

Application No : 10/02308/FULL1

**Ward:
Plaistow And Sundridge**

**Address : Sundridge Park Management Centre Ltd
Plaistow Lane Bromley BR1 3TP**

OS Grid Ref: E: 541757 N: 170738

Applicant : Millgate Developments Limited

Objections : YES

Description of Development:

Four/ five storey building comprising 20 two bedroom, 41 three bedroom and 6 four bedroom dwellings and including basement car parking, garage block for 5 cars and single storey building comprising health spa for residents' use with tennis court on roof

Proposal

The current application seeks permission for a total of 69 residential flats with surface and basement parking, a new single storey building to provide a health spa for residents use with a tennis court above and a new garage block for 5 cars. Permission has previously been granted for a mixed development of flats and houses totally 54 units (ref 07/02483) with a health spa and car parking in the basement.

The buildings are arranged in a similar format as previously approved with a large block of units at the rear fronted by 3 'pavilions' all extending west to eastwards with a central courtyard separating the block from the pavilions. The scheme has been designed by Robert Adam so retains the same architectural style as the approved scheme.

The main differences between the approved scheme and the current applications can be summarised as follows:

- the number of residential units has increased from 54 to 67 (the previously approved scheme included a detached single dwelling known as the Tower House but this has been excluded from this application; therefore the actual number of dwellings will be 68). A total of 14 new flats are proposed. The new scheme will be all flats. It should be noted that the footprint of the 2 residential blocks is unchanged.
- an additional storey has been added to the northernmost block raising the height of this block from 3 storeys plus basement to 4 storeys plus basement. A total of 9 flats will be provided on this floor. The overall height of this building will increase by approx 2.6m.
- the current application offers contributions under S106 amounting to £2,096,000 as a payment in lieu for affordable housing purposes. Under the terms of the legal agreement relating to the approved scheme for 54 units a contribution of

£1,896,000 was secured (£1,821,000 for affordable housing and £75,000 for education).

Two additional buildings are proposed;

- in the approved scheme the health spa was located in the basement but this will now occupy a separate new building to the south of the new residential buildings and have a floor area of 652 sqm. An existing tennis court will sit above the new spa. An existing pavilion in this location will be retained and refurbished.
- a new garage block for 5 cars, measuring 16m by 6m, and associated hardstanding will be provided to the east of the northernmost block and, due to the sloping nature of the site, would be at first floor level.

Other alterations include

- gaps in the upper storeys of the northernmost block were previously designed into the scheme and these have been removed
- additional flats have been provided at basement level with the removal of the health spa
- the overall level of parking has been increased from 117 spaces previously approved to 143 spaces (by 26 spaces)
- parking in the basement area has been increased from 107 spaces to 116 spaces with 5 additional spaces in the new garage block. Surface parking has been increased from 10 to 23 spaces (this includes 2 spaces for the Coach House). As with the approved scheme private cycle storage cages are provided to the rear of the basement parking spaces

With regard to refuse and recycling plans indicate the storage facilities at the lower ground floor level and refuse collection location. A route is identified for transporting the refuse and recycling and it is understood that a concierge will transport the waste to the collection point.

The Design and Access Statement states that all units will be fully accessible by disabled occupants

The Design and Access Statement also includes a comparative analysis matrix that shows the main differences in terms of footprint area, volume and parking between the Butten building, the approved McAslan scheme (the permission for which has now lapsed – ref 05/03506). The comparisons are summarised below;

- the original Butten building provided a building of 8,823 sqm
- the approved scheme (07/02483) provides 9,708 sqm residential floorspace (including approx 283 sqm for the Tower House), plus 750 sqm for the health spa totalling 10,458 sqm
- the proposed scheme provides 11,735 sqm residential floorspace, plus 238 for the approved Tower House, plus 656 sqm for the spa, plus 96 sqm for the garage block totalling 12,770 sqm

In summary the residential footprint and volume of the buildings have increased by approx 28% and 18% respectively over and above the approved Robert Adam scheme (07/02483). The additional new buildings for the spa and the garage block

would add a further 752sqm. There will be 26 additional car parking spaces, with 13 of these being additional surface parking.

