

Committee Date	23.02.2023		
Address	114 Bromley Road Beckenham BR3 5NU		
Application Number	20/05008/FULL1	Officer - Catherine Lockton	
Ward	Beckenham Town & Copers Cope		
Proposal	Demolition of existing building and redevelopment of site to provide a part four/part three storey building to comprise a mix of 1 and 2 bedroom apartments with associated landscaping, amenity space, parking, secure bin and cycle storage. (Amended plans)		
Applicant		Agent	
Woolbro Homes		Mr Peter Hadley Robinson Escott Planning	
Third Floor Winston House 2 Dollis Park London N3 1HG		Downe House 303 High Street Orpington BR6 0NN United Kingdom	
Reason for referral to committee	Major application outside of delegated powers		Councillor call in  Yes - Cllr Tickner

<b>RECOMMENDATION</b>	<b>REFUSAL</b>
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<b>KEY DESIGNATIONS</b>  Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 12, SCA 21, SCA 9 Area of Open Space Deficiency
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	C2 - Residential Institutions	735.25sq.m
Proposed	C3 - Dwellinghouses	1849.7sq.m

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

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	11	4	0	0	15
Affordable (shared ownership)	2	1	0	0	3
Affordable (social rent)	0	5	0	0	5
Total	13	10	0	0	23

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	6	15	+9
Disabled car spaces	0	2	+2
Cycle	0	44	+44

**Electric car charging points**

0

**Representation summary**

*Adjoining neighbours were consulted by letter on 26.02.21, 20.06.22 and 15.08.22. A Press Advert was published on 10.03.2021 in the News Shopper.*

Total number of responses	435
Number in support	3
Number of objections	429
Number of general comments	3

<b>Section 106 Heads of Term</b>	<b>Amount</b>	<b>Agreed in Principle</b>
Carbon off-set payment in lieu	Not agreed	Not agreed
Play space contribution	Not agreed	Not agreed
Monitoring fee	£500 per head of terms	No
Legal costs	TBC	No
Total	TBC	

## **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- Given its historic, architectural form and the positive contribution it makes to the architectural heritage of the area, the existing building at 114 Bromley Road is considered by officers to be a 'Non-Designated Heritage Asset' the significance of which would be totally lost through its demolition, resulting in harm to the character, appearance and visual amenities of the area.
- Notwithstanding the offer of the provision of 39% affordable housing, the application does not qualify for the 'Fast Track Route' in Policy H5C of the London Plan and no up-to-date, detailed supporting viability evidence has been provided to confirm that the development would maximise the delivery of affordable housing.
- The proposed development has a poorly designed internal layout, which would fail to provide high quality, sustainable and accessible housing for prospective occupants, nor would it provide adequate playspace to meet the needs of the development.
- An acceptable planning obligation for provision of the affordable housing, early and late-stage affordable housing viability reviews, and the payment of carbon off-set and play space contributions and monitoring and legal costs has not been entered into.

## **1 LOCATION**

- 1.1 The application site measures 0.16 hectares and comprises a large two storey Victorian detached property which has been extended to the rear by way of a large two storey building connected to the original building by a single storey link extension. The application site is located on the corner of Bromley Road and Crescent Road, Beckenham.



Fig.1 – Site Location Plan

- 1.2 The application property was last used as sheltered accommodation for the elderly but has been vacant since 2019.



Fig.2, 3 and 4 – View from Bromley Road



Fig.5, 6, 7 and 8 – View from Crescent Road



Fig.9 – 114 Bromley Road, junction with Crescent Road and Andreck Court

- 1.3 The site has two vehicular accesses: one from Bromley Road and one from Crescent Road.
- 1.4 The application site is located approximately 55m east of the Chancery Lane Conservation Area. There are also two locally listed buildings located opposite the site. However, the application site itself does not lie within a conservation area nor is it listed.
- 1.5 The application site lies within an Area of Open Space Deficiency; meaning it is located more than 0.4km from a local park.



- 1.6 The application site lies within Flood Zone 1, which means it has a low probability of flooding.
- 1.7 The application site lies within a PTAL of 2 (on a scale where 0 is worst and 6b is excellent).
- 1.8 The site is located within the Bromley Air Quality Management Area (AQMA).

## 2 PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing building and redevelopment of the site to provide a part four/part three storey building to comprise a mix of 1 and 2 bedroom apartments with associated landscaping, amenity space, parking, secure bin and cycle storage.
- 2.2 The proposed new building would have an 'L-shaped' footprint measuring a maximum of approximately 40m (fronting Crescent Road) by 24m (fronting Bromley Road).



Fig.10 – Proposed Site Plan

- 2.3 The proposed building would comprise a mix of one and two bedroom units to provide 23 new dwellings (use class C3). The applicant is proposing 15 of these units would be for market sale, with the remaining 8 being a mix of shared ownership and social rent.
- 2.4 Communal bin and cycle stores are proposed within the ground floor of the building. A shared amenity space is proposed to the rear of the building adjacent to the boundary with No. 114a Bromley Road.
- 2.5 Six car parking spaces are proposed to the front of the property accessed from Bromley Road, and 11 car parking spaces are proposed to the rear accessed from Crescent Road.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 Under ref: 91/00037/FUL, planning permission was allowed at appeal for a two storey rear extension and conversion to residential home for the elderly with two housekeepers flats and 9 car parking spaces.
- 3.2 Under ref: 92/00995/DET, planning permission was granted for details of landscaping, slab levels, refuse storage enclosures, elevational details of garage conversion and visibility splays pursuant to conditions 3, 5, 6, 7 and 10 of 91/00037 granted on appeal for extension and conversion to residential home for the elderly with two housekeepers flats and 9 car parking spaces.
- 3.3 Under ref: 06/00965/FULL1, planning permission was granted for a disabled access ramp steps and railings to front entrance.

### **4 CONSULTATION SUMMARY**

#### **A) Statutory**

- 4.1 Highways – No objection
- The applicant is utilising the existing access arrangements via Crescent Road and Bromley Road leading to the car parking areas. It is proposed to relocate the existing access on Crescent Road further south to provide access to car parking to the rear of the site and adjacent to Crescent Road. The applicant states that the redundant crossovers will be reinstated to footway level at their cost which is acceptable. The visibility splays can be achieved on Crescent Road.
  - 18 car parking spaces would be provided for 23 units which accords with Bromley's parking standards. At least 20% of spaces should have active charging facilities, with passive provision for all remaining spaces.
  - Cycle parking is acceptable.
  - Conditions relating to parking, stopping up of existing access, refuse storage, cycle parking, lighting, highway drainage, and a construction management plan are all recommended on any approval.
- 4.2 Drainage (Lead Local Flood Authority) – No objection
- Further to the submitted Drainage Letter by LANMOR Consulting to explain that car park areas are included in the calculations, it is expected that the car park areas are to be constructed with permeable paving to improve water quality and increase storage volume. A compliance condition is recommended on any approval.

#### **B) Local Groups**

- 4.3 Orpington Field Club & Bromley Biodiversity Partnership Sub-group
- A bat roost site has been identified within the roof space and a bat emergence/re-entry surveys should be conducted on the building and an endoscope survey of the potential roost feature on the sycamore tree completed.
  - At least four swift boxes should be provided.

- Loss of green space will have an impact on pollution levels, carbon storage and sequestration, and urban cooling. New trees will take many years to mature to a stage where these affects will be mitigated.
- Replacement hedgerows and trees should be of native species and replacement shrubs should not include invasive species.
- Loss of grassland and bare earth will impact invertebrate species and hedgehogs, bats and birds who feed on these.
- Loss of green space in an area recognised by BugLife as a B line should be taken into consideration.
- The planting of Box as part of the ornamental hedgerow is unsuitable due to the rapid rise in the occurrence of the Box Tree Moth which is a serious pest of Box.

#### 4.4 Copers Cope Residents Association

- Oppose demolition of the original Victorian house which forms an intrinsic part of the development of the Oakhill area of Beckenham in the 19<sup>th</sup> century. Whilst added to over the years, the original house makes an important contribution to the streetscape as it transitions from Bromley Road into Crescent Road.
- Loss of the existing building by reason of its positive contribution to the architectural heritage of the area would be harmful to the character and appearance of the area.
- Footprint of the proposed development is almost double the size of the existing building and along with its increase in height would be a gross overdevelopment of the site.
- Proposed design is dominating and unrelated to the building it replaces and those adjacent on Crescent Road.
- Size, scale, height, massing and bulky design would be out of character with Crescent Road and result in significant harm to the character and appearance of the area.
- Serious and adverse effect on the visual amenities of the neighbouring occupants to the east and south.
- Proposed scheme would have the potential for up to 82 people which is unsustainable relative to the size of the site.
- Severe lack of outdoor amenity space for future occupants.
- Very little soft landscaping is provided on site.
- Inadequate number of parking spaces which is likely to cause additional strain on the existing parking provision on Crescent Road and other residential roads nearby.
- Units on the first floor barely meet the minimum space standard.
- No affordable housing is proposed and does nothing to address the housing issues in Bromley.
- Many local residents say they were not consulted as part of the consultation stated within the Statement of Community Engagement and Copers Cope Residents Association were not contacted during this time.

#### 4.5 Bromley Civic Society

- Loss of existing building



- Disagree with planning report which states that the building is of no particular heritage interest and not a building of special local quality so cannot be a non-designated heritage asset.
- The building by its age and design and its prominent corner location is of landmark quality with a direct historic relationship with the Oakhill/Chancery Lane Conservation Area.
- The building is related to locally listed Oakhill Lodge, no 39 The Knoll which is included in the Conservation Area despite being hidden by trees whereas 114 is on full view.
- The building should be at least classified as a non-designated heritage asset, deserving of local listing and preferably added to the Conservation Area.
- The applicants Heritage Statement should include Conservation Area assessment including Oakhill House and its architectural and historic relationship with 114 Bromley Road.

#### 4.6 Victorian Society

- Demolition of 114 Bromley Road would harm the character and appearance of locally listed buildings in the area and detract from views into the Chancery Lane Conservation Area.
- 114 Bromley Road is one of the few substantial Victorian middle-class houses to have survived on Bromley Road and visually demonstrates the intensification and development of the area in the early 20<sup>th</sup> century with its formerly large gardens sold and Edwardian terraced houses built upon them.
- 114 Bromley Road enhances the visual approach towards the Chancery Lane Conservation.
- NPPF 195 indicates that the significance of a heritage asset can be impacted by setting.
- The application incorrectly states that the road and late 20<sup>th</sup> century development 1-37 Andreck Court discounts any positive contribution 114 Bromley Road has on the setting of the Conservation Area. The loss of 114 Bromley Road would further erode the setting and significance of this Conservation Area causing harm.
- 114 Bromley Road adds to the extended 19<sup>th</sup> century social and economic context of the Conservation Area.
- The view along Crescent Road towards the former Congregational Church would be harmed by the loss of 114 Bromley Road and the increased footprint of the proposed development.
- The proposed development would erode the setting and significance of 31 and 33 Bromley Road, locally listed buildings situated diagonally opposite 114 Bromley Road, by isolating them from the remains of late 19<sup>th</sup> and early 20<sup>th</sup> century neighbourhood.
- Disagree that 114 Bromley Road has a 'worn out appearance' and is a 'significantly altered building' as the exterior of the building is in good condition and retains several attractive architectural features. The alterations could easily be replaced with period appropriate designs and materials.
- The new proposal is bulky in scale, dated and unimaginative in design.
- The use of gables to respond to the context of Edwardian terraced houses is unsuccessful.

- The design does not make a positive contribution to local character or distinctiveness.
- Disregard for the historic development of the area would cause less than substantial harm to the setting of the conservation area and locally listed buildings.
- The importance of recycling and reusing buildings should be emphasised to tackle climate change.

