

<b>Committee Date</b>	23 <sup>rd</sup> November, 2023		<b>Agenda Item:</b>
<b>Address</b>	62 Kings Hall Road Beckenham BR3 1LS		
<b>Application number</b>	21/05656/FULL1	<b>Officer:</b> Jessica Lai	
<b>Ward</b>	Penge and Cator		
<b>Proposal (Summary)</b>	Alternations and conversion of the existing day nursery into 4 self-contained flats.		
<b>Applicant</b>		<b>Agent</b>	
Fennies Day Nursery Ltd 62 Kings Hall Road Beckenham BR7 6LY		Mark Batchelor 4TY Planning Ltd	
<b>Reason for referral to committee</b>	Linked application over 20 units	<b>Councillor call in</b> No	

<b>RECOMMENDATION</b>	<b>Planning permission be refused</b>
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<b>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 25</b>
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<b>Existing and proposed use and floor area</b>			
<b>Use</b>	Existing	Proposed	<b>Difference (+ or -)</b>
Residential	N/A	345.9sq.m	(+) 345.9sq.m
Nursery	356.9sqm	N/A	(-) -356.9sqm

<b>Electric Vehicle charging point</b>	0
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<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	N/A	9	+9

<b>Representation summary</b>	Neighbour letters were sent on 21 <sup>st</sup> December 2021. Site notice was placed by the applicant.		
Total number of responses (objection, comment or object)	0		

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

- This is a full planning application for the conversion of the nursery building to provide 4 private residential flats. A separate and linked planning application for the provision of a new nursery and new housing is submitted under planning application reference 21/02715/FULL1 and should be considered and determined at the same time.
- The proposal would represent over-intensive development and fail to provide adequate living spaces, outlook, privacy and good layout for the prospective occupiers. In the absence of a replacement nursery being secured, it is also considered that the proposal would result in a loss of a community facility. The planning assessments and merits of the proposed development at No.62 Kings Hall Road is set out in this report.

## **1. LOCATION**

- 1.1 No.62 Kings Hall Road is occupied as a day nursery and is located on the southern side of Kings Hall Road. The building is a two-storey detached building with varying roof levels. The ground floor was first converted into a nursery in 1988. There was further conversion of the

upper floors and subsequent various extensions, including a flat roof ancillary detached playroom/outbuilding in the rear garden.

- 1.2 The site is mainly surrounded by traditional Victorian houses and residential accommodation. To the west of the site is a two-storey residential building (No 1 to No.10 Densole Close). The site adjoins to the railway line to the rear.
- 1.3 The application building is not listed and there is no listed building in the vicinity. Aldersmead Road Conservation Area is located approximately 64 metres West from the application site.
- 1.4 The site has a PTAL rating of 4, on a scale between 0 to 6b where 0 is worst and 6b is best. Kent House Railway Station is located approximately 214 metres west from the site. Kings Hall Road is a 20 mile per hour road. There are double yellow lines outside the application site, on both side of Kings Hall Road.
- 1.5 The site is located within Flood Zone 1. The site is subject to very low risk of surface water flooding. Kings Hall Road is subjected to low risk of surface water flooding.

## **2. PROPOSAL**

- 2.1 Full planning permission is sought for the conversion of the existing day nursery into 4 self-contained flats.
- 2.2 The footprint of the proposed single storey rear extension has been amended. The proposed ground floor 3 bed 6 person unit (Flat 2) is changed to a 3 bd 5 person unit. The proposed housing units and size would comprise of the following:
  - Flat 1: 1 x 2 bed / 3 person unit;
  - Flat 2: 1 x 3 bed / 5 person unit;
  - Flat 3: 1 x 2 bed / 3 person unit; and,
  - Flat 4: 1 x studio/ 1 person unit.
- 2.3 As part of this application, external alternation of the existing single storey building is also proposed. The rear addition would measure approximately 6.3 metres wide and 10 metres deep, projects approximately 0.5m further than the existing rear extension and detached from its side boundaries. The external finishes of the proposed single storey rear extension would be made of timber slats.
- 2.4 Existing single storey outbuilding in the rear garden would be converted into a shared workspace/gym, bike store and a toilet.