The applicant has submitted a number of detailed supporting statements including the following:

- Design and Access Statement, including a detailed Landscape Analysis and Impact Assessment
- Planning Statement
- Draft S106 Agreement
- Transport Statement
- Landscape History, Analysis and Proposals
- Landscape and Woodland Management Strategy
- GLA Toolkit Appraisal
- Ecology Report
- Archaeology Report
- Sustainable Energy Statement
- Foul and Surface Water Drainage
- Construction Methodology

In the Planning Statement the applicant has outlined the 'very special circumstances' required to address policy requirements for development on Metropolitan Open Land. These include

- the footprint is no larger than the former Butten Building,
- the building is largely hidden from outside views by mature trees,
- high quality design of the proposed building,
- the form, scale and design of the proposed buildings are in scale with the nearby listed buildings and historic park and make a significant contribution to the historic assets,
- all surface level residents parking has been removed (there will be 23 surface level visitor parking spaces)
- restoration of the Repton landscaped terraces.
- the Butten Building was inappropriate development and added little to the purposes of including land in the MOL due to its design and extensive surface car parking. The approved application makes a positive contribution to the purposes of MOL and protects the MOL from inappropriate development.

In addition the Planning Statement summarises the specific impact of the revised scheme as follows:

- The current scheme will make a vital contribution to additional housing and off-site affordable housing.
- Without additional floorspace the site may remain boarded and derelict for the foreseeable future, removing the opportunity for significant investment to restore the historic gardens and terraces and enhance the setting of the adjacent listed buildings.
- The additional storey is on the rear courtyard and is only marginally higher than the approved scheme and will be no more prominent than the

previously permitted 2007 scheme from both short range and long distance views.

- The applicant cites a recent appeal decision relating to residential development in the Green Belt that recognises the importance of affordable housing contributions and high quality design.

Location

The application site occupies an area of approximately 2.27 hectares and lies on the northern edge of a parkland also occupied by the Sundridge Park Golf Course. This parkland is a Grade II registered park/garden and the application site falls within the curtilage of a Grade 1 listed building, an original late 18th century mansion house. There are additional features within the site, which are remnants of the landscaping from the time this area was one estate, including the early 19th century Coach House that has been converted into 5 houses (ref 07/03361). The site contains large belts of mature woodland to the north, west and south with open planned lawns and terraces to the front and side of the mansion house.

The site falls within an area of Metropolitan Open Land (MOL), which encompasses land to the north and east towards Elmstead and Chislehurst. It is also designated as a Site of Importance for Nature Conservation.

The former 1960s building on the site is known as the Butten building and was part of a training and management centre that also occupied the adjacent Sundridge Mansion and Coach House. There was also a vehicular hardstanding to the north of the buildings. The buildings have now been demolished.

This application relates solely to the site of the former Butten building, the vehicle hardstanding area and adjacent terraces.

There is one vehicular access to the site through the historic southern entrance via Plaistow Lane. Plaistow Lane links the A221 Burnt Ash Lane and the A222 Widmore Road. A section of the Green Chain Walk (footpath) runs along the western and northern boundary of the site.

Consultations

Comments from Local Residents

Nearby properties were notified and representations were received which can be summarised as follows:

- increase in noise and volume of traffic using the single carriageway access road leading to congestion and dangerous manoeuvres when traffic meets on this road. This will be made even worse with projected construction traffic.
- adverse impact on the physical condition of the access road
- safety relating to the access to and from Plaistow Lane
- conflict with golfers
- the condition of the land and pond close to the junction of the access road and Plaistow Lane should be improved

- the additional units would be an overdevelopment of the site and have a serious impact on the unspoilt local area
- concern that the health spa would be open to non residents and this has not been addressed in the Transport Statement
- lighting should be provided along the length of the access road, which is currently unlit, as part of this application to ensure highway safety for all users of the road
- measures in the construction management plan should be imposed by conditions and any conditions relating to the use of the Golf course should be agreed with the Golf Club prior to imposition
- The Golf Club has raised concerns in respect of the validity of the current permission ref 07/02482 as demolition has occurred ahead of the discharge of pre commencement conditions.

Comments from Consultees

The Council's Housing Officer raises no objections.

The Council's Highways Officer notes that the overall level of traffic is predicted to reduce with the proposed development and raises no objections on parking and highway grounds. Relevant conditions are recommended.

The Council's Drainage Consultant advises that the site is in close proximity of Flood Zones 2 and 3. Comments from the Environment Agency will be reported verbally to the meeting.