*Additional comments from Victorian Society following revised 23 flat proposal;*

- The existing building should be considered as a non-designated heritage asset.
- The existing building makes a positive contribution to the setting of nearby heritage asset at Chancery Lane Conservation and its demolition would harm its setting and significance.
- The proposed development would erode the setting and significance of 31 and 33 Bromley Road, locally listed buildings situated diagonally opposite 114 Bromley Road, by isolating them from the remains of late 19<sup>th</sup> and early 20<sup>th</sup> century neighbourhood.
- Amendments to the proposal have resulted in a more traditional elevational treatment and reduced scale but do not address previous concerns.
- Any proposal that includes demolition of the existing building will affect the setting of nearby designated and non-designated heritage assets and harm their significance.
- Demolition and construction of a new building is not environmentally responsible.
- Demolition would result in a complete loss of the significance of a non-designated heritage asset.

### **C) Adjoining Occupiers**

#### **4.6 SUPPORT**

- No objection to the old building being removed as no significant architectural merit or of a building typology that poses suitable re-use
- A new building compliant to modern standards of construction will provide a more environmentally friendly and efficient use of power and heating.
- The look of the development is of valid architectural character and appeal.
- Good addition to local property stock to hopefully benefit first time buyers or the young.
- Increasing number of blocks in the area with good landscaping that are not an unpleasant addition.
- Most properties in the area are houses with their own drives so unsure why there are objections on the ground of parking.

#### **4.7 OBJECTION**

- Design and Density (*addressed in Section 6.4*)
  - Dominant, overbearing and out of character with the historic setting.
  - The new building will be at least two times the current size of No. 114.

- The proposed development sits aligned to properties on Bromley Road and is of comparable height but not with properties on Crescent Road; there is little to no space between the building and the pavement on Crescent Road and the building should be set further back from this boundary, particularly given the protruding balconies.
- A smaller, more sympathetic development would be preferable on this site; fewer storeys, smaller number of dwellings and less car spaces.
- Unacceptable Scale and density of development.
- The site is in a very prominent location and would be destructively dominant in its style, skyline and overall aspect.
- Overdeveloped footprint and hardstanding which takes away garden and open space so will have a negative impact on the open aspect of the road.
- The building height is too tall and far greater than the existing property.
- Current footprint and height would be overbearing to the streetscape along Crescent Road.
- Detrimental impact on character of the area and neighbouring conservation area in Limes Road and Chancery Lane.
- Structure and materials do nothing to enhance the neighbourhood history and outlook.
- Cramped
- Massing is excessively greater in size and overbearing.
- Incongruous development.
- Too many flats on the site.
- Area already overpopulated with blocks of ugly flats.
- Design is unsympathetic.
- Building looks like a prison.
- The existing annex should not allow for such a large structure to be built into the back garden.
- Contrary to Local Plan 2019 as wouldn't complement and respect the character of the neighbourhood nor pay attention to the density of the development and parking requirements.
- No public realm improvement.
- Fail to achieve a satisfactory relationship to surrounding development.
- Development would result in a retrograde lowering of the spatial standards of the area.
- Space between No. 114 and 114a will be reduced.
- Other recent redevelopments in the area, such as Spire Court, have been sympathetic in retaining heritage and outlook and amenity for the neighbourhood and residents.
- The lack of garden/open space is out of keeping with the area.
- No community merit.
- Density of occupation well above other developments nearby.
- Limited amount of valuable outdoor space indicates overdevelopment.
- Comparison with Andreck Court should not be made as the buildings are very different with Andreck Court reducing to two storeys and with a greater space from neighbouring property.
- The development will not improve the public realm.

- Oakhill/Westgate area has managed to retain a “village” character separate from Beckenham itself and the boring block of flats would make the area another Albemarle Road.
- The proposal demonstrates no interest in maintaining local history and outlook.
- Loss of existing building (*addressed in paragraphs 6.1.10 to 6.1.24*)
  - The existing building is a historic landmark that has existed since the turn of the 20<sup>th</sup> century and should be protected.
  - The existing building should be included in the Chancery Lane and Limes Road Conservation Area and steps should be taken to have it locally listed.
  - Existing building is a local asset and positive contributor to the streetscene.
  - Existing building is of a Victorian period and is in keeping with the stock of houses of similar age in Bromley Road and Crescent Road and the nearby conservation area.
  - The existing building contributes to the local historical streetscape and sense of place and valuable to Beckenham’s Victorian heritage.
  - Loss of Victorian wall.
  - Existing building should be restored and renovated.
  - Residential development could be achieved by conversion of existing building with subtle extension.
  - This heritage building, originally owned by Rob Copeland, who founded the local undertakers, deserves better and is worthy of conservation.
  - The existing building has substantial significance for the Victorian development of Beckenham and should be considered a non-designated heritage asset.
  - The Heritage Impact Study understates the importance of the Oakhill area as a whole and No. 114 and Crescent Road within this wider context.
  - Loss of tetra-style porch facing Crescent Road.
  - It has not been demonstrated that the quality of any redevelopment would be sufficient to justify the loss of the existing building.
  - The Council should check if there is any covenant or other restrictions on the property as a result of its donation by Rob Copeland to the charity before it makes a decision.
- Impact on nearby heritage (*addressed in paragraphs 6.1.10 to 6.1.24 and paragraph 6.4.12 to 6.4.14*)
  - Loss of view of the former Congregational Church from the junction of Crescent Road.
  - Loss of significance from the setting and surroundings of the locally listed former church and nearby conservation area.
- Quality of accommodation for proposed residents (*addressed in Section 6.3*)
  - Limited amenity for new residents.
  - Not all the rooms have sufficient daylight and do not comply with BRE guidance.
  - 1-bedroom flats have no space for homeworking.
  - Floorspace within the flats mostly provides only the minimum required.

- Privacy issues for residents on ground floor and those with balconies above facing Crescent Road given proximity to the pavement.
  - Minimum requirement for external amenity has heavy reliance on small sunless north-east facing balconies projecting towards busy traffic on Bromley Road and north-west close to Crescent Road's junction.
  - The communal external space at the rear is very tiny, immediately adjoins the car park, and is enclosed by buildings and would be inadequate for the differing domestic residents of the flats.
  - The outside space for residents should be given a greater priority.
- Impact on neighbouring amenity (*addressed in Section 6.5*)
  - Overshadow neighbouring properties.
  - Overlooking.
  - Dominate outlook from the many period residential properties in Crescent Road and Bromley Road.
  - Balconies would impact on privacy to existing residents on both Bromley Road and Crescent Road.
  - Development would look directly into the dining room window of No. 1 Crescent Road and incorrect assumptions have been made about this window by the applicant.
  - Increase of traffic will affect peacefulness of the neighbourhood and contribute to pollution levels.
  - Loss of light.
  - Impact on light to neighbouring properties as a result of proposed tree planting.
  - Loss of privacy.
  - All windows on the first floor south-eastern elevation of the extension at No. 114 were required to be obscure glass and fixed permanently shut due to privacy issues. The proposed development on the second and third floors serve living areas and will have a direct view down Crescent Road.
  - The proposed building will extend well past the front and rear walls of No. 1 Crescent Road and will dwarf this neighbouring property.
  - Increase in noise and disruption with increased number of residents at the site.
  - Right to Light.
  - Small size of units means the balconies will be heavily used causing more loss of privacy and impact on urbanised feel of development.
  - Loss of value to neighbouring properties.
  - Negative health implications on the local community.
  - Trees close to neighbouring property could undermine the stability of neighbouring building.
- Loss of care home (*addressed in paragraphs 6.1.1 to 6.1.9*)
  - Marketing was undertaken during COVID lockdown which is not significant enough to warrant writing it off as a viable development.
  - The application does not address the loss of the care home facility with any adequate replacement elsewhere.
- Impact on parking (*addressed in Section 6.6*)
  - The area already struggles with parking with nearby shops, Mercedes garage, schools and so more parking should be provided on-site.

- Parking on Crescent Road is already difficult and parking on both sides makes it very narrow – more parking on the street will make this worse.
- There should be at least 1 parking space per flat.
- Parking controls have already been introduced in area due to parking issues.
- Basement parking could be considered
- EV charging points should be provided.
- There is nothing the developers can do to stop the flat owners having more than one vehicle. People will have at least 1 or 2 cars per household.
- There is not enough parking for the flats, plus visitors and delivery vans.
- 3 accessible parking bays should be provided for 3 wheelchair access flats.
- Paid parking zones should not be introduced in the area to justify the proposed building work.
- Assumptions in the applicant's Transport Assessment regarding car ownership are unsupported by evidence
- Application does not assess the impact of the proposals on the surrounding highway network (*addressed in Section 6.6*)
- Impact on highway safety (*addressed in Section 6.6*)
  - Limited access and turning space for emergency vehicles on site.
  - Access on Bromley Road will be closer to the junction
  - Potential traffic conflicts between vehicles, pedestrians and cyclists accessing the site and neighbouring properties has not been properly assessed.
  - The junction of Crescent Road and Bromley Road is already dangerous and such a large development on this corner with more vehicles entering and exiting the site would increase road safety issues.
  - Increased traffic in an already congested area which would cause accidents and endanger school children who walk to local schools and elderly residents.
  - Accident data in the Transport Assessment are incorrect and insufficient
  - More vehicles already use Bromley Road and Crescent Road because of the revised traffic management pilot underway in Albemarle Road.
  - Height and footprint of building would reduce visibility for drivers in all directions.
  - Extra vehicles would cause a safeguarding issue for nearby pre-school.
  - Refuse and delivery vehicles using Bromley Road will add to danger for people crossing as well as obstructing the free flow of traffic.
- Impact of construction (*addressed in paragraph 6.6.16 and 6.10.5*)
  - Noise pollution during construction.
  - Air pollution from demolition and building.
- Drainage/Flooding concerns (*addressed in Section 6.9*)
  - Impact on drainage from so much impermeable materials.

- Concreting of more land for additional car parking will create more flooding on the surrounding roads.
- Sustainability and pollution (*addressed in Section 6.8 and 6.10*)
  - More renewable energy sources should be considered.
  - Demolition should be a last resort and refurbishing should be chosen where possible to avoid environmental waste and reduce CO2 emissions.
  - Increase in air pollution from additional vehicles.
  - Insufficient green space.
  - Amount of building material waste will be unacceptable.
  - Not very carbon neutral.
- Impact on wildlife (*addressed in Section 6.7*)
  - Loss of significant garden space and green land which is habitat to flora, fauna and animals.
  - The planning application incorrectly states that there are no ponds locally.
  - Eco report states that green roof as part of solution but no green roof is proposed; although a green roof would not support the wildlife at ground level.
  - There should be more green space and permeable paving for the car park.
  - Bat roost in the roofspace which is protected legally.
  - The development would destroy wildlife corridors that currently exist for a number of species.
  - Tarmacking over the garden will destroy green corridors.
  - Minimum number of bat and bird boxes proposed.
  - Construction work will take time and new planting proposed will take time to establish and will not provide for wildlife for a long time
  - Garden habitat should be independently assessed.
  - Bromley sits on London's only b-line and this should be taken into account.
  - Green roof is used for a significant ratio to meet the urban greening factor which is disappointing as more green space on the existing site could be preserved.
- Landscaping and trees (*addressed in Section 6.7*)
  - Loss of mature trees that add to the character of the area.
  - The trees shown on the plan are questionable in their position and size and the defensible planting is not shown on the elevation; neither element are acceptable in giving adequate privacy or designed character in the relationship of the building to pavement.
  - The garden space or 'Private Amenity' space is poorly designed; these areas should not become external storage areas and a high fence line proposed to provide privacy and containment of these areas.
  - Trees appear to be too close together
  - Trees do not fit within the boundaries and will overlap neighbours which shows the building occupies too much space as there is not enough land for the trees proposed to be planted to be contained within the site.
- Housing choice inadequate (*addressed in Section 6.2*)



- Development does not improve the choice of accommodation available in this part of Beckenham.
  - No social housing is unacceptable.
- Car parking areas are hidden from view and not overlooked which causes concern regarding anti-social behaviour (*addressed in paragraph 6.4.18*)
- Other Matters
  - Inadequate neighbour consultation from developer's
  - Increased pressure on local services (e.g., schools, doctors, dentists) and infrastructure
  - The development will devalue the area.
  - Prices of proposed units are unrealistic and overinflated
  - The proposal is about maximum profit for the developer.