- 2.5 Two off-street parking spaces and bin storage area would be provided in the forecourt.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Ref: 88/04253/FUL – granted on 23.08.1988  
Single storey side extension and change of use of ground floor room residential to day nursery.
- 3.2 Ref: 89/01922/OTH – granted on 07.08.1989  
Revision to planning permission reference 88/04253 granted for single storey side extension and change of use of ground floor room to day nursery to increase the dimension and revised elevation of extension.
- 3.3 Ref: 90/03162/FUL – granted on 18.02.1991  
Continued use of ground floor as day nursery. Renewal of permission 88/04253.
- 3.4 Ref: 97/00086/FUL -refused on 13.03.1997.  
Change of use of first floor from residential to day nursery
- 3.5 Ref: 97/02462/FUL – refused 03.11.1997.  
Change of use of first floor from residential to day nursery
- 3.6 Ref: 02/01998/FULL2 – granted on the 20.12.2022  
Change of use of first floor from residential to day nursery for 8 babies
- 3.7. Ref: 08/01528/FULL1 – refused and planning appeal dismissed on the 12.05.2009  
Part one/two storey side/rear extension
- 3.8 Ref: 09/03023/FULL1 – granted on the 08.04.2010  
Single storey side and part one/two storey rear extensions to children's nursery to increase number of children from 36 to 58
- 3.9 Ref: 11/01600/FULL1 – granted on the 19.07.2011  
Detached single storey building rear for use as ancillary playroom
- 3.10 Ref: 12/03488/ADV – granted on the 19.12.2012  
Non-illuminated sign to side elevation
- 3.11 Ref: 14/01672/VAR – refused on the 26.11.2014  
Variation of Condition 4 (a) of permission ref: 09/03023/FULL1 to allow up to 86 children and 25 staff to be accommodated at any one time.
- 3.12 Ref:16/04331/RECON – refused and planning appeal was allowed on the 07.06.2017

Variation of Condition 4 of planning permission Ref: 09/03023/FULL1 to (a) allow up to 72 children and 20 staff to be accommodated at any one

time and (b) allow the use of the premises as a children's nursery between 7.00am and 7.30pm Monday to Fridays inclusive at 62 Kings Hall Road, Beckenham.

#### **4. CONSULTATION SUMMARY**

##### **a) Statutory**

- None

##### **b) Non-statutory**

#### **4.1 Drainage (Lead Local Flood Authority) – Comment**

Should planning permission is recommended, the mitigation measures as outlined in the "Flood Risk Assessment" Report, prepared by LUSTRE Consulting; Project No. 3968-211019-SS Rev A dated November 2021 shall be implemented and in line with the submitted document.

#### **4.2 Bromley Early Years - Comment**

The proposal would result in a loss of nursery. However, no objection is raised if a new nursery can be provided in the area

#### **4.3 Heritage – No objection**

Subject to there being no major external alterations, no objection to this proposal.

#### **4.4 Environmental Health – No objection**

The application site is located within an Air Quality Management Area declared for Nitrogen oxide (Nox). In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh. Should planning permission is recommended, the following informative should be attached.

1. Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.
2. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

#### **4.5 Highway - No objection**

The site has a PTAL rating of 4, on a scale between 0 and 6b where 6b is most accessible by public transport. The existing vehicle crossover would be utilised to access the two parking spaces. Two off-street parking spaces would be provided. Transport statement states that spaces would be on a lease basis. A 2 year car club membership should be secured. An electric charging point should be provided.

London Plan requires a minimum of 7 long stay cycle storage spaces and 1 short stay cycle storage should be provided. The proposed level of cycle storage is acceptable. For every 6 residential units, 1 x 1100 litre eurobin, 1x 240 litre bin for paper and 1 x 240 litre bin for bottle and 1 240 litres bin for food waste should be provided. The Council's waste manager team should be consulted. Should planning permission is recommend, the following planning conditions should be attached:

- car parking;
- refused storage;
- cycle;
- construction management plan; and,
- Electric vehicle charging point.

**N.B.** The proposed level of parking would comply with the maximum level of parking and there is no policy requirements to support car club provision.

#### **c) Adjoining Occupiers**

- 4.6 Twenty-four neighbouring consultation letters were sent. No comment, objection or support have been received.