The Green Chain Working Party comment that they would welcome proposals which promote outdoor recreation and leisure uses on this site rather than residential. If residential development is permitted it should be suitably designed and they recommend that conditions be added relating to screening, fencing and materials.

The English Heritage Archaeology Advisor raises no objections to the proposal.

Comments have been received from English Heritage with regard to the impact on historic building and historic area matters who advise that these should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing – payment in lieu
- H7 Housing Density and Design
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians

T7 Cyclists
BE1 Design of New Development
BE8 Listed Buildings
BE15 Historic Parks and Gardens
BE17 High Buildings
NE2 Development and Nature Conservation Sites
NE3 Nature Conservation and Development
NE7 Development and Trees
NE8 Conservation and Management of trees and woodlands
G2 Metropolitan Open Land
G7 South East London Green Chain
L9 Indoor Recreation and Leisure

In strategic terms the most relevant London Plan policies are:

2A.6 Spatial strategy for suburbs
3A.1 Increasing London's supply of housing
3A.2 Borough Housing Targets
3A.4 Housing choice
3A.7 Affordable Housing Targets
3A.8 Negotiating affordable housing in private residential schemes
3C.1 Integrating transport and development
3C.22 Parking Strategy
3D.9 Metropolitan Open Land
3D.12 Biodiversity and nature conservation
4A.7 Energy efficiency and renewable energy
4B.1 Design principles for a compact city
4B.3 Maximising the potential of sites

There are a number of national policy documents that are relevant to the consideration of this application. These include

PPS1: Delivering Sustainable Communities

PPG2: Green Belts

NB Green Belts contain well established policy for controlling and setting guidelines for both appropriate and inappropriate development. In terms of the redevelopment of major sites this guidance applies equally to both Green Belts and their urban equivalents, Metropolitan Open Land (MOL). The proposed residential development is therefore, by definition, 'inappropriate' development and as such and in order that such development may be capable of being permitted, the test of 'very special circumstances' must be addressed.

PPS3: Housing

PPG 13: Transport

PPG5 Planning for the Historic Environment

In addition advice given by the Rt Hon Greg Clark, Minister for Decentralisation in a statement dated 23rd March 2011 is also relevant to this application. In it the Minister states that

'To further ensure that development can go ahead, all local authorities should reconsider, at developers request, existing section 106 agreements that currently

render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.'

As the site is in excess of 0.5ha the Council provided a screening opinion as to whether an Environmental Impact Assessment was required as part of the previous application ref 07/02483. After taking into account the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the terms of the European Directive, it was considered that the proposed development would be unlikely to have significant effects on the environment by virtue of its nature, size and location.

From a heritage point of view no objections are raised

From an ecological point of view no objections are raised

From an arboricultural point of view there are no objections to the proposal.

Planning History

The site has been the subject of several previous relevant applications as follows

1. In December 2005 planning permission subject to a legal agreement, for the demolition and redevelopment of existing Butten Buildings to provide three residential pavilions comprising 61 apartments, leisure areas, basement and surface car parking together with two villas, access alterations and landscape restoration (ref 05/03506 OUT). This is known locally as the Mac Aslan Scheme.
2. Also in December 2005 permission was granted for the change of use of existing Grade 1 listed Mansion to single dwelling with associated internal and external alterations and extensions and change of use of existing Coach house/ Stable Block to seven residential dwellings with associated internal and external alterations, all with associated landscaping and car parking (ref 05/03503).
3. Associated Listed Building Consent was also granted for the above schemes under ref 05/03507/LBC and 03/0505/LBC respectively.
3. In July 2007 planning permission was granted, subject to legal agreement, for the demolition and redevelopment of existing Butten Building to provide 3/4 storey buildings comprising 11 x 2 bedroom/28 x 3 bedroom/ 6 x 4 bedroom flats and 3 x 3 bedroom/ 2 x 4 bedroom/ 4 x 5 bedroom houses (total 54 units, including the Tower House) with health club for residents use including basement/surface car parking and landscaping (ref 07/02483).
4. In November 2007 permission was granted for external alterations and change of use of Coach House/Stable Block to 5 dwellings with changes of level and retaining walls to provide rear gardens/landscaping/6 car parking spaces and garage block for 3 cars (revision to 05/03503) under ref 07/03361.