*Additional comments received following revised 23 flat proposal;*

- Design and density (*addressed in Section 6.4*)
  - Size, height and density of the revision is still an overdevelopment of the site.
  - Application is for maximum density and profit.
  - Block of flats is not in keeping and out of character with the neighbourhood.
  - Increase in footprint and height of 4 storeys is not in keeping with the surrounding area.
  - Out of keeping with surroundings.
  - Overbearing development.
  - Number of dwellings on site is excessive.
  - Front elevation facing Bromley Road would still be much larger and more imposing than at present.
  - Building is still too big and imposing in height and density and will spoil the sight line into the attractive houses in Crescent Road.
  - The development has no aesthetics design merit.
  - Proposed building is too close to pavement on Crescent Road making it too dominant and out of proportion.
  - Design has improved but the scale is still too large.
  - The design and scale fails to respect and compliment the setting of the northern half of Crescent Road into which it leads.
  - Overbearing and detracts from character of Crescent Road.
  - If a proposal to remove a building of heritage then the design should reflect the year and character of today and not a modern building built to mimic elements of history.
  - Existing extension was to facilitate the use of the old person's home and if that use is to cease the extension should be demolished and the area restored to the open garden type use it was before the extension rather than used to justify further unsympathetic development.
  - The proportions and elevational treatment of the proposed design lack classical proportion and treatment.
  - Majority of the development is on Crescent Road and should be properly stepped to consider the change in height of buildings.

- The buildings significantly reduce in height from Bromley Road into Crescent Road so as not to dominate the attractive Victorian road and the new building will still remain high and dominate the look of the area.
- Scale of the development should be reduced further.
- Height and style of proposed building is not in keeping with the local architecture.
- The rear section should be two storey to match the property opposite.
- Plot of land not big enough for the development.
- 23 flats will overwhelm the area.
- The Crescent Road streetscape is unique in Beckenham and should be enhanced by a more sympathetic redevelopment and not destroyed by new high density developments.
- The application for existing rear buildings at 114 Bromley Road were refused in 1991 and revised to what stands today.
- All buildings in Crescent Road have significant frontage/gardens and are set back from the road in a uniform building line and the proposed plans would be significantly closer to the pavement/boundary of Crescent Road with the terraces and balconies being almost directly on the pavement.
- The brick wall along Crescent Road should be retained for visual consistency.
- Revised design is more in keeping with the current building but the building could be repurposed in a better way.
- Revised design is an improvement but the development is still too dense for the size of the plot.
- 114a Bromley Road has 7 flats in a plot roughly half the size of the application site and 116 Bromley Road has 8 flats in a slightly larger plot so there should be no more than 14 or 15 flats.
- The development undermines other attractive developments to properties in the area such as Crescent Road coach house.
- Loss of existing building (*addressed in paragraphs 6.1.10 to 6.1.24*)
  - Already a lot of houses have been demolished to allow for flats to be built.
  - The existing building should be converted and not replaced.
  - The existing building is a heritage asset which is important to the identity of Beckenham and surrounding area.
  - Existing building is of significant historical and cultural relevance to the area.
  - Keeping the existing building would reduce CO2 emissions and protect heritage.
  - The original owner Mr Rob Copeland donated the property to Abbeyfield for use as a care home and its redevelopment as flats would be against this.
  - Conversion of existing building into flats would maintain the Victorian character of the area and preserve the historic building.
  - A large majority of quality Victorian heritage housing have already been lost.
- Impact on nearby heritage (*addressed in paragraphs 6.1.10 to 6.1.24 and paragraph 6.4.12 to 6.4.14*)

- The site is next to the Chancery Lane/Limes Road Conservation Area.
  - Attractive historic areas of Bromley like this are gradually being eroded.
- Quality of accommodation for proposed residents (*addressed in Section 6.3*)
  - The proposed development would not be efficient for new residents.
  - Communal amenity space is insufficient.
  - The new residents would have no privacy.
  - Balconies too small for proper amenity space.
- Impact on neighbouring amenity (*addressed in Section 6.5*)
  - Loss of amenity to 1 Crescent Road.
  - Increase in noise.
  - Loss of light.
  - Loss of privacy to balconies and garden at No. 114a Bromley Road.
  - Loss of light to properties at 114a Bromley Road.
  - Overshadowing properties in Crescent Road.
  - Loss of privacy for adjacent properties at 114a and Crescent Road.
  - Loss of outlook.
  - Obstruction of views currently enjoyed by residents at 114a.
  - Revised positioning of building to not block the light of the main family room at No. 1 Crescent Road and limit impact on privacy is welcomed and should not be moved back again in any future re-iterations of the planning design.
  - Proposed building still higher than the existing building and should be reduced so as not to loom over No. 1 Crescent Road.
  - The opaque glazed windows facing No. 1 Crescent Road must be maintained and should be written into any lease to demonstrate a long-term commitment.
- Loss of care home (*addressed in paragraphs 6.1.1 to 6.1.9*)
  - Building should be preserved as a care home.
  - The list of enquiries for the sale of the site has not been updated.
- Impact on parking (*addressed in Section 6.6*)
  - Car parking is not in line with car ownership in Bromley.
  - Insufficient parking for residents and their visitors leading to more congestion in surrounding roads and road safety issues, which already struggles with parking and traffic.
  - At least 1 parking space per unit should be provided.
  - Parking already very bad on Crescent Road and Bromley Road.
  - Insufficient parking for the residents of the flats, their visitors and deliveries.
  - Underground parking should be provided.
  - Less parking spaces than previous revision which is not enough for the number of flats.
  - Nobody in the old people's home drove cars so the applicants statement that there would be minimal impact on traffic, car ownership and parking is inaccurate.
  - Residents should not be eligible for any nearby on-street parking.
  - Issue of parking hasn't been addressed.
  - A further reduction of flats on this development would be better and would help reduce the issues of parking.

- Issues with access and impact on highway safety (*addressed in Section 6.6*)
  - Increase in cars will be dangerous for cyclists.
  - The proposed development should have only one access from Bromley Road as it fronts Bromley Road and all other properties that front Bromley Road only have one access point directly onto Bromley Road.
  - Two vehicle access points for the proposed development increases the risk to visibility and pedestrian safety.
  - Additional access on Crescent Road will increase traffic significantly and create a traffic pinch point.
  - Vehicular access from Bromley Road is adjacent to the junction with Crescent Road and will constitute a traffic hazard.
  - Road safety issue especially for elderly and vulnerable residents on Crescent Road and nearby school children.
  - Increase in traffic causing a danger to children go to and from nearby schools.
  - Changes to Westgate Road to one way has caused a significant increase in traffic and pollution and the development will increase this.
  - Increased traffic congestion on an already really busy street.
  - Road safety concerns due to the site being on a corner.
  - Crescent Road should be made one way to improve traffic flow.
  - Key access point for the flats will be on Crescent Road which, whilst a two-way road, is in practice a single lane due to parking of cars on either side causing traffic congestion. A full road traffic assessment including data during peak periods should be carried out.
  - Concern that there is not sufficient visibility entering and leaving the site from Crescent Road which could lead to accidents.
  - A lollipop attendant at the junction should be considered whilst work is happening at the site and possibly after too.
- Issues with applicant's Transport documents (*addressed in Section 6.6*)
  - There has been no update to the parking survey on Crescent Road.
  - Transport Statement is flawed and the conclusions are not accurate; swept path analysis does not take account of parking on both sides of Crescent Road; TRICS Output – Sheltered Accommodation has no equivalence in location and 5 years old data; TRICS Output – Private Flats includes more inner London borough examples than outer London.
  - The free car club membership is of limited value as the nearest car club space is more than half a mile away and there are no proposals to install a new one.
  - The applicants report considers that the car ownership levels will be low which is challenged and refuted by numerous other sources.
  - The claim that the proposals would result in no material change in traffic generation is incorrect and false evidence.
  - Disagree with the statement on page 10 of the addendum document that says that trip data demonstrates that any likely additional trips compared to the existing lawful use would be negligible as the current property generates virtually no traffic or parking issues.
- Issues with applicant's viability documents (*addressed in Section 6.2*)

- The values in the affordable housing viability assessment seem too low and don't take account of potential future growth realised once the apartments are constructed and brought to market and a clause should be put on any permission to ensure any additional revenue generated from sales is provided as an appropriate affordable housing contribution.
- Impact of construction (*addressed in paragraph 6.6.16 and 6.10.5*)
  - Environmental and road pollution from demolition and construction
  - Dust, noise and vehicles from construction will impact on neighbouring residents.
- Sustainability and pollution (*addressed in Section 6.8 and Section 6.10*)
  - Air Source Heat Pumps and solar panels should be provided for heating and hot water.
  - The proposal to use an offset payment to reduce carbon emissions elsewhere does nothing to reduce the emissions from this development which will rely of mains supply gas for heating and hot water and is incompatible with the UK Government Climate Change Committee's pathway to zero emissions.
  - Not a green development.
  - CO2 emissions and carbon footprint from demolition/rebuild are very significant.
  - Existing building should be retrofitted to have the lowest environmental impact.
  - Increased pollution.
  - Vehicular air and noise pollution.
- Impact on wildlife (*addressed in Section 6.7*)
  - Loss of habitat.
  - Loss of biodiversity.
  - Wildflower areas will be attractive when they flower but not for the rest of the year.
- Landscaping and trees (*addressed in Section 6.7*)
  - Mature trees should be retained.
  - More open space for residents to use and that encourages nature should be provided.
  - Insufficient open space and landscape.
  - Planting of trees is an attempt to improve the developments green credentials and privacy there are still strong concerns about the planting of trees so close to No. 1 Crescent Road and the impact on foundations to No. 1.
  - Existing beech hedge provides good privacy and if it is maintained would provide privacy to No. 1 without associated risk. New planting will take years before its full impact is felt.
- Housing choice inadequate (*addressed in Section 6.2*)
  - No affordable housing.
- Support Victorian Society comments.
- Other matters
  - Inadequate neighbour consultation from developer
  - Increased pressure on local services (e.g., schools, doctors, dentists) and infrastructure due to additional occupancy of the site.
  - Value of nearby properties will decrease.

- Original proposals received over 320 objections which have not been fully addressed.
- Additional impacts from nearby redevelopment of 46 Bromley Road.
- The negative impacts of the proposal far outweigh the positives and so the application should be refused.
- It is in the public interest that the advice given to the applicant listed in the Allsop listing is provided.
- The large, sheltered housing building of Andreck Court has been asking for a parking space for an ambulance on Crescent Road for years and additional flats should not be prioritised over providing easy access to emergency healthcare for the elderly.
- The data in the supporting documents appears to have been written to support the developers agenda.

## 5 POLICIES AND GUIDANCE

5.1 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.

5.2 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.