### **5. POLICIES AND GUIDANCE**

- 5.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations strongly indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

- 5.2 National Planning Policy Guidance (NPPG)

- 5.3 National Design Guidance 2019

- 5.4 National Planning Policy Framework (NPPF) 2023

- 5.5 The London Plan (March 2021)

The relevant policies are:

Policy D1	London's form, character and capacity for growth
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D11	Safety, security and resilience to emergency
Policy D14	Noise
Policy H1	Increasing housing supply
Policy H2	Small sites
Policy H10	Housing size mix
Policy S3	Education and childcare facilities
Policy G6	Biodiversity and access to nature
Policy SI-1	Improving air quality
Policy SI-8	Waste capacity and net waste self-sufficiency
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6.1	Residential parking
Policy T7	Deliveries, servicing and construction

## 5.6 London Plan Guidance and Supplementary Planning Guidance

- Housing planning guidance (2016)
- Housing design standards (2023)
- Accessible London: Achieving an Inclusive Environment (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Character and Context SPG (2014)
- Air quality positive guidance (2023)
- Air quality neutral guidance (2023)
- Be Seen energy monitoring guidance (2021)
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Shaping Neighbourhoods: Character and Context (2014)
- Practice Note on contaminated land

## 5.7 Bromley Local Plan 2019

The relevant policies are:

Policy 1	Housing supply
Policy 2	Provision of Affordable Housing
Policy 4	Housing Design
Policy 9	Residential conversions
Policy 10	Conversion of non-residential buildings to residential use
Policy 20	Community facilities
Policy 27	Education
Policy 28	Educational Facilities
Policy 30	Parking

Policy 32	Road safety
Policy 33	Access for all
Policy 37	General design of development
Policy 79	Biodiversity and access to nature
Policy 99	Residential accommodation
Policy 113	Waste management in new development
Policy 116	Sustainable urban drainage system
Policy 119	Noise pollution
Policy 120	Air quality
Policy 122	Light pollution
Policy 123	Sustainable design and construction

## **Bromley Supplementary Guidance**

5.8 The relevant SPGs is:

- Urban Design Guide SPD (2023)

## **6. ASSESSMENT**

### **6.1 Land use / Principle of development (Unacceptable)**

- 6.1.1 BLP Policy 20 states planning permission will not be granted for proposal that would lead to the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves. London Plan Policy S3.C states development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need.
- 6.1.2 The application property is a two-storey detached building with loft spaces. It was originally constructed as a residential house. The planning application record and the latest Ofsted report indicate that the applicant (Fennies day nursery) occupied this site since September 2008, after the previous operator Kings Hall Nursery had vacated the site. The latest Ofsted report indicates that the nursery has a total of 77 spaces and there was 71 number of children on roll. The age range of children at this nursery is between age 0 to 4 years old. The nursery is open each week day from 7:45am to 6 pm for 51 weeks of the year excluding bank holiday. The existing nursery employs 22 members of staff.
- 6.1.3 Whilst the principle of the proposal to revert the building back to its former use can be supported as the proposal would not be incompatible with its predominant use in its surrounding area, the acceptability of this proposal is subject to a linked planning application under planning application reference 21/05715/FULL1 for the provision of housing and a new day nursery at the former Cyphers Indoor Bowling Club. It is also dependent on the quality and standard of the proposed residential



accommodation as well as the relevant planning issues outlined in the following sections of this report.

6.1.4 The applicant has agreed both applications should be considered and determined at the same time. Should planning permission for the proposed development at the former Cyphers Indoor Bowls Club were to be successful, this proposal would not be contrary to BLP Policy 20 and London plan Policy S3.C as the existing nursery would be relocated in the local area. However, should planning permission were to be unsuccessful, this proposal would result in a loss of an existing day nursery and would be contrary to BLP Policy 20 and London plan Policy S3.C.

## **6.2 Housing (Unacceptable)**

- Five years housing land supply (FYHLS)

6.2.1 The Council's published 5 years housing land supply (FYHLS) position covering the period 2021/22 to 2025/26 was 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

6.2.2 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

6.2.3 Paragraph 11 of the NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.2.4 According to paragraph 11(d) of the NPPF in the absence of a FYHLS the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies

or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

6.2.6 This proposal at No. 62 Kings Hall Road would provide 4 private residential unit at this site. As a standalone application, the proposal would attract minor merits to housing supply.

- Affordable housing provision

6.2.7 The proposal would provide 4 additional private units at No. 62 Kings Hall Road. Due to the proposed number of residential units, there is no requirement to provide affordable housing at this site.

- Housing mix

6.2.8 London Plan Policy H10 (Hosing size mix) states that scheme should generally consist of a range of unit sizes.2.1.17 of the BLP states "*The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for 1 bedroom unit (53%) followed by 2 bedroom (21%) and 3 bedroom (20%)*". Whilst a mixture of housing size is proposed, the acceptability of this proposed housing mix including a studio unit will depend on whether the proposal would comply with the requirements of LP Policy H10, standard of the proposed accommodation and relevant policy requirements.

