road in the form of Pleached Photinia, which have a narrow trunk but then spread over a frame above the fence line, (see diagram below). The revisions to the scheme in this respect are considered to overcome previous concerns in this regard.



- 7.6.5 Further concerns have been raised in respect of noise and disturbance due to the increased intensity of the occupation of the rear of the site from future residential occupiers. In terms of part of the site where the houses are located, whilst the proposal would result in some additional noise and activity, when compared to the existing situation, this would not be so great that it would cause undue harm to the living conditions of neighbouring residential occupiers.
- 7.6.6 With regard to the use of the access road in respect of noise and disturbance, this was originally intended as an access to the electricity substation and for domestic use for No172 only in the pattern of development. Whilst the use of the access road for an increased level of vehicular traffic will introduce an area that has a public realm element which would result in some additional noise and activity when compared to the existing situation, on balance, given the access relates to only the comings and goings for three houses, this is not now considered to be so great that it would cause undue harm to the living conditions of neighbouring residential occupiers.

## 7.7 Sustainability - Acceptable

- 7.7.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.7.2 Paragraph 9.2.3 of the London Plan states that Boroughs should ensure that all developments maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and smart technologies. This approach will reduce carbon emissions, reduce energy costs to occupants, improve London's energy resilience and support the growth of green jobs.
- 7.7.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.7.4 An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

## 7.8 Sustainable Drainage - Acceptable

- 7.8.1 Policy SI 13 Sustainable Drainage of the London Plan states that 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.
- 7.8.2 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 7.8.3 It is recommended that further detail of a scheme for the provision of surface water drainage to include the access road drainage shall be submitted by planning condition with any permission.

## 7.9 Air Quality – Acceptable

- 7.9.1 Policy SI 1 Improving Air Quality, outlines in summary that development proposals should not lead to further deterioration of existing poor air quality and shall minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro fitted mitigation measures.
- 7.9.2 Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment.

7.9.3 The site is located within the Bromley AQMA. In this case, given the location close to a busy road, it is considered prudent for the development to incorporate Ultra Low NOx boilers for the flats. A condition is recommended in this regard with any permission.

#### 7.10 Trees and Landscaping – Acceptable

7.10.1 Policy 73 of the Bromley Local Plan states that 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.

7.10.2 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

7.10.3 The Council's Tree officer has reviewed the scheme and advised the current application has shifted the balance of amenity space towards the rear gardens but broadly a similar planting opportunity exists. It is also noted that in the 2019 appeal the Planning Inspector opined that there was enough scope to produce a landscaping scheme that could provide for suitable compensatory native tree planting. On this basis a soft landscaping condition to secure adequate tree planting and a compliance tree protection condition is recommended.

#### 7.11 Ecology and Protected Species – Acceptable

7.11.1 Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principle: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

7.11.2 Policy G6 of the London Plan seeks to support the protection and conservation of priority species and habitats and that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

7.11.3 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.

7.11.4 A Preliminary Ecological Appraisal report has been submitted with the revised application to address previous concerns in relation to protected species, most notably in relation to the badger sett located to the south east corner of the site.

7.11.5 It is stated that three visits were made to the site, two in March 2020 and a third in November 2021 where plant and animal species of the site were listed. No evidence of species, or habitat suitable for any species which are specifically protected under wildlife legislation was found on the site except for the badger sett.

The badger sett entrances were plotted out using a theodolite, and additional information for each entrance was compiled such as orientation of tunnel, type of soil in the spoil heap, size of spoil heap, and levels of activity at each entrance.

7.11.6 It is important to highlight that with the removal of the rear garden area of No164 from the site area, the location of the badger sett area is further away from the location of the houses than with the previously refused application. As a result, there is an increased separation between the proposed houses and the badger sett entrances. The separation is 11m and 17m respectively to the nearest badger sett entrances. Notwithstanding the increased separation, there remains an uncertainty over the extent of the sett and whether excavation can be undertaken without disturbance.

7.11.7 Paragraph 4.7 of the Preliminary Ecological Appraisal report has concluded that it is possible to construct the dwellings as proposed but this is with the proviso of certain mitigations to minimise disturbance.

7.11.8 A minimum 30m separation should be retained to any active sett to ensure that there is no disturbance and the onus is on the applicant to demonstrate this. Even without direct disturbance to tunnels, the development would impact on the ecology of this protected species by squeezing their habitat, as previously outlined by the Inspector. This is a planning consideration and a matter of concern when considering the overall impact on the protected species.

7.11.9 The West Kent Badgers Group have commented as detailed above noting the level of impact to the badger sett and that recommended and appropriate mitigation measures need to be ensured to take place.

7.11.10 In conclusion, the local badger population would be subject to more human pressure and interference than in their present secluded living and foraging area. However, given the alterations to the site boundaries and mitigation measures recommended it is considered that with suitable planning conditions to ensure the recommended measures are carried out, the survival of the protected badger species can be effectively managed. The ecological impact is therefore considered to be acceptable.

## 7.12 CIL – Acceptable

7.12.1 The Mayor of London's CIL and the Borough CIL (adopted 15/6/21) is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8 CONCLUSION**

8.1 Taking into account the above, the proposed development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the site optimisation and unit type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the area and locality. The standard of the accommodation that will be created will be good. The proposal would not have an

adverse impact on the local road network or local parking conditions. The proposal will not have an adverse effect on protected species. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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

**RECOMMENDATION:** Application Permitted

**Subject to the following conditions:**

**Standard condition**

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**

**Pre-commencement**

- 3. Details of a Construction Management Plan.**
- 4. Compliance and further details of recommendations of section 4.7 of Preliminary Ecological Appraisal**
- 5. Details of sustainable surface water drainage**

**Prior to above ground works**

- 5. Details of landscaping for hard and soft areas.**
- 6. Details of materials.**
- 7. Details of refuse storage**
- 8. Details of lighting scheme.**
- 9. Details of cycle storage**

**Prior to occupation/use**

- 10. Parking arrangements to be installed as approved.**
- 11. Details of electric car charging points.**

**Compliance conditions.**

- 12. No additional pipes or plumbing to be installed on outside of buildings.**
- 13. Removal of all PD Rights**
- 14. Slab levels compliance.**
- 15. Remove PD Rights – Windows**



- 16 Tree Protection compliance**
- 17. Installation of ultra-low NOx boilers.**
- 18. Compliance with Part M of the Building Regulations.**

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

**Informatives**

- 1. Reminder regarding submission of pre commencement conditions.**
- 2. Contact naming and numbering Officer at the Council.**
- 3. Reminder of CIL payments.**
- 4. Reminder regarding Part M compliance.**
- 5. Construction machinery emission**
- 6. Any street works are at applicants' costs.**
- 7. Contact Environmental Health re contamination.**
- 8. Thames Water - water pressure standard.**
- 9. Energy efficiency measures.**