5.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*

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

### 5.5 National Policy Framework (2021) and National Planning Practice Guidance

5.6 National SPG - Technical housing standards – Nationally Described Space Standard (March 2015)

### 5.7 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 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, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- H12 Supporting and specialised accommodation
- H13 Specialist older persons housing
- S4 Play and informal recreation
- HC1 Heritage conservation and growth
- G1 Green Infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving Air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

The relevant London Plan SPGs are:

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Character and Context SPG (2014)
- Green Infrastructure and Open Environments: The All London Green Grid SPG (2021)



- London Environment Strategy (2018)
- 'Be Seen' energy monitoring guidance (2021)
- Energy Assessment Guidance (2022)
- Mayor's Environment Strategy (2018)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Mayor's Transport Strategy (2018)
- Mayor's Housing: Supplementary Planning Guidance (2015)
- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)
- Urban Greening Factor LPG (2023)
- Draft Fire Safety LPG (2022)
- Draft Sustainable Transport and Walking LPG (2021)
- Draft Air Quality Positive LPG (2021)

## 5.8 Bromley Local Plan (2019)

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 8 Side Space
- 11 Specialist and Older People's Accommodation
- 30 Parking
- 31 Relieving Congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 59 Public Open Space Deficiency
- 72 Protected Species
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon Reduction, Decentralised Energy Networks & Renewable Energy
- 125 Delivery and Implementation of the Local Plan

The relevant Bromley SPGs are:

- Planning Obligations SPD (2022)
- Affordable Housing (2008) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

## **6 ASSESSMENT**

### **6.1 Principle of Development – Unacceptable**

*Loss of existing specialist accommodation (acceptable)*

- 6.1.1 The application site currently comprises a large two storey building which was last in use as a residential home for the elderly (use class C2). Loss of the site for C2 use would have a particular impact on older people and people with disabilities, who are most likely to need such accommodation. The Bromley Local Plan recognises this and policy 11 therefore resists the loss of sites currently providing specialist accommodation unless: it can be demonstrated that there is no demand for the existing accommodation and no demand for sites from alternative providers, or there is equal or greater replacement provision of improved specialist accommodation in an alternative appropriate location.
- 6.1.2 The applicant states that the care home experienced limited occupancy which led to its closure in 2019. The applicants supporting document from the previous owners Rapport Housing & Care (dated 09 March 2020) states that the principal grounds for the closure of the home was due to unsustainably high staffing levels and rent above Social Rents, as well as high levels of voids (with up to 50% in some cases). As such, the underperformance in respect of occupancy impacted upon financial performance. The marketing letter from Linays dated 20<sup>th</sup> November 2020, also advises that it is likely to be a result in the trend for larger more modern complexes (around 50-80 en-suite bedrooms with supporting leisure and catering requirements) which provide, not only satisfactory accommodation for the residents, but also to establish a financially viable trading option for the future.
- 6.1.3 Paragraph 2.1.89 of the supporting text to Policy 11 clarifies that evidence of appropriate and robust marketing for a period of a minimum of 6 months is required to demonstrate that there is no demand for the existing accommodation and no demand for sites from alternative providers (seeking to re-develop the site for an alternative form of specialist accommodation for example).
- 6.1.4 The applicant has submitted various documents to indicate the level and type of marketing undertaken by Linays Commercial. The supporting documentation states that the property has been marketed since June 2020 for letting, although the particulars indicate that offers for a freehold interest would be considered.
- 6.1.5 The property was marketed on Linays' own website and other online media options that they contribute to and support, as well as targeted mailing to specific organisations. The marketing letter states that this included providing details to a number of care home operators and organisers, as well as directing marketing

towards alternative uses such as nurseries, pre-school facilities and other similar activities plus alternative commercial uses such as offices and medical functions.

- 6.1.6 The marketing letter from Linays dated 20<sup>th</sup> November 2020 states that discussions were undertaken with several occupiers seeking specialist housing for supported living or houses of multiple occupancy. The letter from Linays dated 13 July 2022 further advises that the building did not attract interest for its current use, i.e., that of an elderly persons home and through discussions with prospective purchasers or tenants it was understood that this was because the building cannot be adapted to fit the requirements of modern care organisations which has consequently resulted in them not producing a satisfactory end user.
- 6.1.7 The letter from Linays dated 13 July 2022 states that the majority of enquires received were from developers interested in acquiring the site on a subject to planning permission basis for the purposes of residential development. This letter also indicates that discussions and negotiations with several parties who have expressed an interest in leasing or purchasing the property, but that they have failed to agree terms with any party who has offered or submitted a proposal which met with the applicants requirements in terms of usage or financial expectations.
- 6.1.8 The applicants have also submitted two tables of property enquires; one from 5<sup>th</sup> June 2020 to 12<sup>th</sup> November 2020 and one from 1<sup>st</sup> December 2020 to 26<sup>th</sup> June 2022. These tables outline the proposed use, the date the enquiry was received, and a brief summary of background information/any follow-up enquiry. A letter from Linays dated 24 August 2022 was also submitted to support the application to provide further information with regards to some of the enquires received from specialist accommodation providers. This letter also stated that the rental proposed is considered to be realistic and reflects market value bearing in mind the size and nature of the accommodation, the location and transport links and existing on-site parking.
- 6.1.9 The marketing evidence provided by the applicant is considered to be robust and outlines why, for various reasons, this has not resulted in interest from specialist care providers. Accordingly, the information provided is considered sufficient to address the requirements of Policy 11 of the Bromley Local Plan.

*Demolition of existing building (unacceptable)*

- 6.1.10 Paragraph 195 of the NPPF (2021) details that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 6.1.11 Paragraph 040 of the Planning Practice Guidance (PPG) confirms that, as well as identification of non-designated heritage assets through the preparation of local lists, in some cases local authorities may also identify non-designated heritage assets as part of the decision making process on planning applications.

- 6.1.12 Policy 40 of the Bromley Local Plan (Other Non-Designated Heritage Assets) sets out that where non-designated heritage assets are highlighted as at risk of harm from a planning application, clearly demonstrable reasons or evidence of their significance will be required. Where the Council agrees that such assets are worthy of protection, proposals to replace such buildings will be assessed against paragraph 203 of the NPPF (2021), taking into account the scale of harm or loss and the significance of the heritage asset.
- 6.1.13 Paragraph 203 (NPPF) sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.1.14 The NPPF defines significance (for heritage policy) as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 6.1.15 The application building was constructed circa 1870 as a private detached house originally called Lynwood and has a clear visual design and historic relationship to the locally listed buildings at 31 and 33 Bromley Road, which lie opposite the application site.
- 6.1.16 It is a Victorian house which significance lies in its architectural detail and prominent corner location which allows three of its four elevations to be widely visible from the street. It has an attractive set back from the road and has a delicate appearance which is further highlighted by this Victorian architectural detail. The attractive gabled appearance, stone window surrounds with the occasional drip moulding, low brick decorative wall and substantial chimneys are particularly notable.



Fig.11 – 114 Bromley Road

- 6.1.17 It is accepted that alterations to the property have been carried out, including the addition of the attached building to the rear. However, the main building remains largely unaltered and given its smaller scale and attachment to the main building via only a small single storey link, it is not considered that the extension to the rear detracts significantly from the original form and character of the building.
- 6.1.18 In addition, it is noted that the Bromley Civic Society and the Victorian Society also argue that the house represents a tangible architectural and historic link to the locally listed buildings opposite and nearby Chancery Lane Conservation Area, and that its group value with those buildings is an important feature. The Council's Conservation Officer confirms that the delicate and traditional architecture and footprint of the building and its traditional and historic layout on the site provides a positive setting to the Locally Listed Buildings opposite and the Conservation Area adjacent. Therefore, the communal association of this particular building is strong with links to local people and visually to the non-designated heritage assets opposite this site.
- 6.1.19 The existing building is considered to make a positive contribution to the heritage of the local area and the Council's Conservation Officer has therefore identified that the building affords the protection as a non-designated heritage asset under the definition given in the NPPF and Planning Practice Guidance paragraph 039, as well as Historic England's Advice Note 7 (Second Edition) – Local Heritage Listing: Identifying and Conserving Local Heritage. The significance of this non-designated heritage asset lies both with from its physical presence and from its setting.
- 6.1.20 The application is accompanied by a Heritage Impact Assessment (July 2020) prepared by Heritage Collective as well a letter from Heritage Collective dated 9 April 2021. It is acknowledged that the applicant's Heritage Consultant clearly disagrees with the Council's Conservation Officer in respect of the historic and architectural merit of the application building, and as such the applicant considers that the building should not be treated as a non-designated heritage asset for planning purposes. However, as detailed above, Officers do consider that the application building is a non-designated heritage asset. As such, by reason of its demolition, the proposed development would lead to a total loss of the significance of this non-designated heritage asset, and would be harmful to the character, appearance and visual amenities of the area.
- 6.1.21 In accordance with Policy 40 of the Bromley Local Plan and paragraph 203 of the NPPF, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This will need to be considered in the overall planning balance which will be considered in the conclusion of this report.
- 6.1.22 It is also noted that the applicants acknowledge that the demolition of the application building would remove part of the original setting and surroundings of the locally listed former Congregational Church (Spire Court) in Crescent Road, which lies around 80m to the south of the application site, and as such would

result in a negligible erosion of the significance of that that locally listed building. However, overall, they consider this low level of harm to be a technicality rather than a determinative consideration. They also consider that the demolition of the application building and its redevelopment with modern apartments would not harm the setting or significance of the Chancery Lane Conservation Area.



Fig.12 – 114 Bromley Road with locally listed Spire Court in background

- 6.1.23 The Council's Conservation Officer considers that the application building does provide a positive setting to the nearby Locally Listed Buildings (non-designated heritage assets), especially those opposite as they are small in scale, and its loss would therefore result in harm to the significance of those non-designated heritage assets.
- 6.1.24 Policy 42 of the Bromley Local Plan is also relevant and states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area. A Conservation Area is a designated heritage asset and therefore its setting is a consideration in the determination of planning applications that occur outside its designated boundaries. Officers consider that No.114 Bromley Road positively enhances the setting of the nearby Chancery Lane Conservation Area (designated heritage asset) and its loss would therefore be harmful to the conservation area's setting.
- 6.1.25 According to the NPPF (para 200) any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The applicant considers the benefit to the housing supply justifies any potential harm to heritage assets.
- 6.1.26 In this instance officers consider that the loss of No.114 would result in less than substantial harm to the setting of the Conservation Area. This harm will need to be weighed against the public benefits of the proposal in the conclusion section of the report.
- 6.1.27 Notwithstanding the impact of the loss of the application building on these nearby heritage assets, consideration of the impact of the proposed development on

these heritage assets would also need to be carefully given. This will be discussed in further detail within the 'Design' section of this report (below).

### *Housing Supply*

- 6.1.28 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 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 (paragraph 11(d) of the NPPF 2021).
- 6.1.29 The proposed would provide 23 residential units, which would represent a moderate contribution to the Council's housing supply, in accordance with Policy 1 of the Local Plan. 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.

## **6.2 Affordable Housing – Unacceptable**

### *Housing mix*

- 6.2.1 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes and regard should be had to local evidence of need.
- 6.2.2 Local Plan Policy 1 Supporting Text (paras 2.1.17 and 2.1.18) highlight findings from the 2014 Strategic Housing Market Assessment (SHMA) that the highest level of need across tenures within the Borough up to 2031 is for one-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units. Larger development proposals (i.e., of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.
- 6.2.3 The application proposes a mix of unit sizes as follows;

Unit size	Number of units
1-bed 2-person (1B2P)	13
2-bed 4-person (2B4P)	10

- 6.2.4 This mix is in accordance with local evidence need and thereby satisfies Policy H10 of the London Plan and Policy 1 of the Bromley Local Plan.

### *Affordable Housing*

- 6.2.5 The London Plan requires affordable housing on units of 10 or more. London Plan Policy H4 (Delivering Affordable Housing) sets out specific measures to aim to deliver the strategic target of 50% of all homes in London being affordable. This



includes using grant to increase affordable housing delivery beyond the level that would otherwise be provided.

6.2.6 London Plan Policy H5 'Threshold approach to applications' allows applications to follow the fast-track route (i.e., the application is not required to be supported by a viability assessment) provided the application meets **all** the following criteria, that the application must;

- 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- 2) be consistent with the relevant tenure split (in accordance with Policy H6)
- 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant
- 4) demonstrate that they have taken account of the strategic 50 percent target in Policy H4 and have sought grant to increase the level of affordable housing.