5. A current application 10/02214/EXTEND seeks to extend the time limit for the implementation of permission previously granted in July 2007 (07/02483) for the demolition and redevelopment of existing Bitten Building to provide 3/4 storey buildings comprising 11 x 2 bedroom/28 x 3 bedroom/ 6 x 4 bedroom flats and 3 x 3 bedroom/ 2 x 4 bedroom/ 4 x 5 bedroom houses (total 54 units, including the Tower House) with health club for residents use including basement/surface car parking and landscaping (ref 07/02483). At the applicants request this is being held in abeyance.

Conclusions

The main issues to be considered are the acceptability of the amended scheme in terms of its impact on the Metropolitan Open Land (MOL) and whether the amended S106 contribution is acceptable.

MOL issues

As previously stated residential development is inappropriate development in the MOL within the definition of Policy G2 of the Unitary Development Plan. However permission was granted for a 54 residential dwelling scheme in 2007 based on 'very special circumstance' presented at the time.

This application seeks to increase the amount of development by adding an additional 14 flats. There are two particular aspects of the current scheme that need to be considered to determine whether the applicant has demonstrated that there are 'very special circumstances' that can be applied to the current application.

1. Increased floorspace – there will be an increase of 28% in the overall floorspace over the approved 2007 scheme. In addition 2 new buildings are proposed, namely the garage block and the health spa. In pure MOL policy terms this is considered to be a significant increase in floorspace on the site that would not normally be acceptable. However this must be considered in the light of all other material considerations.

2. Design and impact of increased height on openness and impact of new buildings on openness – the applicant has submitted detailed information in the Design and Access Statement in an effort to demonstrate that that the additional storey would not be visually intrusive from off site, from the access road, from the valley floor, from the listed Mansion and Coach House and from the terraced gardens. The increase in height has been placed at the rear of the site again to minimise the visual impact.

Whilst the additional floorspace will have some impact on the MOL it may be accepted that the visual intrusion will be minimised due to the

- location of the additional dwellings on the building at the rear of the site which will be set above and to the side of the listed Coach House and Mansion

- the extent of mature tree coverage on this part of the landscaped garden which screens the site.
- The garage block and health spa will be of a high quality to match the design of the residential buildings. The health spa will be located below an existing tennis court and a pavilion and due to its location is likely to be largely screened from external view.

S106 contributions

In the Planning Statement the applicant has advised that, based on a submitted Financial Viability Assessment (FVA), the approved 2007 scheme for 54 units is not viable and will make a significant loss and is therefore unlikely to proceed. This is partly due to the current downturn in the market and the build cost of the high quality developed proposed.

The applicant further advises that the proposed scheme is more viable as the additional units create more value with build costs increasing at a lower rate due to economies of scale. The FVA demonstrates that the scheme will still make a loss but this loss is much lower. As such the scheme will achieve some developer profit, albeit much lower than the level normally expected.

In addition the applicant has drawn attention to a letter from the Department of Communities and Local Government Chief Planner dated May 12th 2009. In the applicants summary the letter advises that now more than ever it is important to help authorities to ensure existing planning permissions are built and the letter encourages local authorities to review existing sites to judge whether there are actions that can be taken to unlock sites and allow development to go ahead.

In addition members should be aware of a statement from the Minister of Decentralisation, Greg Clark, on March 23rd 2011, which stated that

“To further ensure that development can go ahead, all local authorities should reconsider, at developers request, existing s106 agreements that currently render schemes unviable, and where possible, modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.”

The applicants FVA has been assessed by external consultants appointed by the Council who have advised that

“...we are satisfied that the reduction in land value and profit expectation means that the reduced planning obligations payment demonstrates that the applicant is taking on board significant risks to make this offer, shared with the Council.”

This application should be considered in the light of all of the material considerations set out in this report and the very unusual circumstances facing developers at this particular time. Members will need to consider the advantages of developing the site including securing the receipt of £2,096,000 in S106 contributions for affordable housing and education, against the disadvantages of

having the site remain vacant for an unspecified time period and increased level of development in one of the boroughs designated areas of MOL.

On balance it is considered that there are “very special circumstances” that are very unusual and can be exclusively applied to the site at this time to warrant a recommendation for planning permission in this case.