6.2.9 The proposal would provide a mixture of housing size and would not be contrary to this policy.

- Internal living spaces, outlook and private outdoor spaces

6.2.10 BLP Policy 10 states the Council will permit the conversion of non-residential buildings to residential use, subject to compliance with Policy 83 Non-designated Employment land, Policy 97 change of use of upper floor and Policy 99 Residential Accommodation achieving good quality living accommodation, residential amenity and compliance with relevant standards.

6.2.11 The London Housing Design Standard LPG is adopted in June 2023 and this guidance applies to the creation of new housing that falls within Use Class Order Class C3. Paragraph 4.11 of the Housing Design Standards LPG states that: *“All homes are required by the London Plan to meet the nationally described space standard (NDSS). However, this is an absolute minimum, not a target”*....“Deep, narrow, single aspect studios will not provide a suitable quality of accommodation; homes are therefore expected to be dual aspect unless there are compelling reasons why that cannot be achieved”.

6.2.12 A minimum of 5sq.m. of private, step-free, outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This should not be counted towards the minimum Gross Internal Area space standards in the London Plan.

6.2.12 Table A1.1 in the Appendix 1 of the Housing Design Standards LPG outlines both the minimum required by the nationally described space standard and best practice space standards recommended by the London Planning Guidance. The standard of the proposed accommodation, minimum internal floor space required, best practice standard for internal floor spaces and the identified deficiency / area of concerns are tabled as follow:

<b>Unit size</b>	1 bed 2 person (Ground floor Flat 1)
<b>Proposed</b>	51.8sq.m
<b>National minimum space standard</b>	50sq.m
<b>Housing Design Standards (Best Practice)</b>	55sq.m
<b>Identified deficiency/ area of concern</b>	<p>Whilst a communal garden would be provided, private outdoor space is absent.</p> <p>Single aspect.</p> <p>Head height of corridor at main door is limited due to the new internal stairs to upper floors.</p> <p>Existing side/secondary door to the nursery would be used as main communal residential door.</p> <p>Existing/original main door covered by the original porch would be retained and can be used as a private access to Flat 1.</p>
<b>Unit size</b>	3 bed 5 person (Ground floor Flat 2)

<b>Proposed</b>	99sq.m
<b>National minimum space standard</b>	86sq.m
<b>Housing Design Standards (Best Practice)</b>	97sq.m
<b>Identified deficiency/ area of concern</b>	Lack of outlook as living room, kitchen and dining room windows positioned close to its side boundaries, measures approximately 1.5 to 2m to its opposite side walls.

<b>Unit size</b>	2 bed 3 person (1 <sup>st</sup> & 2 <sup>nd</sup> floor – Flat 3)
<b>Proposed</b>	75.8sq.m
<b>National minimum space standard</b>	79sq.m
<b>Housing Design Standards (Best Practice)</b>	86sq.m
<b>Identified deficiency/ area of concern</b>	Absence of private outdoor space whilst a communal garden would be provided.

<b>Unit size</b>	Studio 1 person unit (1 <sup>st</sup> floor – Flat 4)
<b>Proposed</b>	37.95sq.m
<b>National minimum space standard</b>	37sq.m
<b>Housing Design Standards</b>	43sq.m
<b>Identified deficiency/ area of concern</b>	Shower room is designed with no window, likely rely on ventilation. Access to the shower room is via an area counted as utility. No private outdoor space provided

6.2.13 The internal floor space for the proposed 2 bed/3 person unit (Flat 3) would be below the national minimum space standard and neither flats 1, 3 or 4 would benefit from any private outside space. As such, it is considered that the design and layout of the proposal would fail to provide a good internal and external living environment for all units.

6.2.14 It is noted that the living room, kitchen and dining room of the ground floor 3 bed unit (Flat 2) is designed with 3 side windows. However, the siting of these windows would be located in a close proximity to its opposite side wall, communal path towards the proposed communal garden and bike storage area. Due to its siting and close proximity to its opposite walls, it is considered that the design and layout of the proposal would fail to provide an acceptable level of outlook for this proposed family unit. In view of the identified deficiency and/or area of concerns above for each of the proposed unit, it is considered that the proposed would represent an over intensive development, beyond optimising development potential of the site, contrary to London Plan Policy H10.