6.2.7 Part F of Policy H5 states that applications which do not meet the above criteria are required to submit detailed supporting viability evidence.

6.2.8 The applicant initially submitted an Affordable Housing Viability Report (August 2022) prepared by DJC Housing Consultants which concluded that the development was unviable to support any affordable housing. This Viability Report was reviewed by the Council and robustly interrogated by independent experts appointed by the Council who highlighted a number of disagreements over the findings. The independent assessors identified a surplus of £1.4m on a fully private basis and a surplus of £285,000 for a policy-compliant scheme. As such, the independent assessors concluded that the development was able to viably contribute towards at least 35% on-site affordable housing.

6.2.9 Subsequent rebuttal documents were submitted by the applicant (also prepared by DJC Housing Consultants) dated October 2022 and December 2022 respectively, which were also interrogated by independent experts with a number of disagreements still identified over the findings. The independent assessor's conclusion remained that the development is able to viably contribute towards *at least* 35% on-site affordable housing.

6.2.10 The applicant now proposes to provide 8 affordable housing units within the development, the detail of which is included within their supporting Affordable Housing Statement (13 January 2023) prepared by Robinson Escott Planning. The affordable housing units are proposed as follows;

- 2 x 1-bed units and 1 x 2-bed unit (shared ownership)
- 5 x 2-bed units (London affordable rent)

6.2.11 The remaining 15 units would be for market sale.

6.2.12 In respect of Part C (1) of Policy H5, the relevant threshold level of affordable housing without public subsidy would in this case be 35%. The affordable

provision amounts to 39% habitable rooms which is above the required 35% threshold. This is acknowledged. However, under Part C (4) the applicant would then be required to demonstrate that they have sought grant to increase the level of affordable housing above this 35%. The applicant has advised that no grant funding has been sought. As such, the proposal would fail to meet this part of the policy and would therefore require supporting detailed viability evidence to be provided. The applicant has not provided a revised Financial Viability Statement to support the current proposal in accordance with Policy H5 (F).

- 6.2.13 Notwithstanding the above, in respect of the tenure split required under Policy H5 Part C (2), Policy H6 of the London Plan sets out a preferred tenure split of a minimum of 30% low-cost rent (London Affordable Rent or Social Rent), a minimum of 30% intermediate (with London Living Rent and London Shared ownership included within the products that meet the definition of genuinely affordable housing), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. Paragraph 4.6.2 of the London Plan states that the presumption for the remaining 40% is social rent or London affordable rent given the level of need for this type of tenure across London.
- 6.2.14 Policy 2 of the Bromley Local Plan states that the Council will seek 35% provision with 60% social rented/affordable rented housing and 40% intermediate provision. Low cost rented units must be appropriately secured at London Affordable Rent or social rented levels. The affordability of intermediate units must be in accordance with LB Bromley local intermediate income thresholds as referred to in paragraphs 5.6-5.7 of the Council's Planning Obligations SPD (June 2022). Local intermediate income thresholds are also referred to in paragraph 4.6.10 of the London Plan. After 3 months the Mayor's qualifying intermediate income levels as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report are relevant. Intermediate income thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant review mechanisms.
- 6.2.15 The proposed tenure split would amount to 68% London affordable rent and 32% shared ownership which would accord with the specific policy requirements.
- 6.2.16 Nevertheless, as outlined above, the development would not meet Policy H5 C (4) of the London Plan and as such it would not be eligible to follow the fast-track route. The application is therefore required to be supported by viability evidence to ensure that the delivery of affordable housing is maximised in accordance with Policy H5 G and the Mayor's Affordable Housing and Viability SPG. No viability evidence has been provided by the applicant to support the current scheme, which differs to that proposed within the supporting Financial Viability documents prepared by DJC Housing Consultants in respect of a scheme with no affordable housing.
- 6.2.17 Having regard to all the above, the application would fail to meet requirements of Policy H4 and H5 of the London Plan as the application fails to demonstrate that the development would maximise the delivery of genuinely affordable housing.

The application is thereby contrary to Policy 2 of the Bromley Local Plan and Policies H4 and H5 of the London Plan.

### **6.3 Standard of Residential Accommodation – Unacceptable**

- 6.3.1 The NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

#### *Internal Amenity: Size, Privacy, Outlook and Daylighting*

- 6.3.2 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published '*Technical housing standards - nationally described space standard*'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37.
- 6.3.3 Policy D6 part B also states that qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 of the London Plan sets out key qualitative aspects which should be addressed in the design of housing developments. Housing development should maximise the provision of dual aspect dwellings to provide good daylight, outlook, and ventilation.
- 6.3.4 The submitted floor plans contain details of furniture and layouts for each of the proposed residential units. The plans also indicate the number of occupants that would be accommodated, and the application is accompanied by a schedule of accommodation which demonstrates that all the proposed units would meet the minimum required GIA for their size and occupation.
- 6.3.5 The section drawings indicate that the floor to ceiling heights for all the residential units would accord with the minimum requirement of 2.5m for at least 75 per cent of the GIA as required by Policy D6 of the London Plan.
- 6.3.6 The original application was supported by a Daylight, Sunlight and Overshadowing Assessment (December 2020) prepared by Lichfields which included information with regards to the amount of daylight and sunlight that the rooms in the new development would receive. This was carried out in accordance with the 2011 BRE Guidance and concluded that all of the new units would receive adequate daylight and sunlight.
- 6.3.7 However, since the original submission, the design and footprint of the proposal has been amended by the applicant, which included a reduction in the number of units (from 27 to 23), a change to the size of the units and thus a change to the internal layout. During the course of the consideration of this application, updated BRE guidance has also been published: '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022 (2022 BRE Guidance)*'. No updated Daylight, Sunlight and Overshadowing Assessment has been submitted to support this revised design, as the Addendum to Daylight, Sunlight and Overshadowing

Assessment (September 2022) prepared by Lichfields related only to the impact of the proposed development on the neighbouring property at No. 1 Crescent Road.

- 6.3.8 While the original daylight and sunlight assessment for planning shows that the proposed rooms would pass the Average Daylight Factor (ADF) test and the Daylight Distribution (DD) test from the 2011 BRE Guidance, these tests are no longer recommended in the 2022 BRE Guidance. The applicant is of the view that as the original report confirmed the larger proposal of a higher density would comply with daylight/sunlight requirements for the proposed accommodation, then it is reasonable to conclude that the revised/reduced scheme with the same L-shaped design, dual aspect units and with greater space around the building would have more favourable conclusions than the already acceptable initial report. However, no supporting evidence has been provided in this respect and it is possible that some of the proposed habitable rooms will fall below the standards of the new guidance. Consequently, there is insufficient information to ascertain whether adequate natural light would be provided in all habitable rooms of the flats.
- 6.3.9 It is noted that all proposed units would include windows to all habitable rooms and the applicant's Addendum to Planning Statement (June 2022) refers to 83% of the new homes proposed being dual aspect. However, the plans indicate that the windows on the east facing elevation would be obscure glazed with restricted opening in order to avoid any direct overlooking of No. 114A Bromley Road. Accordingly, the units which benefit from these obscure glazed/restricted opening secondary windows on the eastern elevation (8 units in total) would feel like single aspect homes as they would not benefit from a full secondary outlook or cross ventilation.
- 6.3.10 The windows for the two bedrooms for unit A0.1 and one of the bedrooms for unit B0.1 at ground floor would also be located immediately adjacent to the shared amenity space proposed for the development raising issues with regards to a lack of privacy and the potential for noise/disturbance for the occupants of these units.
- 6.3.11 Furthermore, some of the units at upper floor level feature long internal hallways which do not represent the most efficient use of space. There are also some awkward internal spaces at first and second floor level; the narrowest 1-bed west facing units feature an awkward bedroom space (Units A1.1 and A2.1). The bedroom and lounge windows of some of the west facing units also directly overlook the private balconies of adjacent flats, and as such privacy screens would be required to mitigate this design.
- 6.3.12 Having regard to the above, the internal layout of the proposed residential units, whilst meeting the minimum space requirements, would fail to provide comfortable and functional layouts which are fit for purpose and are as such considered to result in poor quality of accommodation for prospective occupants.

#### *Private outdoor Amenity Space*

- 6.3.13 Policy D6 of the London Plan and Standards 26 and 27 of the Mayor's London Housing SPG requires a minimum of 5sq.m private outdoor space to be provided

for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

- 6.3.14 In terms of amenity space, whilst the size of the proposed private amenity space would comply with the above minimum standards, the private balconies for several units at upper floor level would be accessed from bedrooms as opposed to living areas. One of the units of the first floor (A1.4) would also have two balconies of only 3sq.m and 4sq.m which would only cumulatively exceed the 5sq.m minimum requirement.
- 6.3.15 The external private terrace for the ground floor unit A0.5 would also immediately adjoin the proposed shared amenity space for the development and whilst privacy planting around the terrace is proposed, this proximity to the shared space may restrict its use.

#### *Child play space and Communal Amenity Space*

- 6.3.16 Part B and Table 3.2 (iv) of Policy D6 of the London Plan, which relates to qualitative aspects of the design of housing developments, states that communal outside spaces should provide sufficient space to meet the requirements of the number of residents, be designed to be easily accessed from all related dwellings, be located to be appreciated from the inside, be positioned to allow overlooking, be designed to support an appropriate balance of informal social activity and play opportunities for various age groups, and meet the changing and diverse needs of different occupiers.
- 6.3.17 Policy S4 B of the London Plan refers specially to Play and informal recreation and states that for residential developments at least 10 sqm of playspace should be provided per child, with criteria setting the nature of the playspace including that it “a) *provides a stimulating environment* b) *can be accessed safely from the street by children and young people independently* c) *forms an integral part of the surrounding neighbourhood* d) *incorporates trees and/or other forms of greenery* e) *is overlooked to enable passive surveillance* f) *is not segregated by tenure*”.
- 6.3.18 The site also falls within an Area of Local Open Space Deficiency and therefore appropriate open space is particularly important.
- 6.3.19 The applicant's Addendum to Planning Statement (June 2022) states within paragraph 2.19 that ‘*Play equipment can be introduced within the rear garden area*’ but that also this area would ‘*principally provide communal amenity space along with defensible planting for proposed rear facing ground floor apartments*’.
- 6.3.20 The GLA Child Yield Calculator indicates a child yield of 10.6 persons (5.6 U5yrs, 3.7 5-11yr olds, and 1.2 12-17yr olds). This equate to a total requirement of 105.7sqm of dedicated play space to be provided for the proposed development for children aged 0-18yrs; 56sqm for U5yrs, 37sqm for 5-11yrs, and 12sqm for 12yrs+.
- 6.3.21 The space indicated within the submitted drawings as Shared Amenity/Play Area would include an area detailed as grass mat safety surface with play equipment

which measures approximately 26sqm. It is noted that if the area surrounding this grass matted safety surface, indicated as seeded turf, was to be included then the area would amount to approximately 68sqm, which would still not provide the total required playspace of 105.7sqm. It is also noted that this space would take up most of the entire communal amenity space for the development and, as stated above, is located immediately adjacent to bedroom windows and private amenity area of 3 ground floor flats within the proposed development which may impact its use. However, the area could be re-designed to accommodate the 56sqm for U5yrs and, if the development as a whole was considered acceptable, further details could be required by way of an appropriate condition on an approval.

6.3.22 Notwithstanding the above, the application would physically be unable to provide the remaining required provision for 5-11yr olds and 12+yr olds on-site.

6.3.23 Paragraph 5.4.6 of the London Plan, does state that off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable, but this is only where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents. Furthermore, this is likely to be more appropriate for the provision of play facilities for older children, who can travel further to access it, but should usually be within 400m of the development and be accessible via a safe route.