Background papers referred to during the production of this report comprise all correspondence on file ref: 10/02308, excluding exempt information.

as amended by documents received on 08.10.2010 14.10.2010

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1ACA01 Commencement of development within 3 yrs
- ACA01R A01 Reason 3 years
- 2ACA04 Landscaping Scheme - full app no details
- ACA04R Reason A04
- 3ACA07 Boundary enclosure - no detail submitted
- ACA07R Reason A07

- 4 Landscaping details to be submitted as required by condition 2 shall consist of locally appropriate species selected with reference to the Bromley Biodiversity Action Plan and shall include a scheme for the future management of all community areas of woodland, woodland edge buffers and open land.

In the interest of preserving and enhancing the benefit of local wildlife and to maintain the areas natural balance of flora in order to comply with Policy NE5 of the adopted Unitary Development Plan

- 5ACB01 Trees to be retained during building op.
- ACB01R Reason B01
- 6ACB02 Trees - protective fencing
- ACB02R Reason B02
- 7ACB03 Trees - no bonfires
- ACB03R Reason B03
- 8ACB04 Trees - no trenches, pipelines or drains
- ACB04R Reason B04
- 9ACB13 Trees - excavation by hand (a)
- ACB13R Reason B13
- 10ACB15 Trees - details of access/parking
- ACB15R Reason B15
- 11ACB17 Trees - changes in level
- ACB17R Reason B17
- 12ACB19 Trees - App'ment of Arboricultural Super
- ACB19R Reason B19
- 13ACC01 Satisfactory materials (ext'nl surfaces)
- ACC01R Reason C01
- 14ACC02 Sample brickwork panel
- ACC02R Reason C02

- 15ACC03 Details of windows
ACC03R Reason C03
- 16ACC05 Brickwork patterning
ACC05R Reason C05
- 17ACC06 Mortar details
ACC06R Reason C06
- 18ACD02 Surface water drainage - no det. submitt
to ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.
- 19ACD04 Foul water drainage - no details submitt
To ensure satisfactory means of fowl water drainage an to accord with Policy ER13 of the Unitary Development Plan.
- 20ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 21ACH04 Size of parking bays/garages
ACH04R Reason H04
- 22ACH08 Details of turning area
ACH08R Reason H08
- 23ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 24ACH18 Refuse storage - no details submitted
ACH18R Reason H18
- 25ACH22 Bicycle Parking
ACH22R Reason H22
- 26ACH29 Construction Management Plan
ACH29R Reason H29
- 27 Details of lighting to the car park and access certifying compliance with BS 5489=1:2003 shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to first occupation and shall be permanently maintained as such thereafter.
ACH01R Reason H01
- 28 Details of external lighting for the building and external areas including the courtyard and terraces shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to first occupation and shall be permanently maintained as such thereafter
In order to ensure that the lighting is sympathetic to the location of development in an historic park and to comply with Policy BE1 of the adopted Unitary Development Plan.
- 29ACK01 Compliance with submitted plan
In order to comply with Policies BE1 and BE15 of the adopted Unitary Development Plan.
- 30ACK03 No equipment on roof
ACK03R K03 reason
- 31 Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. The feasibility of the provision of combined heat and power (CHP) to supply thermal and

electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 4A.7 of the London Plan.

32 Construction works associated with the approved scheme shall not take place before 0800 or after 1800 on any weekday nor before 0800 or after 1300 on any Saturday. No works shall take place on any Sunday, Bank Holiday, Christmas Day or Good Friday.

To protect the amenities of local residents and the area in general and to comply with Policy BE1 of the adopted Unitary Development Plan.

Reasons for granting permission

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan

H1 Housing Supply
H2 Affordable Housing
H3 Affordable Housing – payment in lieu
H7 Housing Density and Design
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T6 Pedestrians
T7 Cyclists
BE1 Design of New Development
BE8 Listed Buildings
BE15 Historic Parks and Gardens
BE17 High Buildings
NE2 Development and Nature Conservation Sites
NE3 Nature Conservation and Development
NE7 Development and Trees
NE8 Conservation and Management of trees and woodlands
G2 Metropolitan Open Land
G7 South East London Green Chain
L9 Indoor Recreation and Leisure

Policy 4A.7 of the London Plan

Reasons for granting permission

1. the relationship of the development to adjacent properties
2. the character of the development in the surrounding areas
3. the safety of pedestrians and motorists on the adjacent highway
4. the safety and security of buildings and spaces around them
5. accessibility to buildings