- Outdoor space, child play space and landscaping

6.2.15 London Plan Policy S4 states that development proposals that are likely to be used by children and young people should: 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile; 2) for residential development, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child.

6.2.16 The child yield associated to this development is 1.4 children and a play area of 14.sqm would be required. A shared communal garden is proposed and is of a size accommodate the required child play area. Should planning permission be recommended, details of play space, equipment and acceptable landscaping details could be secured by a planning condition and would not warrant a reason of refusal.

6.2.17 Paragraph 3.6.9 of the London plan states that all dwellings should have level access to one or more forms of private outside spaces, a garden, terrace, courtyard garden or balcony. It is noted that a communal garden would be provided and Flat 2 would be provided with a private rear garden. However, this would only be accessible via the stepped access at the front of the main building. The remaining units would not have access to a private outdoor space or step free outdoor space. As such, it is considered that the proposal would fail to provide an inclusive living environment with accessible outdoor space for all future occupiers, contrary to London Plan Policy D6

### **6.3 Design - Unacceptable**

- Alteration to the rear extension

6.3.1. The application site is mainly surrounding by residential buildings. A number of properties along the road have been extended with modest and proportionate extensions to its side and/rear.

6.3.2 BLP Policy 37 requires all development proposals, including extension to existing building's, will be expected to be of a high standard of design and layout. Development should complement the scale proportion, form, layout and materials of adjacent buildings and area.

6.3.3 The existing single storey rear extension would be altered with its new side walls set in from its side boundaries. The rear addition would measure approximately 10m deep, 6.2 metres wide and 3.2 metres high. It is note that the proposed alterations would be of a similar scale when compared with the existing rear extension, including the proposed set in from its side boundaries. However, it should be note that the rear wall of the proposal would project 0.5 metres further into the garden. The external finishes of the proposed extension would be made of timber vertical timber slats/ boarding. Whilst this external material is not typical of the host dwelling or that of buildings in the locality, it is considered that the rear addition (by reason of its scale, form and appearance) would not appear unduly harmful to the character or appearance of the area and would not warrant a refusal on this basis.

- Layout and access

6.3.4 The proposed side elevation plans indicate that the living/kitchen/dining room windows would be inserted on the flank walls of the building. It is noted that theses windows are located on the ground floor and will be screened by the existing and proposed boundary treatment, ensuring the privacy of the adjoining properties. However, due to its proposed layout, siting and close proximity of these windows to its side boundary, the occupiers of Flat 2 would have a restricted outlook and it is considered that the proposal would appear to be over-intensive. The priority to deliver the quantum of the proposal appears to be higher than residential amenity.

6.3.5 Bromley is not of uniform character but is made up of areas with distinct identities and developments should reflect this. Porches are an effective way to highlight the entrance to a building and provide extra lobby spaces. This element is shared with the other housing along the road.

6.3.6 It is note that the existing front porch would be retain and this element is considered be positive. However, the proposed communal entrance to the building would be via a door, located adjacent to the existing front porch. This proposed arrangement and layout would appear at odd with a porch entrance to a single ground floor unit. Furthermore, the access to the communal front door would be via a set of steps with a bike channel attached on the step. As such, it is considered that design and layout of the proposal appear to be an afterthought. The proposal would fail to provide an inclusivity living environments for all users.

6.3.7 The proposed site plan indicates that an area of existing soft landscaping would be removed to accommodate this proposal. In order to accommodate the required bicycle, waste storage and the proposed access arrangement to the building, the proposal would result in a reduction and removal of soft landscaping in the front garden. The design and layout of the proposed front garden appears to be an afterthought, aiming to accommodate a communal residential entrance located adjacent to the existing front porch. Overall, it is considered that the layout of the proposal would appear to be at odds, in particular when compared with the existing access arrangement and existing layout of the forecourt.

#### **6.4 Impact on neighbouring amenities – Acceptable**

6.4.1 BLP Policy 37 (General Design and Development) criteria (e) states that the Council will expect all development to respect the amenity of occupiers of neighbouring buildings and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing.

6.4.2 The proposed conversion would be mainly located within the building. Should planning permission is forthcoming the construction hours would be limited to the statutory construction hours. As such, it is considered that the proposal would not have an adverse impact upon the residential amenities during construction.