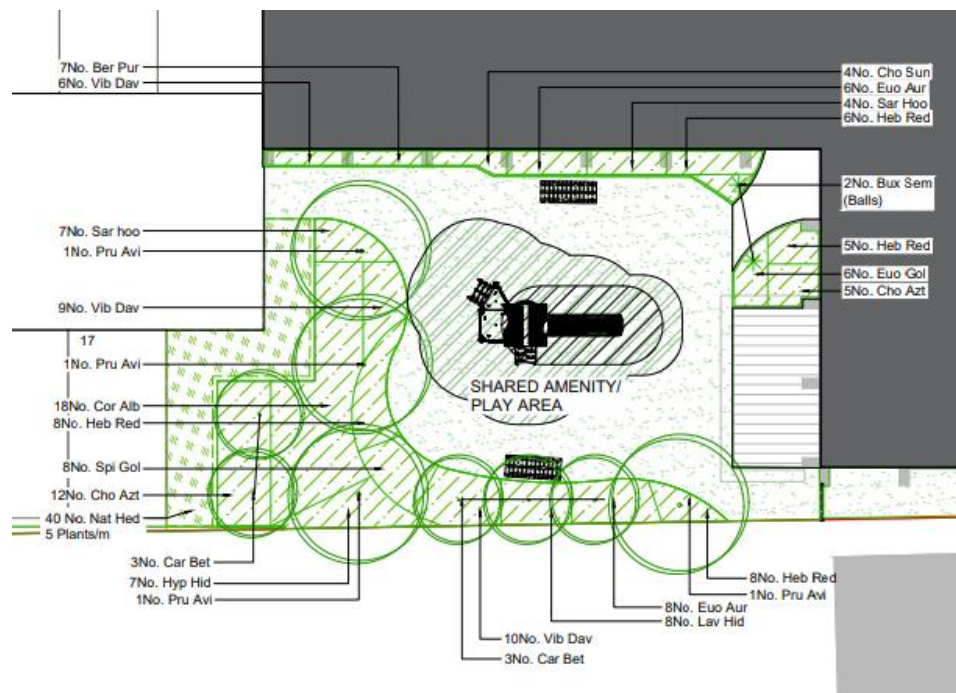


Fig.13 – Shared amenity/play area to rear

6.3.24 The nearest park, Kelsey Park, would exceed the offsite walking distance of 400m preferred in Policy S4. It is noted that Table 4.4 of the Mayor's Play and Informal Recreation SPG in respect of maximum allowable walking distances, does allow for a distance of up to 800m for children 12+yrs. As such, it may be accepted that the required playspace provision for 12+yr olds could be achieved through an off-site contribution. However, in accordance with policy, this walking distance would

be unacceptable for children of 5-11yrs and as such the proposal would fail to provide adequate playspace to meet the needs of the development as a whole.

- 6.3.25 It is acknowledged, that paragraph 2.20 of the applicant's Addendum to Planning Statement (June 2022) states '*a contribution may be required towards play space in local parks [and that] no objection in principle is raised to the provision of a reasonable commuted sum having regard to the site's location with an area of local open space deficiency*'. Had the application been considered acceptable as a whole, the Council would have agreed an appropriate amount as an off-site contribution, to be secured through a s106 legal agreement, to meet the needs of children 12+yrs. However, as there is no existing off-site playspace provision within 400m of the application site, the application, in its current form, would be physically unable to meet the on-site requirements for children 5-11yrs (a total of 3.7 children).
- 6.3.26 Taking account the above, the development fails to meet the play needs of the development as a whole and as such would fail to comply with the requirements of Policy S4 of the London Plan.

*Wheelchair unit and inclusive living environment*

- 6.3.27 In accordance with Policy D7 of the London Plan and Local Plan Policy 4, 90% of new housing should meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings' and 10% of the new housing should meet Requirement M4(3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Paragraph 3.7.4 goes on to clarify that;

*"Standard M4(3) wheelchair user dwellings distinguishes between 'wheelchair accessible' (a home readily usable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a wheelchair user). Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be wheelchair adaptable."*

- 6.3.28 Supporting paragraph 2.1.62 of the Bromley Local Plan, in relation to Policy 2, also states that affordable wheelchair accessible housing will be required to comply with the "South East London Housing Partnership Wheelchair Homes Design Guidelines".
- 6.3.29 The application proposes the delivery of four accessible wheelchair units; three of which would be located on the ground floor, and one which would be located on the second floor of the building within Core A.
- 6.3.30 Three of the proposed wheelchair units (two at ground floor and one at second floor) will be 1B2P for market sale. The accompanying documents indicate that that these three units are designed as category M4(3) of Part M volume 1 of the Building Regulations requirements.



- 6.3.31 The other ground floor wheelchair unit would be 2B4P and is indicated to be for social rent/London affordable rent. The applicant has stated that this unit would be M4(3)(2b) compliant (i.e., wheelchair accessible) in accordance with Policy D7 paragraph 3.7.4. The applicant also states that the unit will be SELHP compliant.
- 6.3.32 The Council's Housing Occupational Therapist has advised that the overall GIA of the unit would fall 3sqm short of the 85sqm recommended by SELHP. Bedroom 2 would also be 0.5sqm smaller than the recommended 12.5sqm. However, it is noted that Bedroom 1 would exceed the recommended GIA of 13.5sqm by 1.5sqm and that the Living/Kitchen/Dining area would also be 1sqm above the recommended 29sqm. Therefore, it is accepted that through a slightly revised internal layout to this unit, the individual room sizes could be achieved. Revisions would also be required to the internal door openings, which at 800mm would fall short of the 850mm recommended by M4(3) and 900mm recommended by SELHP (although a minimum clear opening of 840mm may be considered acceptable if unavoidable).
- 6.3.33 The Council's Housing Occupational Therapist has also advised that the submitted plans do not indicate if the approach to the entrance of the flatted development would be level and step free. In addition, whilst ground floor flats should preferably have their own front doors, rather than be accessed by communal doorways and corridors, if there are communal doors then these need to be operable from a wheelchair (i.e., they will require mechanical assistance). The ceilings would also need to have the structural capacity for future possible hoist installation and the bathrooms would need to provide a level access shower, instead of bath, to meet wheelchair accessible compliance.
- 6.3.34 Whilst the affordable wheelchair accessible unit would not be able to meet the SELHP standards, it is considered that the above matters could be dealt with by way of an appropriate condition to require a detailed internal layout of this wheelchair accessible unit to ensure it meets all the requirements of M4(3)(2b) should planning permission be considered. This would still technically comply with the relevant policies.
- 6.3.35 Notwithstanding the above in relation to the provision of M4(3) units, the remaining units are required to meet category M4(2). One of the requirements of M4(2) is for step free access to the entrance level of the dwelling and its WC and private outdoor space. One lift is proposed within the building to serve the upper floor units within Core A. However, no lift access is proposed for Core B. Therefore, the flats within Core B on the first and second floor levels would not meet this step free approach to the entrance storey and therefore would not meet the requirements of M4(2) and would therefore be contrary to Policy D7 of the London Plan and Policy 4 of the Bromley Local Plan.

## **6.4 Design**

- 6.4.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality, 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.

- 6.4.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 6.4.3 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.
- 6.4.4 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.
- 6.4.5 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.

*Space about buildings - acceptable*

- 6.4.6 The proposed development would result in a significant increase in building footprint from that of the existing building on site. As a result, there would be a reduction in the separation to the eastern (shared with No. 114A) and western (shared with Crescent Road) side boundaries from that which currently exists, as well as an alteration with regards to the relationship between the building and the rear boundary (shared with No. 1 Crescent Road). It is noted that objections have been received locally with regards to the increase in footprint and in particular the siting of the building in relation to these three boundaries.
- 6.4.7 To the west, the reduction in side space would equate to between approximately 4m to the main building and 5.5m to the bays. The loss of existing green space fronting Bromley Road, which contributes to the character of the site, is also regrettable. However, the building would still maintain a separation of between approximately 2m and 3.5m to this boundary shared with Crescent Road. It is also noted that the property on the opposite corner of Bromley Road/Crescent Road – Andreck Court – includes a similar separation to the boundary with Crescent Road of approximately 3m as that proposed at the application site. Accordingly, on balance, the siting of the proposed building in relation to the boundary with Crescent Road may be considered acceptable.

- 6.4.8 To the east, the separation distance between the proposed development and the closest neighbouring property (No.114A Bromley Road) would meet the minimum of 1m required by Policy 8 of the Bromley Local Plan. Given the proposed increase in scale (from the existing building) and a closer arrangement (between principal elevations) the proposal would appear more cramped. However, it is accepted that a 2m separation distance is broadly comparable to that of neighbouring properties to the east fronting Bromley Road.
- 6.4.9 In terms of siting, the separation distance of a minimum of 7.5m between the proposed development and the southern rear boundary (shared with No. 1 Crescent Road) would be slightly greater than that which currently exists and therefore considered acceptable.

*Scale, Massing and Appearance - acceptable*

- 6.4.10 The height, scale and bulk of the building would be greater than that of the existing building. The immediate context of Bromley Road is characterised by a mix of architectural styles and elements including front facing gables, hipped roofs, and mansard flatted blocks. Its height and scale may be broadly acceptable within the context of Bromley Road, and design, with the use of gable elements and bay features sympathetic in relation to the wider local vernacular.



Fig.14 – Proposed Front Elevation



Fig.15 – Proposed Side Elevation (fronting Crescent Road)

- 6.4.11 The palette of materials which includes a red/brown brick finish, inset courses, stone copings/banding and recessed aluminium framed windows would be supported. However, a condition requiring samples of the proposed materials to be submitted should permission be granted, would be important in ensuring the use of high quality material.

*Impact on nearby heritage assets - unacceptable*

- 6.4.12 As noted within Section 6.1, the application site also lies opposite two locally listed buildings (No. 31 and 33 Bromley Road) and is also located adjacent to the Chancery Lane Conservation Area, which lies beyond Andreck Court to the west. Policy 39 of the Bromley Local Plan relates to Locally Listed Buildings and Policy 42 relates to Development Adjacent to a Conservation Area and are therefore relevant. Both policies seek to protect the setting of these heritage assets.
- 6.4.13 Notwithstanding the negative impact on these nearby heritage assets as a result of the demolition of the existing building, the impact of the proposed building also needs to be considered. The proposed development would result in a significant increase in footprint to that of the existing building. Furthermore, unlike the traditional pitch and valley roof of the existing building, the proposed development would have a large flat roof, which along with increased footprint would appear much more visually dominant in the streetscene.
- 6.4.14 The Historic England document, 'The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 (Second Edition - 2017)' states that *"When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change."* The Council's Conservation Officer has advised that in this instance this cumulative negative impact is particularly prominent considering the other large buildings in this road.
- 6.4.15 The proposed building would impact negatively upon the setting of the nearby Chancery Lane Conservation Area (designated heritage asset). However, the harm is considered to be less than substantial and therefore, in accordance with paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, the public benefits of the proposal are considered to be the provision of housing units. This public benefit must be weighed against this harm in the overall balance of the proposal within the conclusion of this report.
- 6.4.16 Paragraph 203 of the NPPF is clear *"in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* The scale of the harm, resulting from the proposed building, when considered in isolation, on the nearby locally listed buildings at No. 31 and 33 Bromley Road (non-designated heritage assets) is not considered to be so significant as to warrant a refusal on this basis.

#### *Fire safety - acceptable*

- 6.4.17 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole (London Plan Policy D12).
- 6.4.18 The application is accompanied by a Fire Statement prepared by London Bridge Associates Ltd (9 September 2022) and a number of Fire Strategy drawings, which meets the requirements of Policy D12. Compliance to the fire statement would be conditioned as part of any approval. However, compliance with the Building Regulations will also still be required at the appropriate stage of any development.