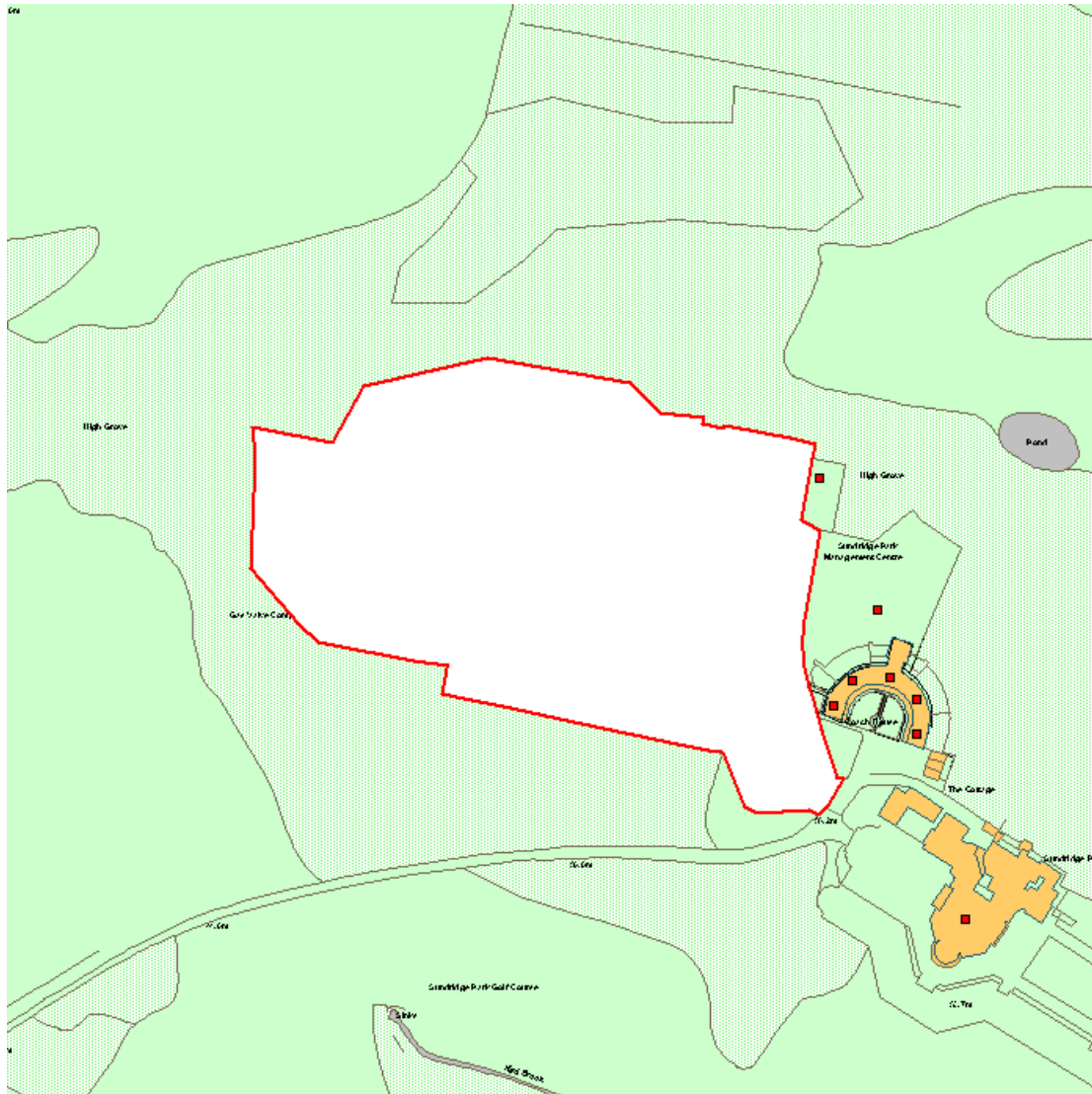
6. the housing policies of the development plan
7. sustainability issues
8. 12. the archaeology policies of the development plan
9. the open space policies of the development plan
10. the conservation policies of the development plan
11. the setting, character and appearance of the listed building
12. the relationship of the development to trees to be retained

And having regard to all other matters raised.

Reference: 10/02308/FULL1

Address: Sundridge Park Management Centre Ltd Plaistow Lane Bromley BR1 3TP

Proposal: Four/ five storey building comprising 20 two bedroom, 41 three bedroom and 6 four bedroom dwellings and including basement car parking, garage block for 5 cars and single storey building comprising health spa for residents' use with tennis court on roof



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