6.4.3 The rear wall of the existing rear extension would project 0.5m further into the garden. Whilst the projection is considered to be somewhat excessive, the side walls of the extension would set in from its side boundaries. On balance and due to its set in from its side boundaries, it is considered that the projection of the rear extension would not have an adverse impact on the residential amenities in terms of outlook. The proposed side windows are located on the ground floor and would be screened by boundary treatment. As such, it is considered that the proposal would not have an adverse impact in terms of loss of privacy.

#### **6.5 Highway - Acceptable**

- Access and parking

6.5.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected. The forecourt area is currently used as a car park with 2 off-street parking spaces. There are no proposed changes in terms of vehicular access and use of the forecourt area as a car park.

6.5.2 Table 10.3 of the London Plan sets a maximum residential parking standard. For outer London site with a PTAL rating of 4, a maximum of 2 parking spaces should be provided based on the ratio of 0.5 to 0.75

spaces per 1 or 2 bed units. The proposal would provide two off street parking spaces. Subject to the details of a car park management plan including its allocation, it is considered that the proposal would not be contrary to the London Plan.

- Cycle storage

6.5.3 Table 10.2 of the London Plan which required a minimum of 1 long stay space for 1 person unit, 1.5 spaces be provide for 2 persons unit and 2 spaces for all other dwelling. For short stay space, a minimum of 1 storage space would be required.

6.5.4 The proposed site plan indicates that a bike storage area for up to 8 long stay cycle spaces would be provided within the existing outbuilding, located with the rear garden. A further visitor cycle parking space would be provided in the front garden. As such, the proposal would comply with London Plan Policy T5 in terms of the minimum requirements.

6.5.5 However, the proposed cycle storage would be located over 50 metres from the road and is not ideal to carry bicycle through a bicycle channel and the communal internal corridor. Due to location of the proposed bicycle storage and distance from the road, it is considered that this proposed arrangement is an afterthought and would fail to provide a good quality of living environment for the future occupiers. Furthermore, it should be noted an existing soft landscaping area would be removed in the front garden to accommodate the short stay cycle parking and appears to be an afterthought.

- Waste storage

6.5.6 The proposed site plan indicates that a communal waste storage area would be provided in the front garden. In terms of waste collection, the proposed waste storage location would be step free and located within 18 metres from the road. Subject to the details confirming the size of waste storage, the proposed location is considered to be acceptable in terms of waste storage size and waste collection.

## **6.11 Planning obligations and CIL**

6.11.1 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 Mayor of London's CIL is also a material consideration. The application is liable to both Mayoral and Local CIL.

6.11.2 BLP Policy 125 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. There is no planning obligation identified.



## **7. CONCLUSION AND PLANNING BALANCE**

- 7.1 This application is link to another planning application at the former Cyphers Indoor Bowling Club, Kings Hall Road (planning application reference number 21/05715/FULL1). Should planning permission for the link application is forthcoming, this proposal would not result in a loss of day nursery. Should planning permission for the link application were to be unsuccessful, this proposal would result in a loss of day nursery, contrary to BLP Policy 20.
- 7.2 The proposal would provide 4 additional private units. This would attract minor benefit towards the Council's 5 years housing land supply, which the council's current position is 3.38 years.
- 7.3 The proposed layout indicates there is deficiency in providing internal living space, private outside space, outlook, cycle storage due to its access and storage location. The proposed layout indicates that the proposal would fail to provide an inclusive living environment without step free access to outdoor space and would result in loss of soft landscaping at the front of the site and loss of a day nursery. Overall, it is considered that the design and layout of the proposal would represent an over-intensive development.
- 7.7 Having regards to the provision of the development plan and provision of the Public Sector Equality Duty, it is considered the proposal would be conflict with the relevant planning policies outlined above and aim of PSED. Consequently, planning permission should be refused.

**RECOMMENDATION      Planning permission to be refused.**

### **Reason of refusal**

1. In the absence of a replacement nursery being secured, the proposal would result in loss of a day nursery, contrary to Bromley Local Plan Policy 20 and London Plan policy S3(d).
2. The proposal development by reason of its design, layout and access arrangement would represent an over-intensive development, failing to provide adequate internal living spaces, outlook and private outdoor space for the prospective occupiers and would fail to provide high quality accessible and inclusive design, contrary to Bromley Local Plan Policy 37, the London Borough of Bromley Urban Design Guide SPD (2023), National Described Space Standard and London Plan Policies D5 and D6 and the Housing Design Standards LPG (2023).