#### *Secured by Design - acceptable*

- 6.4.19 Supporting paragraph 3.3.14 of Policy D3 of the London Plan states 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 Policy D11 of the London Plan (Safety, security and resilience to emergency) and Bromley Local Plan Policy 37 (General Design of Development).
- 6.4.20 The application makes no reference to Secured by Design. However, the Designing Out Crime Officer (DOCO) has advised they consider that the development can achieve Secured by Design and as such recommend a two-part condition to be included on any approval, requiring the principles and physical security requirements to be dealt with pre-commencement and the Secured by design accreditation achieved prior to occupation.

### **6.5 Impact on Neighbouring Amenity - Acceptable**

- 6.5.1 Policy 37 (e) of the Bromley Local Plan 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.
- 6.5.2 The application site shares boundaries with residential units at both No. 114a Bromley Road (to the east) and 1 Crescent Road (to the south). There are also residential properties on the opposite sides of both Crescent Road and Bromley Road, including flatted properties on Lankton Close which also front Bromley Road.

### *114a Bromley Road*

- 6.5.3 The closest part of the proposed building is located only 1.8m from 114a Bromley Road, which is closer than the existing arrangement. No. 114a Bromley Road comprises seven flats. There are a total of seven windows on the north-west elevation of 114a; five of these appear to serve non-habitable rooms, whilst two are secondary windows to habitable rooms. However, they all appear to be obscure glazed as per the requirement of the planning permission for this development; although they are not all fixed shut as was also required by the condition.
- 6.5.4 The windows on the east elevation in the closest part of the proposed building to 114a are also indicated as obscure glazed with limited opening so as to minimise overlooking between the two sites. There are front and rear terraces/balconies that would also be in close proximity to these neighbouring building. However, the inclusion of privacy screens would help to reduce any loss of privacy.
- 6.5.5 The application is accompanied by a Daylight, Sunlight and Overshadowing Assessment (December 2020) and an Addendum to Daylight, Sunlight and Overshadowing Assessment (September 2022) both prepared by Lichfields. As stated above, the Daylight, Sunlight and Overshadowing Assessment (December 2020) relates to the originally proposed development and refers to the 2011 Building Research Establishment ('BRE') Guidance. The Addendum (September 2022) references the updated 2022 BRE Guidance but relates specifically to the impact of the revised design on No.1 Crescent Road only, due to this being highlighted as a particular point of concern with the original design. However, it is noted that the impact on daylight and sunlight to other neighbouring properties assessed as part of the Daylight, Sunlight and Overshadowing Assessment (December 2020) was not considered to be significant and given that the revised design reduces the overall size of the development, it may be considered that the results of the Daylight, Sunlight and Overshadowing Assessment (December 2020) in relation to all other properties, other than No. 1 Crescent Road, would still remain 'not significant'.
- 6.5.6 In addition, it is noted that in respect of the impact of new development on light to neighbouring properties, the tests within the 2022 BRE Guidance are broadly similar to that of the 2011 guidance.

### *1 Crescent Road*

- 6.5.7 A minimum separation of 12.3m would be provided between the closest part of the proposed building and No. 1 Crescent Road. Only two windows at first floor are proposed within this closest part of the proposed building facing No. 1. No. 1 Crescent Road is a three storey single dwellinghouse and contains windows within its side elevation facing the application site.
- 6.5.8 The proposed building would be higher than the existing two storey rear extended part of the existing building. However, it would be sited at a greater distance from this neighbouring site at No.1 Crescent Road.

- 6.5.9 Notably the adjoining occupiers at No.1 raised concerns about loss of outlook, sunlight and daylight to their ground floor dining room window which they state is their main living area. The Addendum to the submitted Daylight, Sunlight and Overshadowing Assessment prepared by Lichfields (September 2022) was provided by the applicant as a result of the revisions to the footprint and design of the proposed building. This addendum specifically assessed the daylight impacts of the revised development on this neighbouring property at No. 1 Crescent Road, including this north facing window (reference W1) which the occupants have stated is a main habitable room. As it is a north facing window sunlight was not tested.
- 6.5.10 As a result of the proposed development, window W1 would have a VSC of 27.51, compared to an existing VSC of 29.37, which would be both above the 27% VSC target and above the 0.8 retention factor guidance outlined within the BRE guidelines relating to loss of daylight. Accordingly, there would very limited impact in terms of daylight and sunlight to this neighbouring dwelling as a result of the proposed development.
- 6.5.11 The proposed first floor windows facing this neighbouring site are a secondary window serving a living room and an en-suite bathroom window and as such could be required to be obscured glass to prevent overlooking to No.1 Crescent Road.
- 6.5.12 The Addendum to Daylight, Sunlight and Overshadowing Assessment (2022) also indicates that, in terms of overshadowing, the rear garden at No. 1 Crescent Road would not experience a significant loss of amenity as a result of the proposed development.

*Other properties on Crescent Road, Bromley Road and Lankton Close*

- 6.5.13 The submitted Daylight, Sunlight and Overshadowing Assessment (December 2020) indicates that the properties at 38-45 Lankton Close, 30-37 Lankton Close, 22-29 Lankton Close, 18-21 Lankton Close, 25 Bromley Road, 27 Bromley Road, 29 Bromley Road, 2 Crescent Road, 2b Crescent Road, and Andreck Court, would maintain full compliance with the BRE guidelines in respect of daylight and sunlight.
- 6.5.14 Due to the existing arrangement and the proposed separation distances between these dwellings, the impact on outlook, overlooking and privacy would also not be significantly harmful to these neighbouring residents.

**6.6 Transport and Highways - Acceptable**

- 6.6.1 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.6.2 Policy T1 of the London Plan advises that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

- 6.6.3 The application is supported by a Transport Statement prepared by Motion (8 November 2022).

#### *Access*

- 6.6.4 Vehicular access to the proposed development will be via relocated accesses from Bromley Road and from Crescent Road. The access on Bromley Road is proposed to be relocated further west to provide access to six car parking spaces at the front. The access on Crescent Road would be located further south to provide access to eleven car parking spaces at the rear. The existing accesses from Bromley Road and Crescent Road are indicated to be reinstated as a kerb/footpath.
- 6.6.5 A number of concerns raised by local residents relate to road safety matters as a result of the proposed development and include concerns regarding the siting of the access on Crescent Road and visibility splays, and an increase in traffic and vehicles entering and exiting the site.
- 6.6.6 The Council's Highways Officer has raised no objection to the proposed vehicular access arrangements and have advised that the visibility splays can be achieved. In addition, the Transport Statement indicates that the proposal would generate 5 car movements in the AM peak and 4 car trips in the PM peak, which the Council's Highways Officer has advised would not be prejudicial to highway safety.
- 6.6.7 Pedestrian access into the site will also be achieved via these same accesses from both Bromley Road and Crescent Road. All the proposed units are to be accessed via communal front entrances (one on Bromley Road to Core A and one on Crescent Road to Core B) with separate internal entrances.

#### *Car parking*

- 6.6.8 Policy T6 of the London Plan requires developments to provide the appropriate level of car parking provision with Policy T6.1 of the London Plan setting maximum car parking standards.
- 6.6.9 The site has a PTAL rating of 2. Twenty-three one and two-bed units are proposed. Based on the unit size mix proposed, for a PTAL 2 site in an Outer London location the maximum parking provision as set in the London Plan would be 17 spaces.
- 6.6.10 Policy T6.1 G also sets the requirements for adequate residential disabled car parking provision; a minimum of 3% of dwellings (with at least one designated disabled parking bay) provided from the outset and how an additional 7% of dwellings could be provided with disabled parking as soon as the existing provision is insufficient.
- 6.6.11 17 car parking spaces are proposed, which would include two disabled spaces. Whilst it is noted that there are a number of objections raised locally in respect of the number of car parking spaces proposed and the potential impact on the on-street parking in the locality, the number of car parking spaces would accord with



the maximum standards outlined within Policy T6.1 and as such in this respect the development is considered to be policy compliant.

- 6.6.12 Policy T6.1 also requires at least 20 per cent of spaces to have active electric charging facilities, with passive provision for all remaining spaces. Therefore, at least 4 of the spaces are required to have active charging points, with the remaining 13 having passive provision. The application does not indicate how many or which spaces will have active provision, and which will have passive provision. However, the details of this could be required by way of a condition on any approval to ensure this requirement is met.

#### *Cycle parking*

- 6.6.13 In accordance with Policy T5 (Cycling) of the London Plan 40 long stay cycle parking spaces are required for the occupants of the proposed units with 2 short-stay cycle parking spaces required for visitors.
- 6.6.14 40 cycle spaces are proposed which would be split between two secure cycle storage areas on the ground floor. Both stores would be accessed internally only and would be located close to the external communal entrance doors. One of the proposed cycle stores also indicates space for two oversized bicycles. Two Sheffield stands are also proposed externally, within the site, for visitor cycle parking, providing a total of 4 spaces.
- 6.6.15 The proposed cycle parking provision would accord with the requirements of Policy T5 of the London Plan.

#### *Construction*

- 6.6.16 The Council's Highways Officer has advised that a construction and environmental management plan would be required to be submitted as a condition on any approval. This is considered necessary and reasonable in accordance with London Plan Policy T7 and Local Plan Policy 31 to ensure the impact on the highway network and on neighbouring amenity is managed during the construction process.

#### *Refuse/Recycling and Servicing*

- 6.6.17 An accompanying Refuse and Service Strategy prepared by Lanmor Consulting (December 2020) has been submitted with the application. Servicing to the site is proposed to be undertaken from the carriageway outside the building with each core served separately; Core A will be serviced from Bromley Road and Core B will be serviced from Crescent Road. Two communal bin stores are proposed at ground floor within the new building, split between the two cores. The Refuse and Service Strategy states that the refuse workers will be able to access the bin store on collection day.
- 6.6.18 The Council's refuse/recycling team have confirmed that the number and size of the bins proposed, and the location and size of the bin stores would accord with their requirements.

## **6.7     The Natural Environment and Green Infrastructure - Acceptable**

- 6.7.1 Paragraph 174 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and 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. This is reflected in the Valued Environments Policies of the Bromley Local Plan.

### *Urban Greening, Trees and Landscaping*

- 6.7.2 Policy G5 (Urban greening) of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening by including urban greening as a fundamental element of site and building design.
- 6.7.3 Policy G7 (Trees and woodlands) of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.
- 6.7.4 Policy 73 of the Bromley Local Plan requires proposals for new development 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.
- 6.7.5 The application is supported by an Arboricultural Survey & Impact Assessment prepared by Marcus Foster (November 2020), an Urban Greening Factor document prepared by Enplan and Soft Landscape Plan (dwg no. 06-949-701 REV J).
- 6.7.6 The Council's Principal Tree Officer has advised that the trees onsite are relatively replaceable, and the offsite trees can be adequately protected during construction. The choice of species for replanting of trees is considered acceptable.
- 6.7.7 It is noted that concerns have been raised by neighbouring residents in respect of the proximity of the proposed trees along the boundary with No. 1 Crescent Road to this neighbouring dwelling. The Council's Tree Officer has advised that the species of trees chosen is significantly smaller than the Pines that used to occupy this boundary. Furthermore, the owner/occupier of 1 Crescent Road would be free to exercise their right to prune any part of the trees (above and/or below ground) that crosses the boundary, i.e., they have the power to prevent or abate any

nuisance themselves. In addition, it is noted that the neighbour's side is all hard standing and as such, root growth in this direction is not favoured. Therefore, any risk of damage from root growth is not sufficiently high in the foreseeable future to outweigh the benefits of these fairly small trees nor to make their planting in this location unwise.

- 6.7.8 The submitted documents state that the proposal would achieve an Urban Greening Factor of 0.4 which satisfies the minimum recommendations outlined within Policy G5 for a residential development. There is concern that the proposed planting includes very few native species and therefore full details of the species to be used and the long-term management of the greening would be required by way of an appropriate condition should permission be granted to ensure a good proportion of native planting is included.

#### *Biodiversity*

- 6.7.9 London Plan Policy G6 (Biodiversity and access to nature) states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 Part D further advises that *“Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”*
- 6.7.10 Policy 72 (Protected Species) 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.
- 6.7.11 The application is supported by a Preliminary Ecological Appraisal (PEA) (29 January 2021) and Ecological Impact Assessment (15 September 2022) both prepared by ACD Environmental and a Bat Survey Report prepared by Ecology Solutions (August 2021).
- 6.7.12 The PEA identified the need for a bat survey to be undertaken at the site. The submitted survey comprised of 3 emergence and re-entry surveys undertaken across the summer. One common pipistrelle was observed leaving the building during these surveys. No internal evidence was observed. The report concludes that the building does not support a summer maternity roost and recommends replacement habitat (including replacement roosting opportunities prior to demolition), timing of works recommendations and necessary licencing and method statement and mitigation strategy. These matters can all be subject to planning condition on any approval.
- 6.7.13 It noted that the bat survey was undertaken in 2021, with the PEA being completed even earlier, in 2020. Both would be on the edge of acceptability, particularly as bats can be transient in their use of a site and therefore it is possible that the use of the building may have changed in the past year. However, given that only one individual bat was observed, it might be considered that the conservation importance of the site is not high, and that improved habitat can be

ensured by a suitable management plan and replacement habitats through condition, thereby keeping the risk to a low level.

- 6.7.14 The application is also supported by a Biodiversity Metric Report prepared by ACD Environmental (23 June 2022) and accompanying Metric spreadsheet. The DEFRA Metric 2.0 has been used, which is an older version of the current Metric. However, it is noted that the Biodiversity Metric guidance advises that if a project has already begun using a previous version of the metric, then it is not recommended to change metrics mid-project, as this may result in discrepancies between calculations. As such, the use of this older metric is considered acceptable in this instance.
- 6.7.15 A score of 15.96% for habitat units and 124.27% for hedgerow units in terms of biodiversity net gain is indicated within the proposed report, which is considered acceptable. Full details of the biodiversity enhancements and their implementation would be required by way of an appropriate condition should be permission be granted.

## **6.8 Energy and Sustainability - Acceptable**

- 6.8.1 Policy SI 2 of the London Plan - Minimising greenhouse gas emissions states that Major development should be net zero-carbon, meaning reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following 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.
- 6.8.2 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures.
- 6.8.3 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- 1) through 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.
- 6.8.4 In 2019, the London Borough of Bromley also approved a ten-year plan to ensure that the Council will have net zero emissions by 2029. The commitment is one of the most ambitious targets of any London borough. Work to move towards the net zero emission target will include tree planting, an energy efficiency programme, expanding renewable energy and LED street lighting, and other initiatives.

- 6.8.5 The application is accompanied by an Energy & Sustainability Statement prepared by Integration (16 September 2022) which is considered to be generally policy compliant. However, on pg. 25 of the document the reason given for not proposing the use of solar pv on the rooftops was due to limited area allocated to plant. However, the GLA's Energy Assessment Guidance (June 2022) expects the design to maximise on-site renewable generation. The applicants subsequently submitted further information to include solar panels on the roof of the proposed building, which is welcomed. However, no revised energy statement was submitted to reflect the changes. Therefore, should permission be granted, an updated energy assessment would be required by way of a condition.

## **6.9 Drainage - Acceptable**

- 6.9.1 Policy 116 of the Bromley Local Plan (2019) states 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. This is supported by Policy SI 13 (Sustainable Drainage) of the London Plan (2021).
- 6.9.2 The site lies within Flood Zone 1. The application has been accompanied by a Drainage Strategy prepared by Lanmor Consulting (December 2020) and a drainage information letter also from Lanmor Consulting (12 April 2021).
- 6.9.3 The Council's Drainage Officer and Thames Water have raised no objections to the proposed development subject to informatives and a condition requiring the compliance with the submitted drainage documents.

## **6.10 Environmental Health - Acceptable**

### *Air Quality*

- 6.10.1 Policies SI 1 of the London Plan and 120 of the Bromley Local Plan detail the need to tackle poor air quality.
- 6.10.2 The site lies within an Air Quality Management Area (AQMA) declared for NO<sub>x</sub>. The application is accompanied by an Air Quality Assessment (AQA) (4 November 2020), Air Quality Technical Addendum (30 September 2022) both prepared by Ensaf Consultants.
- 6.10.3 An Air Quality Technical Note (8 November 2022) was also submitted which was prepared by Enzygo Limited, which details how the development is considered to be Air Quality Neutral.
- 6.10.4 The Council's Environmental Health Officer has advised that the submitted documents indicate that the proposal would meet the requirements of Policies SI 1 of the London Plan and 120 of the Bromley Local Plan in relation to air quality, subject to a condition relating to low NO<sub>x</sub> gas fired boilers.

- 6.10.5 A condition requiring the submission of a Construction and Environmental Management Plan prior to commencement of development which would require matters relating to dust and noise during the construction process would also be required should permission be granted.

#### *Contaminated Land*

- 6.10.6 Policy 118 of the Bromley Local Plan states that where the development of contaminated land, or land suspected of being contaminated, is proposed, details of site investigations and remedial action should be submitted.
- 6.10.7 The application is supported by a Phase 1 Desk Study prepared by Albury S.I. Ltd (October 2020) which, based on their preliminary findings, considers that there is a low risk of a significant contamination linkage at this site. However, it does conclude that the soil sampling and chemical analysis should be carried out to confirm that the site is suitable for the intended usage. The report has also stated that 'Due to the age of the existing buildings an appropriate survey should be undertaken to establish the location of any ACM within the fabric of the existing structures.'
- 6.10.8 Based on the finding off the report, the Council's Environmental Health Officer has advised that a condition is necessary on any approval requiring a site investigation and potential remediation strategy to be submitted prior to commencement of works, with a closure report prior to occupation.

#### *Noise*

- 6.10.9 London Plan Policy D14 (Noise) states that development should reduce, manage and mitigate noise to improve health and quality of life. This is supported by Bromley Local Plan Policy 119.
- 6.10.10 The application is accompanied by a Noise Impact Assessment (NIA) (October 2022) prepared by Syntegra Consulting which assesses the present noise climate at 114 Bromley Road and the impact of that noise on the proposed development. The Council's Environmental Health Officer has advised that the findings of the submitted NIA are acceptable and that the details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted NIA can be dealt with by way of a condition on any approval.

### **6.11 Planning Obligations and CIL**

#### *Legal Agreement Heads of Terms*

- 6.11.1 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.

6.11.2 Policy 125 of the Bromley Local Plan (2019) 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.

6.11.3 The development, as proposed, would necessitate the following obligations:

- Carbon offsetting contribution;
- Playspace contribution (for 12+ yrs)
- Early stage affordable housing viability review;
- Late stage affordable housing viability review;
- Legal Costs; and
- Monitoring Fee.

6.1.1 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e., they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

6.1.2 The applicant has not provided sufficient information in relation to both carbon offsetting and playspace nor has the applicant submitted a draft legal agreement. As such, a reason for refusal relating to the lack of acceptable planning obligations is suggested.

#### *CIL*

6.11.4 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. The Bromley Community Infrastructure Levy (CIL) allows the Local Authority to raise funds from new development towards local infrastructure.

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

## **7 CONCLUSION**

7.1 As the Council cannot at present demonstrate a 5 year land supply of deliverable housing sites, the housing policies of the development plan are out-of-date, and the presumption of sustainable development set out in Para. 11 of the NPPF applies to the application. Paragraph 11d(ii) is relevant to the site and states that the presumption in favour of sustainable development will apply unless 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 The loss of the existing building at 114 Bromley Road by reason of its significance, in terms of its positive contribution to the architectural heritage of the local area as a non-designated heritage asset identified during the decision making process, would be significantly harmful to the character, appearance and visual amenities of the area, including to the setting of the adjacent locally listed buildings at 31 and 33 Bromley Road. In weighing applications that directly or indirectly affect non-designated heritage assets, paragraph 203 of the NPPF states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given the heritage contribution of the current building on site as described above, it is not considered that the total loss of this piece of local heritage would be outweighed by the provision of new housing alone, without any real effort to present alternatives to re-use the existing structure, and thus the application would be contrary to Policy 40 of the Bromley Local Plan (2019).
- 7.3 The loss of the existing building together with the scale and design of the proposed new building would also result in less than substantial harm to the significance of the nearby designated heritage asset, being the Chancery Lane Conservation Area (to which great weight is given). When weighed against the public benefits of the proposal which in this instance are considered to be the provision of housing units, the provision of 23 new units may be considered to outweigh this less than substantial harm. However, the failure of the application to seek grant to increase the level of affordable housing or to provide an updated financial viability assessment to confirm that the development would maximise the delivery of affordable housing, does reduce the weight which can be afforded to the new homes in the overall planning balance.
- 7.4 The proposed residential accommodation would comply with the minimum internal standards in terms of size. However, technical compliance with national minimum space standards does not equate to quality, as highlighted within Policy D6 of the London Plan. Due to the absence of a lift within Core B, five of the units, located on the first and second floors of this core, would fail to meet the step free access requirements of category M4(2). The proposal would also result in a poorly designed layout due to its proximity to 114a Bromley Road which would not allow for genuine dual aspect flats.
- 7.5 In addition to the above private amenity spaces accessed via bedrooms, and communal amenity space located in very close proximity to bedroom windows and to the private amenity spaces of proposed ground floor units, would be likely to restrict both uses. Furthermore, no updated Daylight, Sunlight and Overshadowing Assessment has been provided to demonstrate that the revised design would achieve adequate levels of daylight and sunlight for the proposed units. The proposal would also fail to provide the required amount of on-site playspace to meet the needs of the development. The application is therefore contrary to Policy 4 of the Bromley Local Plan (2019) and Policies D6, D7 and S4 of the London Plan (2021).



- 7.6 Therefore, whilst the provision of 23 new homes, 8 of which would be affordable, would make a moderate contribution to the Borough's housing target, taking account of the above, and in regard to paragraph 11(d)(ii) of the NPPF, when weighing up benefits of the development and the current undersupply of housing against the harm identified, it is considered that granting permission would result in adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.7 Therefore, in the planning balance, the proposal is not considered to be acceptable and should be refused on this basis.
- 7.8 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: REFUSAL**

**For the following reasons;**

- 1. The scale of harm as a result of the loss of the existing building at 114 Bromley Road, which is of significance due to the positive contribution it makes to the architectural heritage of the local area as a non-designated heritage asset and the contribution it makes to the setting of adjacent heritage assets and the street scene in general, would not be outweighed by the benefits of the development thereby contrary to Policies 37, 40 and 42 of the Bromley Local Plan (2019) and Policy HC1 of the London Plan (2021).**
- 2. The application does not demonstrate that the strategic 50 per cent target for affordable housing in London Plan Policy H4 has been taken into account, and no grant funding has been sought to increase the level of affordable housing proposed as required by Policy H5 C. The application therefore fails to meet the criteria necessary to qualify for the Fast Track Route and in the absence of an updated Financial Viability Assessment the application fails to demonstrate that the proposal would maximise the delivery of affordable housing, thereby contrary to Policy H4 and H5 of the London Plan (2021).**
- 3. The development, as proposed, fails to demonstrate that it would provide a high quality and accessible internal living environment for all occupants and, given the lack of good-quality, accessible play provision for all ages and lack of opportunity to address the child occupancy and play space requirements of the development off-site, the proposal would thereby fail to provide high quality, sustainable and accessible housing for prospective occupants, contrary to Policy 4 of the Bromley Local Plan (2019) and Policies D6, D7 and S4 of the London Plan (2021).**

- 4. An acceptable planning obligation for provision of the affordable housing, early and late-stage affordable housing viability reviews, and the payment of carbon off-set and play space contributions and monitoring and legal costs has not been entered into. The application is thereby contrary to Policy 125 of the Bromley Local Plan (2019), Policy DF1 of the London Plan (2021), and Bromley Planning Obligation Supplementary Planning Document (June 2022).**